

City of Glenn Heights, Texas
EMPLOYEE PERSONNEL POLICY



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1 GENERAL PROVISIONS

1.1 Purpose

These policies are in place to execute the City of Glenn Heights (employer) personnel resolution, personnel ordinance, or the intent of the governing board to establish consistent personnel guidelines, facilitating each employee's optimal contribution to the employer's programs and services. Each employee is accountable for familiarizing themselves with and adhering to the employer's personnel policies.

The employer retains exclusive authority to administer its affairs and oversee its workforce within the confines of applicable laws (federal, state, and local), including but not limited to the rights to strategize, supervise, and regulate its operations; determine facility locations; establish work hours; dictate service types and delivery methods; assign tasks; determine service provision methods and locations; set work schedules; hire, lay off, assign, transfer, and promote staff; establish employee qualifications; define and redefine job roles; set start and end times; establish reasonable rules and regulations conducive to maintaining order, safety, and effective facility operations, and enforce compliance among employees; and discipline or dismiss employees for justifiable reasons. These managerial prerogatives are not subject to dispute resolution or grievance procedures.

These policies are guidelines and are not designed or intended to create substantive rights or an expectation of continued employment. The City is an at-will employer and all personnel of the City are at-will employees: any employee may resign employment and the City may terminate the employment relationship at any time for any or no reason, except those prohibited by law.

City has and retains the exclusive right to interpret this policy. In the event that any provision is ambiguous or subject to differing interpretations, the City has sole authority to interpret the provisions of this policy, and the City's determinations, acting through its city manager, are final.

1.2 Ordinance

This employee personnel policy manual has been adopted by the City Council and upon its enactment and effective date shall repeal all conflicting ordinances and policies relative to personnel, save and except general orders and internal policies adopted by the Police and Fire Departments.

Computing Time for Notices

Unless otherwise provided, the length of time for processing an action in these policies shall be counted beginning with the calendar day following mailing or delivery of notice and concluding at 5 p.m., on the last day to be counted. If the last day to be counted falls on a weekend or holiday, the period will end at 5 p.m., on the first business day following the last counted day.

1.3 Administration

The employer reserves the right to change these personnel policies at any time. Continued employment by the employee is deemed as acceptance of any changes. Nothing contained in these policies is intended to confer any property right in continued employment or imply a contract of employment. Employment with the City is at-will; employees may resign or may be separated from employment for any or no reason, and no employee has any expectation of continued employment.

All employees of the employer are expected to read and familiarize themselves with the contents of these policies, including Definitions. After receiving and reviewing these policies, each employee is expected to sign an acknowledgment form. The employee must return the signed acknowledgment form to the Human Resources Department for inclusion into the employee's personnel file. Employees who fail to comply with these policies may be subject to disciplinary action, up to and including termination.

All changes, revisions, additions, and notices of deletions to these policies will be made available to all employees.

Whenever feasible, the employer will provide all employees with copies of any proposed revisions to the adopted policies prior to implementation of the proposed changes.

1.4 Administrative Directive

The Human Resources Director shall have the authority and the duty to develop and disseminate administrative directives, interpretive memoranda, and other administrative procedures to execute these policies, and to implement the employer's personnel program on a consistent basis.

1.5 Change of Address

It is the responsibility of each employee to keep the employer informed, in writing, of the employee's current address, telephone number, change of name, and any other information relating to employment status.

1.6 Failure to Receive Notices

Communication with employees and applicants is a vital aspect of our operational efficiency. For routine communications to employees, such as general updates or notices, delivery will be made to the current address on record or via email. However, for communications deemed significant, important, or time-sensitive, such as policy changes or disciplinary actions, these will be hand-delivered or sent via certified mail with return receipt requested to the employee's current address on record, or via email with the read receipt function enabled.

In the case of communications with applicants, all correspondence will be hand-delivered or sent via U.S. mail to the address provided on the application for employment. Alternatively, communications may be sent via email to the address indicated on the application form. Please note that the employer cannot be held responsible if mail is not received.

It is the responsibility of employees to promptly respond to all communications from the employer, whether they receive them by mail or email at the address on record. Similarly, it is the responsibility of applicants to comply with all phases of the selection process within the specified time frame. Failure to respond to communications, regardless of the reason, including non-receipt of written notices, may negatively impact an individual's employment status or result in disqualification from the selection and hiring process.

1.7 Personnel Files

1.7.1 Guidelines

Employer maintains job-related information for each employee throughout the course of employment. It is the employer's policy to operate effectively and efficiently, in a manner that encourages transparency in government in compliance with all applicable laws, and in so doing to protect confidential information from disclosure to the extent allowed by law. To the extent allowable by law, including specifically but without limitation Texas's Public Information Act, personnel files are confidential to the extent such files contain personal privacy information subject to a nontrivial privacy interest. Such information is subject to nondisclosure; however, in order to preserve confidentiality, each employee must make a written election on forms furnished by Human Resources to maintain the confidentiality of his/her personnel file. To that end, the city strives to maintain accurate and complete personnel records. Employees must promptly notify the employer of any changes to their personal information, such as address, telephone number, legal name, marital status, and number of dependents. Records are retained and destroyed in accordance with employer policies and schedules published

by the Texas State Library, Archives and Public Records as well as other applicable laws governing record retention.

The types of files which may be maintained include:

- General employee personnel records such as application/résumé, job offer letter(s) or contract(s), job description, signed acknowledgment forms and/or agreements, performance records, disciplinary documentation, training records, and other job-related documents.
- Documents related to recruitment and selection for each position filled, such as job announcements, applications and résumés, and interview questions and notes.
- Information regarding an applicant's background such as reference checks, conviction records, and credit histories.
- Form I-9 for each employee (and supporting documentation, if retained).
- Records related to pay including but not limited to timesheets, attendance records, payroll records, tax records (including W-4 forms), payroll deductions, direct deposit information, and wage garnishments.
- Files related to safety including but not limited to safety training records; occupational injury and illness reports; workers' compensation reports (no names listed); and reports related to exposure to toxic substances and/or blood-borne pathogens.
- Information regarding medical or psychological conditions or diagnoses such as doctor's notes, FMLA forms, workers' compensation forms, and drug/alcohol test results.
- Documents related to an investigation include copies of complaints, investigation reports, witness statements and investigation notes, notices given to employees, and other related documents.
- Documents related to a grievance including, but not limited to copies of grievance form, employee's request/appeal for grievance; witness statements and interview notes; copies of each response to the grievance from the organization; copies of requests from employee to advance the grievance to the next level in the appeals process; copies of all correspondence sent/received regarding processing the grievance; and other related documents.

Maintenance

The employer shall maintain a personnel file for each employee. An employee's supervisor/manager may elect to maintain a duplicate copy of the documents. However, this does not supersede or eliminate the employer's need to maintain the personnel file for each employee.

Employee Access

An employee may view the contents of one's own personnel file upon request in the presence of the Human Resources Director. An employee may request copies of any or all documents in one's own personnel file but may not remove any documents from the file. The employer will provide only one set of copies to the employee without charge per year.

Negative Information

The employer shall not put negative or derogatory material in an employee's personnel file unless the employee has had a reasonable opportunity to review the material beforehand. The employer will require the employee to sign such material to acknowledge they have reviewed and not necessarily agree. If the employee refuses to sign such material, the employer may place it in the employee's personnel file with a dated notation that the employee refused to sign such material after having been given an opportunity to do so. Whenever possible, human resources should be used as a witness to the employee's refusal and should co-sign the entry along with the originating supervisor.

Employee Information Submitted

Statements by an employee submitted in rebuttal to adverse material placed in the personnel file will be included in the employee's personnel file. The employer may place other information submitted by the employee in the personnel file if the employer finds that such information is relevant to the employee's work history with the employer.

1.8 Confidential Information

Identification and Access

The following types of information are considered, without limitation, confidential by the employer for internal purposes and internal access to records is limited as listed below.

Note: This policy has been developed to identify and protect records for internal purposes and is not intended to comply with the Texas Public Information Act. Under the Act, the majority of an employee's personnel file is presumed to be public information and only limited categories of information are deemed confidential by law, including an employee's home address, home telephone number, emergency contact information, social security number, driver's

license number, information that reveals whether the person has family members, and medical information. Employees must make an election, in writing and on forms provided by Human Resources, to preserve the confidentiality of those categories of information from public disclosure. Unless provided otherwise by law, the following categories of information are confidential only for internal City-related purposes, and should not be regarded as protected from public disclosure if a proper request is made under the Act.

Recruitment and Background Information

The following types of information and records concerning current employees, former employees, and applicants for employment that the employer maintains are confidential:

- All information related to an employment application including, but not limited to, letters of reference, résumés, and status as an applicant for employment.
- All information that the employer received or compiled concerning the qualifications of an applicant or an employee including, but not limited to, reports by employers, law enforcement officials, or other individuals concerning the hiring, promotion, performance, conduct, conduct, or background of an applicant or employee.
- Ratings, rankings, scoring sheets, or remarks by members of an evaluation board or individual interviewer, concerning an applicant or results from any testing or employment screening process.
- Materials used in employment examinations including but not limited to answers, rating guides, and score sheets, on any written exam or rating criteria for interviews.
- The names of members of an evaluation panel and tests that are governed by confidentiality agreements.

Access to such records is restricted to the following unless specifically provided in a separate policy:

- Employee(s) with a business need-to-know to fulfill the responsibilities assigned by employer.
- The employee's manager/administrator, human resources director/manager, or designee.
- Person(s) authorized pursuant to any state or federal law or court order (i.e., governmental/legal/auditing/ investigating agencies).
- Counsel retained by or on behalf of the employer; and

- Any other party(is) with whom the employer has a contractual relationship to enable the employer to respond accurately and fully to any lawsuit, complaint, grievance, request, or other action filed by or on behalf of an employee or former employee against the employer.

Personnel-related Information

The following types of personnel-related information are confidential:

- Information maintained in an employee's personnel file or record of employment which relates to the employee's:
 - Performance;
 - Conduct, including any proposed or imposed disciplinary action taken;
 - Protected class membership, date of birth, or social security number;
 - Past or present home address, telephone number, post office box, or relatives;
 - All information concerning the voluntary or involuntary termination of an employee, other than the dates of actual employment; and
 - The name of an employee's/former employee's designated beneficiary.

Access to these confidential records is restricted to the following unless specifically provided in a separate policy:

- The employee;
- The employee's representative with a current signed authorization from the employee;
- The employee's manager/supervisor, with a need-to-know, or as needed for reasonable accommodation and human resources;
- Persons authorized pursuant to any state or federal law or court order;
- Counsel retained by or on behalf of the employer;
- Employer's workers' compensation carrier to address a claim filed for workers' compensation; and
- Any other parties with whom the employer has a contractual relationship to enable the employer to respond accurately and fully to

any lawsuit, complaint, grievance, request, or other action filed by or on behalf of an employee or former employee against the employer.

Medical Information

The following types of medical information are confidential:

- Pre-employment and post-employment medical and psychological examinations;
- Disability and documentation relating to any reasonable accommodation requested by or granted to the employee;
- Drug and alcohol testing;
- Genetic information;
- Pregnancy, health care provider's certification and other communication;
- Subsequent Injury Fund Questionnaire; and
- Any other medical information that an employee or applicant has voluntarily provided, or the employer has requested.

Note: Medical information shall be kept in files segregated from other personnel and employment records. Notations on attendance sheets show that an employee took sick leave are not confidential records.

Access to an employee's confidential medical information is limited to:

- Supervisors/managers, regarding necessary restrictions and accommodations in the employee's duties;
- First-aid and safety personnel;
- Government officials investigating compliance with applicable laws, on request;
- State workers' compensation office officials;
- Insurance company employees when the company requires a medical examination to provide health or life insurance;
- Employer's workers' compensation carrier to address a claim filed for workers' compensation; and
- As otherwise required by applicable law.

Investigations and Grievances

The employer shall keep all information and documents pertaining to an employee investigation separate from other personnel and employment

records, ensuring privacy of all employees, witnesses, and other individuals involved.

Grievance files that include notices, notes, and decisions of appeal will be maintained in a separate file.

Access is limited to only those individuals with a demonstrable business need-to-know, including:

- The employee's manager/supervisor, human resources director/manager, or designee;
- Persons authorized pursuant to any state or federal law or court order;
- Counsel retained by or on behalf of the employer; and
- Any other parties with whom the employer has a contractual relationship to enable the employer to respond accurately and fully to any lawsuit, complaint, grievance, request, or other action filed by or on behalf of an employee or former employee against the employer.

2 EMPLOYEE RELATIONS

2.1 Fair Employment Practices

2.1.1 Policy

The employer recognizes the fundamental rights of applicants and employees to be assessed on the basis of merit. Recognition of seniority and current employment with the employer may also be considered. Therefore, it is the policy of the employer to provide equal employment opportunity for all applicants and employees. The employer does not sanction or tolerate discrimination in any form on the basis of any protected class including race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, membership in the Texas National Guard, or any other class that becomes protected by federal and/or state law.

The employer will:

- Recruit, hire, train, promote, discharge, and discipline without regard to protected class membership, as well as to ensure that all compensation, benefits, transfers, layoffs, return from layoffs, employer-sponsored training, social, and recreation programs will be administered in conformance with the employer's policy.
- Comply with all applicable laws prohibiting discrimination in employment.
- Provide *reasonable* accommodation as required by law/statute.
- Hold all managers and supervisors responsible for ensuring personnel policies, guidelines, practices, procedures, and activities are in compliance with applicable federal and state fair employment practices, statutes, rules, and regulations.

2.1.2 Scope

This policy applies to all persons involved in the operation of the employer and prohibits harassment, discrimination, and retaliation by any employee, including supervisors and coworkers, volunteers, customers or clients of the employer, and any vendor or other service provider with whom the employer has a business relationship. The employer will not tolerate instances of harassment, discrimination, or retaliation, whether or not such behavior meets the threshold of unlawful conduct. While single incidents of alleged harassment, discrimination, or retaliation may not be sufficiently severe or pervasive to rise to the level of being a violation of the law, the

employer nevertheless prohibits such conduct and may impose appropriate disciplinary action against any employee engaging in such.

2.2 Anti-Harassment

2.2.1 Policy

Employer promotes a productive work environment and does not tolerate verbal, physical, written, or graphical conduct/behavior(s) that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment based on that person's protected class membership.

2.2.2 Prohibited Conduct/Behavior(s)

The employer will not tolerate any form of harassment based on protected class membership, including but not limited to any conduct/behavior(s) on the part of employees, volunteers, clients, customers, vendors, and contractors, which impairs an employee's ability to perform assigned duties. Examples of prohibited conduct/behavior(s) include, but are not limited to:

- Offensive verbal communication including slurs, jokes, epithets, derogatory comments, degrading or suggestive words or comments, unwanted sexual advances, invitations, or sexually degrading or suggestive words or comments.
- Offensive written communication includes notes, letters, notices, emails, texts, or any other offensive message sent by electronic means.
- Offensive gestures, expressions and graphics including leering, obscene hand, finger, or body gestures, sexually explicit drawings, derogatory posters, photographs, cartoons, drawings, or displaying sexually suggestive objects or pictures.
- Physical contact when the action is unwelcome by recipient including brushing up against someone in an offensive manner, unwanted touching, impeding, or blocking normal movement, or interfering with work or movement.
- Expectations, requests, demands, or pressure for sexual favors.

2.2.3 Training

The employer will provide training to all employees on the prevention of discrimination and prohibited conduct/behavior(s) in the workplace every two years. All new employees will be provided with a copy of this policy upon hire and the contents will be discussed during the new hire orientation process. New employees will participate in training on the prevention of discrimination and prohibited conduct/behavior(s) within 30 (thirty) days of

employment. A copy of this policy will be made available to applicants upon request.

2.3 Employee Bullying

2.3.1 Policy

The City promotes a productive work environment and does not tolerate verbal, physical, non-verbal, cyber-bullying, or work interferences that disrupt or interferes with another's work performance or that creates an intimidating environment.

The employer defines bullying as repeated mistreatment of one or more persons by one or more perpetrators that takes one of the following forms:

- Verbal abuse or mistreatment.
- Offensive conduct/behaviors (including nonverbal, physical, and cyber-bullying) which are threatening, humiliating, or intimidating; or
- Work interferences, such as sabotage, preventing work from getting done.

2.3.2 Prohibited Behaviors/Conduct

The employer considers the following types of behavior/conduct examples of bullying (this list is not all-inclusive):

- Verbal Bullying includes slandering, ridiculing, or maligning an employee or an employee's family; persistent name calling which is hurtful, insulting, or humiliating; yelling, screaming, and cursing; chronic teasing; belittling opinions or constant criticism.
- Physical Bullying including pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to an employee's work area or property.
- Nonverbal Bullying includes nonverbal threatening gestures or glances which convey threatening messages; threatening actions; socially or physically excluding or disregarding a person in a work-related activity.
- Cyber-Bullying includes repeatedly tormenting, threatening, harassing, humiliating, embarrassing, or otherwise targeting an employee using email, instant messaging, text messaging, social media, or any other type of digital technology.
- Workplace Interference includes sabotaging which prevents work from getting done; deliberately tampering with a person's work area

or property; unreasonably assigning menial tasks outside of a person's normal job duties.

2.4 Dealing w/Allegations of Prohibited Conduct/Behavior(s)

2.4.1 Process

Employees or applicants who believe they are being subjected to any form of prohibited conduct/behavior(s) as described in the Anti-Harassment or Employee Bullying policies by another (e.g., employee, client, customer, vendor, volunteer, contractor), as well as employees or applicants who believe they have witnessed another employee, client or member of the public being subjected to prohibited conduct/behavior(s), have an affirmative duty to bring the situation to the attention of the employer.

2.4.2 Employee Responsibilities

- An employee who believes they personally are being or have been subjected to prohibited conduct/behavior(s) and/or are the target of any form of prohibited conduct/behavior(s) or have witnessed any other employee being subjected to these behaviors, are encouraged to inform the alleged harasser/bully that the behavior/conduct is unwelcome and must stop.
- If the employee feels uncomfortable in speaking directly to the alleged harasser/bully or if the employee requested the prohibited conduct/behavior(s) to cease, but the request did not produce the results desired, the employee should report the conduct/behavior(s) as soon as possible to any supervisor/manager, or the HR representative.
- An employee who believes a member of management has engaged in prohibited conduct/behavior(s) should bring such concerns to the attention of the alternate City Manager or the HR Director who will designate an objective person to conduct an investigation of such allegations. Employees may also report the conduct/behavior(s) to the employer's attorney.
- An employee who witnesses or obtains information regarding prohibited conduct/behavior(s) by the immediate supervisor is required to report the incident to the HR representative.

Any applicant or employee who has concern regarding violations of this policy is encouraged to contact the designated Human Resources.

2.4.3 Supervisor/Manager Responsibilities

Regardless of whether the employee involved is in the supervisor's or manager's department and regardless of how the supervisor/manager became aware of the alleged prohibited conduct/behavior(s), all supervisors and managers must immediately report all allegations or complaints or observations of such conduct/behavior(s) to the HR representative, department head, or the Human Resources Director. The report shall contain all known information including:

- The persons(s) involved.
- A written record of any specific conversations held with the complainant(s) and other persons involved as applicable; and
- All known pertinent facts, including date(s), time(s), and locations(s).

A supervisor's/manager's failure to immediately report such activities, complaints, or allegations will result in discipline, up to and including termination.

2.4.4 Investigations

- Upon being made aware of allegations or complaints of prohibited conduct/behavior(s), the employer will ensure that such allegations or complaints are investigated promptly. The employer treats all allegations or complaints seriously and requires all employees to be candid and truthful during the Investigations process. The Human Resources Director will identify the appropriate individual(s) to conduct the Investigations.
- The employer will make efforts to ensure that all Investigations are kept as confidential as reasonably possible. Employees will be required to refrain from discussing the subject content with other employees or persons who may have information pertinent to the Investigations throughout the course of the Investigations. Employees shall be required, upon request, to provide information to regulatory agencies. The employer will release information obtained only to those individuals involved in the Investigations and the administration of the complaint with a business need-to-know, or as required by law.
- The employer will communicate to the individual who made the initial complaint, as well as the individual against whom the complaint was made, they will be made aware that the Investigations is completed and appropriate action, if any, has been taken.

- If evidence arises that a participant in the Investigations made intentionally false statements, that employee may be subject to disciplinary action, up to and including termination.
- If it is determined that a violation of this policy has occurred, the employee may be subject to disciplinary action up to and including termination. The employer will also initiate action to deter any future prohibited conduct/behavior(s) from occurring.
- With regard to disability-related complaints, the Human Resources Director shall propose a resolution to the complaint based upon the findings of such Investigations. Such resolution will include reasonable accommodation when the employer determines that such reasonable accommodation can be provided by the employer.

2.4.5 Prohibition Against Retaliation

Retaliation is an adverse treatment which occurs because of opposition to prohibited conduct/behavior(s) in the workplace. The employer will not tolerate any retaliation by management or by any other employee against an employee who exercises rights under this policy. Employees who believe they have been harassed, retaliated, or discriminated against in any manner whatsoever as a result of having filed a complaint, assisted another employee in filing a complaint, or participated in an investigation process should immediately notify the Human Resources Director or the City Manager. The employer will promptly investigate and deal appropriately with any allegation of retaliation.

2.4.6 Employee Dating

2.4.6.1 Policy

The employer recognizes that an environment where employees maintain clear boundaries between personal and workplace interactions is most effective for conducting business. This policy does not prevent the development of friendships or romantic relationships between employees. However, employees in supervisory/managerial positions are prohibited from having a romantic relationship with any subordinate employee.

2.4.6.2 Employee Responsibilities

Employees are prohibited from engaging in physical contact that would in any way be deemed inappropriate by a reasonable person while anywhere on employer property, in an employer vehicle, or on employer business whether or not such physical contact occurs during work hours.

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

2.4.6.3 Supervisor/Manager Responsibilities

Employees employed in supervisory/managerial positions are prohibited from engaging in a romantic relationship with a subordinate employee. Employees employed in supervisory/managerial positions need to be cognizant of their status as role models, their access to sensitive information, and their ability to influence others.

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

2.5 Employment Disabilities

2.5.1 Policy

It is the employer's policy to comply proactively with the applicable employment provisions of disability laws, including without limitation the Americans with Disabilities Act (ADA) and Texas Law. The employer does not tolerate discrimination against any qualified individual with a disability in regard to any terms, conditions, or privileges of employment and prohibits any type of harassment or discrimination based on the physical or mental impairment, history of impairment, or perceived impairment of an individual holding or seeking employment with the employer.

The employer is committed to provide reasonable accommodation wherever the need for such is known to the employer or whenever the employee or applicant indicates a need for reasonable accommodation, provided that the individual is otherwise qualified to perform the essential functions of the assigned job and the employee's performance of the assigned job duties does not pose an obvious threat to the safety of oneself or others.

2.5.2 Determination of Disability

In determining whether an employee or an applicant has a disability under the law, the employee/applicant must have a physical or mental impairment that substantially limits one or more major life activities, have a record of such an impairment, or be regarded as having an impairment.

2.5.3 Disability-Related Inquiries

The employer shall adhere to the provisions of applicable laws regarding an employer's limitations on making disability-related inquiries or requiring medical examinations.

The employer's restrictions regarding disability-related inquiries and medical examinations apply to all employees/applicants, whether or not they

have disabilities. A disability-related question to an applicant may be a violation of the law, even though the applicant may not have a disability.

The employer may require the employee to provide a fitness-for-duty certification from an appropriate health care provider whenever the employer has reason to believe the employee may be unable to perform the essential functions of the job, poses a direct threat to oneself or to others, and consistent with the business necessity of the employer.

2.5.4 Accommodation

- **Accommodation for Applicants:** Whenever an applicant requests accommodation in applying for, testing, or interviewing for a position with the employer, the employer's HR director shall determine whether the request for accommodation for a covered disability is reasonable or if another type of accommodation can be provided. In making the determination of reasonableness, the HR Director and City Manager may consider whether granting such requests might impose an undue hardship on the employer.
- **Accommodation for Employees:** Employer shall provide a *reasonable* accommodation where the need for such is known by the employer, and the applicant or employee requests such reasonable accommodation, provided that the individual is otherwise qualified to perform the essential functions of the assigned job and the employee's performance of the assigned job duties does not pose a threat to the safety of oneself or others. Whenever a manager or supervisor becomes aware that an employee has requested or may require some type of reasonable accommodation, the manager/supervisor shall promptly notify the HR Director who shall arrange to meet with the supervisor and the employee to discuss the accommodation request, the need for any reasonable documentation to support the request, the associated functional limitations, and the impact of the proposed accommodation on the employer. Review of an employee's particular situation by a health care provider may assist the organization in determining appropriate accommodation.

2.6 Pregnancy, Childbirth, and Related Medical Conditions

2.6.1 Policy

In compliance with the Pregnant Worker Fairness Act (PWFA), the employer is dedicated to offering reasonable accommodations, as outlined in the Accommodation section within Employment Disabilities, whenever an employee or applicant requests an accommodation related to pregnancy, childbirth, or a related medical condition, provided that the individual is

qualified to perform the essential functions of the job assignment, barring undue hardship.

2.6.2 Accommodation

Whenever a manager/supervisor becomes aware that an employee has a need for accommodation due to pregnancy, childbirth, or related medical conditions, the manager/supervisor should promptly notify the HR Director. The employer is committed to providing reasonable accommodation, as listed in the Accommodation section under Employment Disabilities.

2.6.3 Prohibitions

The employer will not:

- Take adverse employment action against an employee because the employee requests or uses reasonable accommodation.
- Deny an employment opportunity to an otherwise qualified applicant because they have requested reasonable accommodation.
- Require an employee or applicant to accept an accommodation the employee did not request or choose not to accept.
- Require an employee to take leave if a reasonable accommodation is available that would allow the employee to continue working.

2.6.4 Notice Requirements

This policy complies with the employer's obligation to provide written or electronic notice to all new employees upon commencement of employment that they have the right to be free from discriminatory or unlawful employment practices as well as the right to a reasonable accommodation for the employee relating to pregnancy, childbirth, or related medical condition. This notice will be provided within ten days after an employee notifies her immediate supervisor that she is pregnant. This notice will also be posted at conspicuous locations that are accessible to employees.

2.7 Drug- and Alcohol-Free Workplace

2.7.1 Policy

The employer recognizes that substance abuse in our nation and our community exacts staggering costs in both human and economic terms. Substance abuse can be reasonably expected to produce impaired job performance, lost productivity, absenteeism, accidents, wasted materials, lowered morale, rising health care costs, and diminished interpersonal relationship skills. This drug- and alcohol-free workplace policy applies to volunteers as well as employees. The employer may require drug testing pre-

employment as well as randomly for employees in safety sensitive positions or who hold a commercial driver's license as a job requirement.

The employer is committed to:

- Maintaining a safe and healthy workplace for all employees and volunteers.
- Assisting employees or volunteers who recognize they have a problem with drugs, prohibited substances, or alcohol in receiving appropriate treatment.
- Periodically providing employees and volunteers with information about the dangers of workplace drug use; and
- When appropriate, take disciplinary action for failure to comply with this policy.

The employer strictly prohibits the following behavior:

- The use, sale, attempted sale, manufacture, attempted manufacture, purchase, possession or cultivation, distribution and/or dispensing of illegal drugs or prohibited substances by an employee, unless otherwise provided by law. For the purpose of this policy, illegal drugs include those classified as such under local, state, or federal laws. Prohibited substances include medical and recreational marijuana (cannabis), the use or possession of prescription medicines for which the individual does not have a valid prescription, and the inappropriate use of prescribed medicines for which the employee has a valid prescription. The prohibition also includes using over-the-counter medications contrary to manufacturer instructions, or consumer products not meant for human consumption. In addition, the employer prohibits employees from possessing open containers of alcoholic beverages while on the employer's premises and/or while on duty and from working with a blood-alcohol level of .02 or more at any time
- Bringing alcohol, illegal drugs, and other prohibited substances which may impair the safety or welfare of employees or the public onto the premises controlled by the employer or placing in vehicles or equipment operated on behalf of the employer.
- Driving a city-owned vehicle while on or off duty with a blood alcohol level of .02 or more or under the influence of an illegal drug or prohibited substance, regardless of the amount.

- Law enforcement and paramedic/emergency medical personnel may possess and/or transport such substances as required in the course and scope of job-related functions.

Reporting Requirements

- A supervisor who receives information or is a witness to any use of illegal drugs, prohibited substances, or alcohol by an employee which violates employer's policies or the law, is required to report this information to the supervisor/manager, Department Head or HR Director immediately. The information reported must include:
 - The persons(s) involved, including all witnesses.
 - Any information gathered, such as actual observation of drug/alcohol use, the presence of paraphernalia, observation of any unusual physical signs or behaviors.
 - A written record of specific conversations held with the accused and any witnesses.
 - All pertinent facts, including date(s), time(s), and locations(s).
- An employee who witnesses or obtains information regarding illegal drug/prohibited substance/alcohol use by the immediate supervisor is required to report the incident to that supervisor's supervisor.
- Specimen collection, drug testing procedures, sample collection, and alcohol testing procedures will comply with all applicable provisions of federal and state law.
- The employer receives funding through federal grants and is therefore subject to the Drug-Free Workplace Act of 1988. Marijuana (including medical and recreational cannabis), cocaine, opioids, amphetamines (including methamphetamines), phencyclidine (PCP), and methylenedioxy-methamphetamine (MDMA) are considered illegal Schedule I or II drugs through the federal government. Employer is committed to a policy of a drug- and alcohol-free workplace and employees may not have any detectable level of Schedule I or II drugs in their system while at work.

2.7.2 Employee Responsibilities

- Each employee is responsible for meeting standards for work performance and safe on-the-job conduct.
- Employees shall not report to work or perform work under the influence of alcohol, illegal drugs, prohibited substances, or misused prescription or over-the-counter drugs, regardless of the amount.

- Employees should not engage in drinking alcohol or illicit drugs while in a City uniform, while wearing clothing with the City's logo, or while riding in vehicles owned by the City.
- Employees who suspect they may have a substance abuse problem are encouraged to seek counseling and rehabilitation from the employer's Employee Assistance Program (EAP) provider, substance abuse professional, or other treatment provider. The employer's medical insurance policy may provide for payment of some or all of the treatment costs.
- Each employee must report the facts and circumstances of any drug- or alcohol-related arrest resulting from an incident that occurred while the employee was on duty. Each employee must report the facts and circumstances of any drug- or alcohol-related criminal charge and conviction which may impact on the employee's ability to perform the duties of the job. If duties involve driving a vehicle or operating heavy equipment, the employee must report to one's supervisor a conviction for driving under the influence (DUI), and/or restriction, revocation, or suspension of the driver's license pending adjudication before resuming work duties.
- Employees must act as responsible representatives of the employer and as law-abiding citizens. It is every employee's responsibility to report suspected or known violations of this policy to the immediate supervisor or to the HR Director. Such reporting is critical in preventing serious injuries to the employee or others or damage to the employer's property.

2.7.3 Employee Assistance and Voluntary Referral

- The employer strongly encourages employees who suspect they have substance abuse problems to voluntarily refer themselves to a treatment program. A voluntary referral is defined as being one that occurs prior to any positive test for illegal drugs, prohibited substances, or alcohol under this policy and prior to any other violation of this policy, including a conviction of that individual for a drug or alcohol related offense. A decision to participate in the employee assistance or other treatment program will not be a protection or defense from discipline.
- Any employee who voluntarily requests assistance in dealing with a personal drug and/or alcohol problem may do so through a private treatment program for drug and alcohol problems. An employee who is being treated for a substance issue in a recognized rehabilitation

program may, if the Americans with Disabilities Act applies, be entitled to reasonable accommodation so long as the employee is conforming to the requirements of the program and is abstaining from the use of a controlled substance(s) and/or alcohol. These situations will be addressed on a case-by-case basis.

- The cost of the drug or alcohol rehabilitation or treatment program shall be borne by the employee and, if applicable, the employee's insurance provider. All information regarding an employee's participation in treatment is confidential. Only information that is necessary for the performance of business will be shared by the employer's management.

2.7.4 Reasonable Suspicion Testing

- When any supervisor has reasonable suspicion that an employee may be under the influence of alcohol, drugs, or prohibited substances, the employee in question will be directed by the manager/department head to submit to drug and/or alcohol testing. This test may include a breath or blood test or urinalysis.
- The supervisor shall be responsible to determine if reasonable suspicion exists to warrant drug and/or alcohol testing and shall be required to document, in writing, the specific facts, symptoms, or observations which form the basis for such reasonable suspicion. When possible, the documentation will be forwarded to the manager/department head or designee to authorize the drug and/or alcohol test of an employee.
- The manager/department head shall direct an employee to undergo drug and/or alcohol testing if there is reasonable suspicion that the employee is in violation of this policy. The employee will be placed on administrative leave with pay pending the results of the test.
- An employee who is required to submit to reasonable suspicion testing:
 - Will be immediately provided transportation by the employer to the location of the test.
 - Will be provided transportation by the employer or transportation arrangements will be made available by the employer after the employee submits to the test or refuses to be tested.
 - Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:

- Information provided either by reliable and credible sources or independently corroborated.
- The first line supervisor or another supervisor/manager receives information from a reliable and credible source as determined by the manager/department head that an employee is violating the employer's policy.
- Direct observation of drug prohibited substance, or alcohol use while on duty.
- The first line supervisor or another supervisor/manager directly observes an employee using drugs, prohibited substances, or alcohol while an employee is on duty.
- Employee admits using drugs, prohibited substances, or alcohol prior to reporting to work or while at work.
- Drug, prohibited substance, or alcohol paraphernalia possibly used in connection with illicit drugs, prohibited substances, or alcohol found on the employee's person or at or near the employee's work area.
- Evidence that the employee has tampered with a previous test for drugs, prohibited substances, or alcohol.

2.7.5 Post-Accident Testing

- Each employee involved in an accident will be tested for illegal drugs, prohibited substances, and alcohol as soon as possible after the accident, but after any necessary emergency medical attention has been provided. Accidents that trigger testing are those that result in:
 - Death.
 - Medical treatment of employee or another individual, other than first aid.
 - Loss of consciousness or
 - Property damage is estimated to be valued at or in excess of \$50 (fifty) dollars.
- An employee who is subject to a post-accident test:
 - Must remain readily available for testing. An employee who leaves the scene without good reason before the test is administered or who does not make oneself readily available may be deemed to have refused to be tested, and such refusal shall be treated as a positive test.

- Will be immediately provided transportation by the employer to the location of the test.
- Upon completion of the test:
 - If the test comes back positive and the employer needs to conduct further Investigations, the employee will be placed on administrative leave with or without pay.
- In the event an employee is so seriously injured that a specimen cannot be provided at the time of the accident, the employee must provide necessary authorization, as soon as the employee's physical condition allows, to enable the employer to obtain hospital records or other documents that indicate the presence of drugs, prohibited substances, or alcohol in the employee's system when the accident occurred.
- In the event federal, state, or local officials conducted drug and/or alcohol testing following an accident, the employee will be required to sign a release allowing the employer to obtain the test results from such officials.

2.8 Prohibition of Workplace Violence

2.8.1 Policy

The employer is committed to providing for the safety and security of all employees, customers, visitors, and property.

2.8.2 Scope

This policy applies to all employees, including full-time, part-time, casual/temporary/seasonal, and elected officials, as well as volunteers and contract employees and anyone else on the employer's property.

2.8.3 Implementation of Policy

- The employer will not tolerate any form of workplace violence including acts or threats of physical violence, intimidation, harassment, and/or coercion, which involve or affect the employer, or which occur on property owned or controlled by the employer during the course of the employee's performance of job duties, which affect the employer's business, or which occur at an employer-sponsored or commissioned event or social gathering. Examples of workplace violence include, but are not limited to, the following:
 - All threats (including direct, conditional, or veiled) or acts of violence occurring on premises owned or controlled by the

employer, regardless of the relationship between the employer and the parties involved in the incident.

- All threats of any type or acts of violence occurring off the employer's premises involving someone who is acting in the capacity of a representative of the employer.
- All threats of any type or acts of violence occurring off the employer's premises involving an employee of the employer if the threats or acts affect the legitimate interests of the employer.
- Any acts or threats resulting in a criminal conviction of an employee or agent of the employer or an individual performing service for the employer on a contract or temporary basis which adversely affects the legitimate interests and goals of the employer.
- Specific examples of conduct which may be considered threats or acts of violence include, but are not limited to, the following:
 - Hitting, shoving, or otherwise assaulting an individual.
 - Direct, conditional, or veiled threats of harm directed to an individual or family, friends, associates, or property.
 - The intentional or malicious destruction or threat of destruction of the employer's property, or property of another employee.
 - Harassing or threatening phone calls, text messages, notes, letters, computer messages, or other forms of communication.
 - Harassing surveillance or stalking.
 - Unauthorized possession or inappropriate use of firearms, weapons, hazardous biological or chemical substances, or explosives while on employer business.
 - Displaying overt signs of extreme stress, resentment, hostility, or anger.
 - Making intimidating, abusive, or threatening remarks.
 - Displaying irrational or inappropriate behavior.
- The employer desires to detect and deter real, potential, or threatened violence. Every employee is required to report immediately any acts of violence or any threat of violence against any coworker, supervisor, manager, elected official, visitor, volunteer, other individual, or

property. Supervisory and managerial personnel who witness or become aware of any acts or threats of violence must notify their superior immediately. Every other person on employer property is encouraged to report incidents of threats or acts of violence.

- Reports of violence or threatening behavior should be made to human resources, an employee's immediate supervisor or manager, or any other supervisory or management employee. The employer is committed to ensuring that employees reporting real or perceived threats in good faith will not be subject to harassment or retaliation. Nothing in this policy alters any other reporting obligation established in the employer's policies or in state, federal, or other applicable law.

2.8.4 Violation of Policy

Violations of this policy by any employee may lead to disciplinary action, up to and including termination and/or appropriate legal action. The employer may also take appropriate disciplinary action against any employee who intentionally makes a false or misleading statement about coworkers or others.

Actions of law enforcement personnel which are necessary in the performance of their duties and are consistent with policies or sound law enforcement procedures shall not be considered to violate this policy. In addition, actions reasonably necessary for bona fide self-defense or protection of employees of the employer or of employer property shall not be considered to violate this policy.

2.9 Nepotism/Employment of Relatives

The purpose of this policy is to establish uniform practices regarding the employment (including regular, contractual, and temporary), of relatives in the City of Glenn Heights. The intent of this policy is to prevent the appearance of nepotism in the hiring, promotion, demotion, reassignment, transfer and all other personnel or contractual matters of employees, thereby limiting the negative effect on morale and the appearance of impropriety.

Pre-existing employment relationships falling within the purview of this policy will be permitted to continue; however, that exception does not apply to supervisor- subordinate guidelines, promotions, reassignments, and transfers after the effective date of this policy, which are governed by this policy.

For purposes of this policy, relatives are defined as:

- Spouse of employee

- Parent or grandparent of employee or spouse or anyone who took the place of a parent or grandparent, including stepparents and step-grandparents
- Child of employee or spouse, including stepchildren and current foster children
- Sibling of employee or spouse, including step and half-siblings
- Aunt or Uncle of employee or spouse
- Niece or Nephew of employee or spouse
- First cousin of employee or spouse
- Brother-in-law, sister-in-law, son-in-law, or daughter-in-law of employee or spouse

2.10 Code of Ethics

The elected and appointed officers and employees of employer recognize that holding public office and/or employment is a public trust. To preserve that trust, the employer demands the highest code of conduct and ethical standards. The purpose of this policy is to define and establish the standards of ethical conduct that are required of public officials and employees so as to ensure their professional integrity in the performance of their duties.

The officers, employees, and volunteers of the employer shall comply with the following provisions. This list is not all-inclusive but simply provides the basic level of conduct expected.

- All elected and appointed officials and employees will conduct themselves with honesty and integrity in the course of performing their duties and responsibilities.
- They will act with care and diligence in the course of their employment.
- They will treat everyone, including coworkers, subordinates, supervisors, customers, and the public, with the utmost professionalism and courtesy.
- They will comply with all applicable federal, state, and local laws.
- They will comply with any lawful and reasonable direction given by someone in the employee's agency who has authority to give the direction.
- They will maintain appropriate confidentiality.

- They will disclose, and take reasonable steps to avoid, any actual or potential conflict of interest in connection with their employment.
- They will use employer resources in a proper manner.
- They will not provide false or misleading information in response to a request for information that is made for official purposes in connection with their employment.
- They will, at all times, act in a way that upholds the values and the integrity and good reputation of the employer.
- They will comply with any other conduct requirement that is prescribed by the employer.
- They will refrain from conduct unbecoming of a public official, both on and off duty.

Employees who suspect violations of this policy must report the conduct/behavior(s) as soon as possible to any supervisor/manager or the HR representative. Violations of any of the above provisions may result in disciplinary action, up to and including termination.

The employer will not tolerate any retaliation by management or by any other employee against an employee who exercises rights under this policy. Employees who believe they have been retaliated against in any manner whatsoever should immediately notify the HR Director. The employer will promptly investigate and deal appropriately with any allegation of retaliation. In the event retaliation is substantiated, disciplinary action up to and including termination may be taken.

2.11 Political Activity

2.11.1 Policy

Employees shall not engage in political activity of any kind during working hours. This includes but is not limited to soliciting money, influence, service, or any other valuable thing to aid, promote, or defeat any political committee or the nomination or election of any person to public office. Wearing or displaying apparel, buttons, insignia, or other items which advocate for or against a political candidate or a political cause is also an example of prohibited political activity during work hours. Furthermore, no person shall attempt to coerce, command, or require a person holding or applying for any position, office, or employment, including a citizen requesting service supplied by employer, to influence or to give money, service, or other valuable thing to aid, promote, or defeat any political committee, or to aid, promote, or defeat the nomination or election of any person to public office.

Employees may not participate in any of the above-mentioned activities off duty while wearing a uniform, name tag, or any other item identifying them as a representative of the employer.

Employees are expressly forbidden to use any employer resources, including but not limited to interoffice mail, email, telephone, fax machines, the Internet, or copy machines to engage in any political activity outside the approved scope of the employees' official duties. Under no circumstances shall public funds, property or facilities be used by an employee in support of or opposition to a political campaign or political measure outside the approved scope of the employees' official duties.

2.11.2 Running for or Holding Political Office

While employees are encouraged to participate in the political process, they must understand the employer also has an obligation to provide service to the public.

Employees who are seeking, or who have been elected or appointed to public office, shall not conduct any campaign-related business while on duty.

If there is a conflict with, or the activities hinder the performance of the duties with employer, the employee will comply with one of the following (final approval is at the employer's sole discretion):

- The employee will be expected to resign their position.
- The employee may apply and seek approval for use of accrued leave time; or
- The employee may request unpaid leave per employer's Leave of Absence Without Pay policy.

The maximum duration of unpaid leave time approved will be 15 (fifteen) days. Employer's leave policies addressing continuation of health insurance, retirement benefits, accrual of additional leave time, and job and seniority status will be applied in this situation.

2.12 Solicitation Prohibited

2.12.1 Non-Employee Activities

Non-employees will not be allowed on the premises for the purpose of distribution of literature to employees or solicitation of employees at any time whatsoever, except as specifically provided below.

- Representatives of employee benefit programs (e.g., supplemental insurance or deferred compensation) specifically approved by the employer for payment through payroll deduction may meet with

employees during designated work time at designated places or on employer property as may be approved by the appropriate employer representative.

2.13 Work Stoppage Prohibited

No employee will instigate, promote, encourage, sponsor, or engage in any strike, picketing, slowdown, concerted work stoppage, sick out, or any other intentional interruption of work. Any employee who violates the provisions of this section may be subject to disciplinary action, up to and including termination.

2.14 Use of Employer Property and Premises

2.14.1 Policy

Employees will use the employer's property and equipment including, but not limited to, monies and funds, communication equipment, vehicles, tools, equipment, and facilities only for work-related purposes, as directed or approved by management. When using employer property and equipment, employees are expected to exercise care, perform required maintenance, and follow all operating instructions as well as comply with safety standards and guidelines. Employees will not misuse, destroy, or otherwise use in an improper or unsafe manner any property of the employer. Employees are prohibited from making unauthorized copies, any other unauthorized use of, or allowing or facilitating the unauthorized possession by others of employer keys or other access devices. Employees are prohibited from transporting non-employees in the employer's vehicles unless they are specifically authorized to do so by their supervisor.

2.14.2 Searches

The employer may authorize the examination of lockers, desks, offices, vehicles, and all other property and spaces owned or controlled by the employer to check for the presence of any unauthorized material, weapons of any type, or controlled substances including, but not limited to, alcohol, illegal drugs, and prohibited substances. Prior notice to employees that employer-owned property or space is to be searched is not required; entrance onto or use of employer property is deemed consent.

If an individual is asked to submit to a search and refuses, that individual will be considered insubordinate and will be escorted off the job site and disciplined, as appropriate. The employer may take whatever legal means are necessary, consistent with this policy, to determine whether unauthorized material, weapons of any type, or controlled substances are located or being

used on employer premises. The employer may call upon law enforcement authorities to conduct investigations if deemed necessary.

Searches will be conducted by management personnel or law enforcement authorities and may or may not be conducted in the presence of the person whose work area is searched. Any suspected contraband will be confiscated and may be turned over to law enforcement as appropriate. Any person whose property is confiscated will be given a receipt for that property by the employer's representative conducting the search.

2.14.3 Personal Vehicle Use

At times, employees may use their own personal vehicles for work-related purposes. In these cases, employees are expected to exercise care, perform the required maintenance, and follow all operating instructions as well as comply with laws, safety standards and guidelines. Employees are prohibited from transporting non-employees in personal vehicles while conducting employer business unless they are specifically authorized to do so by their supervisor. Employees must clearly disclose any personal travel and/or annual leave to be taken in conjunction with employer's business prior to travel and specific permission must be first obtained from the Department Head. Employees must also comply with all related employer policies including but not limited to Workplace Safety, License/Occupational Certification, and Vehicle Liability Insurance.

2.14.4 Phone Policy

The employer's policy covers phone usage while at work, including the use of cell phones while operating motor vehicles.

2.14.5 Personal Calls & Texts

Personal phone calls, messages, texting, audio/video recording, and other features of an employee's private cell phone or the employer's equipment, are limited to reasonable times during work hours.

Excessive personal communication can result in lost productivity and distract coworkers.

Employer-issued cell phones are to be used only for official business reasons. If an emergency situation arises and the employer-issued cell phone must be used for a personal call or text and the employee is not able to obtain prior authorization from a supervisor, the employee is required to notify the supervisor as soon as is practicable. The employee is required to furnish the reason for the call/text and, if requested, the number called. Employees are expected to protect the employer-issued mobile equipment from loss, damage, or theft.

2.14.6 Cell Phone Use in Vehicles

All employees are expected to follow applicable state and federal laws regarding the use of cell phones, or other hand-held devices at all times. Employees on duty and/or conducting employer business at any time while operating a motor vehicle are prohibited from using cell phones while the vehicle is in motion unless using a hands-free device. This includes dialing, answering, texting, and checking messages. Employees are neither required nor expected to use a cell phone while the vehicle is in motion. Safety must come before all other concerns.

- Employees shall pull off the road and safely stop before placing or accepting calls, texting, checking, and responding to messages, unless they are using hands-free operations/devices.
- This provision does not include passenger use of cell phones.
- This prohibition is in effect regardless of whether the cell phone is issued by the employer or is privately owned by the employee.
- An exception to this rule is the legitimate use of cell phones by specific departments and for specific reasons as established by each department. For example, the police, fire, ambulance, and EMT departments may operate vehicles while using cell phones only in direct response to emergency calls but must always keep safety a paramount concern.

2.15 Information Technology

2.15.1 Policy

The employer requires employees to use information technology (computer systems, telecommunication and other devices, and electronic information/communication) responsibly and in a manner which is not detrimental to the mission and purpose of employer. To maintain a level of professionalism, any publication through any means (electronic or otherwise) which is potentially averse to the operation, morale, public perception, or efficiency of employer will be deemed a violation of this policy.

Employees are prohibited from engaging in any conduct which would violate employer policy or procedure. Use of personal or employer electronic devices to engage in such conduct can create liability for employer, and as such, obligates employer to undertake reasonable procedures to investigate such allegations, including but not limited to inspection of such equipment. In the event an employee becomes the subject of such an investigation and the allegations include potential violations of employer policies, whether on work or personal time, and whether using employer or personal devices, the

employer will undertake such investigations and inquiry by all means allowable under state and federal law.

2.15.2 Privacy

Employees should not expect privacy with respect to any of their activities when using the employer's computer and/or electronic and telecommunication property, systems, or services even when accessing from a personal device. Use of passwords or account numbers by employees does not create a reasonable expectation of privacy and confidentiality of information being maintained or transmitted. The employer reserves the right to review, retrieve, read, and disclose any files, messages, or communications that are created, sent, received, or stored in the employer's network, or on the employer's computer systems, and/or equipment. The employer's right to review, also called monitoring, is for the purpose of ensuring the security and protection of business records, preventing unlawful and/or inappropriate conduct, and creating and maintaining a productive work environment.

The employer will not request usernames and passwords for personal social media accounts and will not take any type of employment action against an employee who refuses to provide the username and password for their personal social media account. This provision does not prevent an employer from requiring an employee to disclose the username and password for access to the employer's computer or information system.

2.15.3 Use

- The computers, electronic equipment, associated hardware and software, including, but not limited to electronic mail (email or instant messaging "IM") and access to on-line services, as well as voice mail, pagers, smart phones, and faxes, even when accessed from a personal device, belong to the employer and, as such, are provided for business use. Very limited or incidental use of employer-owned equipment by employees for personal, non-business purposes is acceptable as long as it is:
 - Conducted on personal time (i.e., during designated breaks or meal periods).
 - Does not consume system resources or storage capacity.
 - Does not involve any prohibited uses; or
 - Does not reference employer or themselves as an employee without prior approval. This includes, but is not limited to:
 - Text which identifies employer.

- Photos which display employer logos, patches, badges, or other identifying symbols of employer.
- Information of events which occur involving employer without prior approval.
- Any other material, text, audio, video, photograph, or image which would identify employer.
- Employees loading, importing, or downloading files from sources outside the employer's system, including files from the Internet, social media sites, and any computer disk/drive, must ensure the files and disks/drives are scanned with the employer's current virus detection software before installation and execution. Compliance with copyright or trademark laws prior to downloading files or software must be adhered to explicitly.
- Employees may use information technology, including the Internet, and social media sites during work hours on job-related matters to gather and disseminate information, maintain their currency in a field of knowledge, participate in professional associations, and communicate with colleagues in other organizations regarding business issues.
- An employee's use of the employer's computer systems, telecommunication equipment and systems, and other devices or the employee's use of personally owned electronic devices to gain access to employer's files or other work-related materials maintained by employer constitutes the employee's acceptance of this policy and its requirements.
- Employees must attain authorization from the Information Technology Administrator prior to:
 - installing copyrighted software to ensure employer has an active license, and
 - distributing or copying property protected by copyright, trade secret, patent, or other intellectual property.

2.15.4 Prohibited Activities

The following activities are strictly forbidden by this policy:

- Downloading, accessing or use of TikTok or any artificial intelligence or social media app or platform prohibited by Texas law or by executive order of the governor on any city-owned computer, phone or device.

- Violations of the rights of any person or entity protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including but not limited to the installation or distribution of “pirated” or other software products that are not appropriately licensed for use by employer.
- Unauthorized copyrighted material including but not limited to digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which employer or the end user does not have an active license.
- The installation of software on employers computers without the prior approval of the INFORMATION TECHNOLOGY ADMINISTRATOR is prohibited.
- Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws. The INFORMATION TECHNOLOGY ADMINISTRATOR should be consulted prior to the export of any material that is in question.
- Allowing access to confidential or proprietary information on employer systems. This includes family and other household members when work is being conducted at an employee’s home.
- Using employer equipment or systems to actively engage in procuring or transmitting materials that is in violation of sexual harassment or hostile workplace laws.
- Making fraudulent offers of projects, items or services originating from any employer account.
- Making statements about warranty, expressly or implied, unless it is a part of normal job duties.
- Effecting security breaches or disruptions of network communication.
- Port scanning or security scanning, unless conducted by or on behalf of the INFORMATION TECHNOLOGY ADMINISTRATOR or designee during his or her duties on behalf of employer.
- Executing any form of network monitoring which will intercept data not intended for the employee’s host unless this activity is a part of the employee’s normal job/duty.
- Circumventing user authentication or security of any host network or account.

- Interfering with or denying service to any user other than the employee's host (e.g., denial of service attack).
- Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/intranet/extranet.
- Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam).
- Any form of harassment via email, telephone, or paging, whether through language, frequency, or size of messages.
- Unauthorized use, or forging, or email header information.
- Solicitation of email from any other email address, other than that of the poster's account, with the intent of harassing or to collect replies.
- Creating or forwarding "chain letters" or "Ponzi" or other pyramid schemes of any type.
- Use of unsolicited email originating from within employer's networks or other Internet/intranet/extranet service providers on behalf of, or to advertise, any service hosted by employer or connected via employer's network.
- Physical alteration or repair of any hardware or software such as computers, laptops, printers, fax machines, phones, online services, email systems, bulletin board systems, recording equipment, copiers, monitors, mice, keyboards, or any other software that is owned, licensed by or operated by employer; users must report any problems with hardware or software to the employer INFORMATION TECHNOLOGY ADMINISTRATOR.

2.15.5 Permitted Activities

Use of employer computers and electronic communications resources are for program and business activities of employer. All use of such resources shall be conducted in a framework of honest, ethical, and legal activities that conform to applicable license agreements, contracts, and policies regarding their intended use. Although incidental and occasional personal use of the organization's communications systems are permitted, users automatically waive any rights to privacy.

2.16 Social Networking (Social Media) Policy

2.16.1 Policy

The employer takes no position on an employee's decision to start or maintain a blog or participate in other social networking activities. However, employees' use of social media can pose risks to employer's confidential and proprietary information and reputation, can expose employer to discrimination and harassment claims, and can jeopardize employer's compliance with business rules and laws. To minimize these business and legal risks, to avoid loss of productivity and distraction from employees' job performance, and to ensure that the employer's IT resources and communications systems are used appropriately as explained below, employer expects its employees to adhere to the following guidelines and rules regarding social media use. The employer's social networking policy includes rules, guidelines, and best practices for employer-authorized social networking and personal social networking and applies to all employer personnel policies.

2.16.2 General Provisions

Social media includes all means of communicating or posting information or content of any sort on the Internet, including but not limited to, employee's own or employer's video or wiki posting, social networking sites such as Facebook, LinkedIn, and Twitter, personal blogs, personal websites, or other similar forms of online communication journals, diaries, or personal newsletters not affiliated with the employer.

Unless specifically instructed, employees are not authorized and, therefore, restricted from speaking on behalf of the employer. Employees are expected to protect the privacy and well-being of the employer and its employees. Employees are prohibited from disclosing confidential employee and non-employee information as outlined in Confidential Information policy and any other non-public information to which employees have access to the extent such discussion or disclosures are not protected under state or federal law.

2.16.3 Social Media Post Disclaimer

Social media postings by employees from employer email addresses should contain the following disclaimer stating that the opinions expressed are strictly their own and not necessarily those of employer.

- Any views or opinions presented in this message are solely those of the author and do not necessarily represent those of the employer. Employees of employer are expressly required not to make defamatory statements and not to infringe or authorize any infringement of copyright or any other legal right by electronic communications.

Any such communication is contrary to employer policy and outside the scope of the employment of the individual concerned. Employer will not accept any liability for such communication, and the employee responsible will be personally liable for any damages or other liability arising.

2.16.4 Employer Monitoring

Employees are cautioned there is no expectation of privacy while using employer's Internet, equipment, or facilities for any purpose, including authorized posting or editing to social networking sites. Employee's posting can be viewed by anyone, including the employer. The employer reserves the right to monitor its Internet, equipment, and facilities that are used to post comments or discussions about the employer or its employees on social networking sites. The employer may use search tools and software to monitor use of its Internet, equipment, and facilities, for posting to social networking sites.

The employer reserves the right to use content management tools to monitor, review, or block content on employer's social networking sites that violate this policy. Employees consent to such monitoring by acknowledgment of this policy and use of the employer's IT resources and systems.

2.16.5 Reporting Violations

The employer requests and strongly urges employees to report any actual or perceived violations of this policy to their immediate supervisor, manager, human resources.

Employees must report any suspected phishing attempts, ransomware infections, or social engineering attempts through the Phish Alert Button (PAB) on their email app, and/or to the IT department immediately.

2.16.6 Violation of Policy

The employer will investigate promptly and respond to all reports of violations of the social networking policy and other related policies. Violation of the employer's social networking policy may result in disciplinary action, up to and including termination. The employer reserves the right to take legal action where necessary against employees who engage in prohibited or unlawful conduct.

2.16.7 Authorized Employer Social Networking

The goal of authorized social networking is to become a part of the community conversation and promote web-based sharing and exchange of employer information and feedback from members of the public. Authorized social networking is used to convey information about employer operations

and services; promote and raise awareness of the organizational culture; search for potential new equipment and training tools; communicate with other employees, members of the public, and interested parties; issue or respond to breaking news or other matters of public interest; and discuss organization-specific activities and events.

When social networking, the employer must ensure that use of these communication paths maintain honesty, integrity, courteousness, and reputation while minimizing actual or potential legal risks, whether used inside or outside the workplace.

2.16.8 Rules and Guidelines

The following rules and guidelines apply to entries made on all employer-related social networking sites.

- Only authorized employees can prepare and modify content for the employer's social networking sites. If an employee is required to use social media as part of assigned job duties, for employer's marketing, public relations, recruitment, communications, or other business purposes, the content must be relevant, add value, and be approved by the employer in advance of posting. If uncertain about any information, material, or conversation, employees must contact their supervisor or manager or human resources, to discuss the content.
- Note that employer owns all social media accounts used on behalf of employer or otherwise for business purposes, including any and all log-in information, passwords, and content. Employer owns all such information and content regardless of the employee that opens the account or uses it and will retain all such information and content regardless of separation of any employee from employment with employer.
- If an employee's job duties require one to speak on behalf of employer in a social media environment, the employee must still seek approval for such communication from the supervisor or manager or human resources who may require the employee to receive training before posting and may impose certain requirements and restrictions regarding the employee's social media activities.
- All employees must identify themselves as employees of the employer when posting comments or responses on the employer's social networking sites. If an employee is contacted to comment about the employer for publication, including any social media outlet, the request should be directed to the City Manager who will then determine the response to be provided on behalf of the employer.

- Any copyrighted information where written reprint information has not been obtained in advance cannot be posted.
- All employees of the employer are responsible for ensuring all social networking information complies with the employer's written policies. Management is authorized to remove any content posted on an employer social media site that does not meet the rules and guidelines of this policy, or any other employer policy, or that may be illegal, prohibited, or offensive. Removal of such content will be done at the discretion of the employer without permission or advance warning.
- Employees must not expose themselves or the employer to legal risk by using a social media site in violation of its terms of use. Review the terms of use of all social media sites visited to ensure compliance with those terms of service.

2.17 Use of Tobacco or Smoking Products

The employer is committed to providing a safe and healthy workplace and to promoting the health and well-being of its employees. Smoking in any form, including electronic smoking devices and similar products, is prohibited within any building owned, leased, contracted for, and utilized by the employer. This prohibition extends to areas that are routinely or regularly used by employees, including but not limited to: work areas, restrooms, hallways, employee lounges, cafeterias, conference and meeting rooms, lobbies, reception areas, and vehicles employer owns or uses. The employer may designate an outdoor smoking area for its employees. The employer shall not allow the use of tobacco or smoking products during staff and training meetings.

2.18 Outside Employment

2.18.1 Policy

In order to maintain a workforce that is available to provide proper services and carry out functions of the employer, employees are prohibited from engaging in outside employment which presents real or potential conflict with or negatively impacts their employment with the employer.

2.18.2 Conflicting Employment

Outside employment may be classified as in conflict with the employer's interests if it:

- Interferes with or negatively impacts the employee's ability to perform assigned job.

- Prevents the employee's availability for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job.
- Is conducted during the employee's work hours.
- Requires the services of other employees during their normally scheduled work hours.
- Makes use of the employer's telephones, computers, supplies, or any other resources, facilities, or equipment.
- Is represented as an activity of the employer or an activity endorsed, sanctioned, or recommended by the employer.
- Takes advantage of the employee's employment with the employer, except to the extent that the work with the employer may demonstrate expertise or qualification to perform the outside work.
- Requires the employee to schedule time off at specific times that could disrupt the operation of the employer.
- Involves employment with a firm that has contracts or does business with the employer. Exceptions to this policy have been identified in *the Code of Ethics* policy.
- Negatively impacts the public's perception of the integrity or credibility of the employer.

2.18.3 Personal Appearance

2.18.4 Policy

- Each employee is expected to dress and groom appropriately for the job, presenting a clean, safe, and neat appearance. An employee unsure about whether attire or grooming is appropriate should consult with the direct supervisor or manager.
- Employees working in professional office areas should dress professionally. Appropriate attire includes, but is not limited to, slacks, khakis, capris, or crop pants (if they portray a business appearance), knit blouses or tops, dress shirts, polo and cotton shirts, skirts and dresses, turtlenecks, sweaters, loafers, and sandals. Blue jeans, T-shirts, and sweat suits are not appropriate office dress. Leggings are acceptable as long as they are worn with a long shirt/sweater that reaches at least mid-thigh, and maintain the professional standards set forth in this policy.

- Some work areas may have deviations from the standard policy. However, unless otherwise communicated by your manager, employees should adhere to this dress policy.
- For those employees who do not have direct contact with the public, dress should still be neat and clean and pose no safety hazard to themselves or others.
- On approved casual days, by the City Manager, employees may dress in casual clothing, including jeans and T-shirts, although dress standards still require a neat, clean appearance.
- Field employees are required to wear the assigned work uniform provided by the employer. If a work uniform has not been assigned, employees may wear jeans and T-shirts as well as shorts that are no more than 3 (three) inches above the knee. Any employee who performs any work assignments in the field must wear closed-toe shoes. Long hair must be tied back to ensure the employee's personal safety. Loose clothing or dangling jewelry that poses a safety hazard to employees is also prohibited.
- Under no circumstances may employees wear halter tops, strapless tops, spaghetti straps, tank tops, cropped tops, clothing with offensive wording (sexually related references or inappropriate language) or that promotes the use of illegal drugs, prohibited substances, or alcohol, clothing that shows undergarments (sheer), torn clothing, clothing with holes in it, or tight-fitting, revealing, or oversized clothing. All clothing must be clean, neat, and fit properly. Safe, neat, and clean shoes should be worn at all times.
- For all employees, professional appearance means that the employer expects employees to maintain good hygiene and grooming while working. Facial hair is permitted as long as it is neat and well-trimmed. Earrings in the earlobe are acceptable; however, gauges, extenders, and/or O-rings must be removed while working. Rings through the nose, eyebrow, tongue, or body parts other than the earlobe that are visible to the public may not be worn while working.
- If an employee requires reasonable accommodation regarding personal appearance for bona fide legal reasons, the employee shall contact the direct supervisor or manager to discuss an exception to the personal appearance guidelines. Unless it constitutes an undue hardship or safety hazard, the employer will accommodate such requests.

2.18.5 Enforcement

All employees should practice common sense rules of neatness, good taste, and comfort. Provocative clothing is prohibited. The Employer reserves the right to determine appropriate dress at all times and in all circumstances.

When the employer believes an employee's dress or grooming does not comply with the personal appearance guidelines, the immediate supervisor will discuss the issue with the employee. If counseling fails to result in the desired response, they may initiate disciplinary action.

The Employer may require employees to change clothes should it be determined that dress is not appropriate.

2.18.6 Children, Animals, and Visitors in the Workplace

To avoid disruptions to the employee and coworkers, potential distractions in serving members of the community, and to reduce personal and property liability, employees shall not bring children and/or animals to the workplace and are limited in having family and friends visit.

This policy is intended to address the presence of children and animals while the employee is on duty and does not include official functions or activities promoted by the employer, which may allow children and/or animals.

Supervisors may grant a temporary exception to the rule prohibiting children in the workplace, not to exceed one workday, to accommodate the employee. If an exception is granted, it is the responsibility of the employee to supervise and control the movements of the child. It is not acceptable to request accommodation to bring sick children into the workplace.

This policy does not apply to employees whose service animal has been approved by the employer as a reasonable accommodation under the Americans with Disabilities Act.

The employer understands that an occasion may arise when an employee receives a visit from a family member or friend during working hours and allows such visits, provided they are short and not disruptive to other employees or the public.

2.19 Reporting Convictions, Investigations, and Change of License

2.19.1 Reporting Convictions

All employees and volunteers are required to immediately report arrests, convictions, guilty or nolo contendere pleas, or deferred adjudications for felony, misdemeanor (excluding juvenile adjudication), or any lesser crime other than minor traffic infractions to their supervisor or manager.

Convictions shall not automatically impact the employees' employment or

the volunteer's assignment. The employer will make an assessment of the effect of the conviction on the essential duties of the position the employee holds or the duties the volunteer performs.

2.19.2 Reporting Investigations

All employees and volunteers are required to immediately report to their supervisor or manager if they are under investigation by a licensing board or other regulatory authority for actions related to their employment or volunteer assignment.

2.19.3 Reporting Change of License

An employee or volunteer must immediately notify the direct supervisor or manager of any suspension, restriction, or revocation of one's driver's license, permit, or other license or certification required for the performance of assigned job duties.

2.20 Whistleblower Protection

An officer or employee shall not directly or indirectly use or attempt to use the officer's or employee's official authority or influence to intimidate, threaten, coerce, command, influence, or attempt to intimidate, threaten, coerce, command, or influence another officer or employee in an effort to interfere with or prevent the disclosure of information concerning improper governmental action or to pressure another officer or employee to take reprisal or retaliatory action. The provisions of this policy shall not be used to harass another officer or employee.

An officer or employee is required to use official authority or influence to remedy any reprisal or retaliatory action of which the officer or employee becomes aware. Use of "official authority or influence" may include taking, directing others to take, recommending, processing, or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, evaluation, or other disciplinary action.

Employees who believe a reprisal or retaliatory action against the officer or employee for disclosing information concerning improper governmental action.

2.20.1 Disclosure of Untruthful Information

This policy does not preclude the employer from initiating proper disciplinary action against an individual who discloses untruthful information concerning improper governmental action.

2.21 Remote Work

2.21.1 Purpose

The purpose of this policy is to define the remote work program of the employer and the guidelines under which it will operate.

Remote working is defined as working at an alternate worksite that is away from the main or primary worksite typically used by the employer. Remote work is a mutually agreed-upon alternative work location between the remote employee and employer.

Remote work is not an employee benefit, but rather a work alternative or possible reasonable accommodation based upon the job content, satisfactory work performance, and work requirements of the department and employer.

2.21.2 Scope

The policy applies to all employees, supervisors, and managers who are approved to work remotely as an alternative to working.

2.21.3 Requesting Permission to Work Remotely

An employee who wishes to request a remote work arrangement shall submit a written request for approval to the direct supervisor/manager. The request must be approved by the appropriate supervisor/manager or department head before the employee may work remotely. There may be some circumstances in which select employees are directed by the employer to work remotely if working at the traditional work site is not practicable due to an emergency, including but not limited to, public health concerns related to communicable diseases, natural disasters, or extreme weather events. Approved employees who are directed to work remotely due to an emergency declared by the City Manager may be exempted from the written request and the supervisor/manager or department head approval process.

2.21.4 Employee Rights and Responsibilities

Except as specified in this policy or agreed to in an individual remote work agreement signed by the employee and the direct supervisor/manager, employee rights and responsibilities are not affected by participating in remote work. As such, all of the policies set forth herein remain applicable to any employee working remotely. An employee's compensation, benefits, and expected total number of hours worked will not change regardless of work location.

No benefits provided by the employer are enhanced or abridged by the implementation of a remote work agreement. All forms of remote work imply an employee-employer relationship. The employee is expected to adhere to

all of the same policies, regulations, and performance expectations established for all employees of employer.

Remote work employees must keep their supervisor informed of progress on assignments worked on at the alternative worksite, including any problems they may experience while working remotely. The employee must generate a synopsis of activities and accomplishments for the workday in a prescribed format. Methods of planning and monitoring the work shall be at the discretion of the supervisor/manager, department head, and/or employer.

Office needs will take precedence over remote work time. An employee must forgo working remotely if needed to be in the office during the regularly scheduled remote work time.

The employee is responsible for providing an appropriate workspace, including all necessary equipment not otherwise provided by the employer, to perform their normal job functions unless otherwise stated in the written agreement. Employees who are directed to work remotely due to an emergency may be supplied with necessary equipment by the employer. Equipment supplied by the employer is to be used for business purposes only. Any additional financial burden resulting from the remote work arrangement is solely the responsibility of the employee unless the arrangement is identified as an ADA reasonable accommodation, in which case, the situation will be addressed individually.

Employees must notify their direct supervisor of any changes to one's standard work week (e.g., sickness, health care provider visits, or annual leave).

Remote work is not intended to serve as a substitute for child or adult care. If children or adults in need of primary care are in the alternate work location during employees' work hours, some other individual must be present to provide care. Exceptions may be allowed on a limited basis due to emergencies at the discretion of the manager/supervisor.

2.21.5 Employer Rights and Responsibilities

Participation in a remote work agreement is at the sole discretion of the employer, unless identified as a reasonable accommodation. Except as specified in this policy or agreed to in the individual remote work agreement, employer rights are not affected by an employee's participation in remote work.

The employer will determine the methods of planning, monitoring, receiving, and reporting the employee's activity and accomplishments. Employers must manage the work of employees in their area of responsibility and ensure that

employees receive the assistance they need to accomplish their responsibilities.

The employees will be given as much advance notice as possible if they are needed in the office on the regularly scheduled remote workday.

Each remote work agreement will be discussed and renewed at least annually, or at the direction of employer, or whenever there is a major job change. Because remote work is selected as a feasible work option based on a combination of job characteristics, employee performance, and employer needs, a change in any one of these elements may require a review of the agreement.

The City may, upon notice, inspect the employee's alternate workspace for safety and workers' compensation concerns.

2.21.6 Termination of Remote Work Agreement

Employer and/or employee may terminate the remote work agreement for any reason, at any time. Whenever feasible, written notice will be provided, but this is not a requirement.

The opportunity to participate in a remote work agreement is offered only with the understanding that it is the responsibility of the employee to ensure a proper work environment maintained, dependent care arrangements do not interfere with work, and personal disruptions such as non-business telephone calls and visitors are kept to a minimum. A remote work agreement is intended to provide for reduced work hours, and employees are expected to devote the same time and level of diligence as on-site employment and to perform the essential functions of the job. Failure to maintain a proper work environment, as determined by the employer, may provide cause for discipline and/or the termination of the employee's remote work agreement.

Approval of any remote work request is based upon employer and department requirements as determined by the employer. Employees who previously participating in a remote work agreement are not assured a remote work agreement in the future.

2.22 Workplace Safety

Employees have a duty to comply with all safety rules and are expected to take an active part in maintaining a hazard-free environment. Employees are to direct questions to their supervisor.

Employees are expected to observe and follow all posted safety rules, adhere to all safety instructions, and properly use all equipment. Employees are

required to report any accidents or injuries, and any breaches of safety to the direct supervisor as soon as possible.

Disciplinary action, up to and including termination, may be imposed for violation of known safety policy and/or procedure.

Employees with ideas, concerns, or suggestions for improved safety within the workplace are encouraged to raise them with their supervisor or with another member of management. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports made in good faith may be made without fear of discrimination or retaliation.

2.23 Immigration Verification (40 TAC 843.3)

The City of Glenn Heights complies with all applicable laws and regulations regarding immigration verification, including but not limited to the provisions outlined in 40 TAC 843.3. As part of our commitment to legal and ethical business practices, we verify the employment eligibility of all employees hired to work in the United States.

All employees are required to complete Form I-9, Employment Eligibility Verification, and provide acceptable documentation to establish their identity and authorization to work in the United States. This verification process is conducted in accordance with the guidelines set forth by the U.S. Citizenship and Immigration Services (USCIS).

Employees must present original, unexpired documents from the Lists of Acceptable Documents provided on Form I-9. The employer will review these documents to confirm their validity and retain copies for our records.

Any discrepancies or issues related to employment eligibility will be addressed promptly and in compliance with applicable laws and regulations. Employees found to be in violation of immigration verification requirements may be subject to disciplinary action, up to and including termination of employment.

2.24 Rules on Guns in the Workplace

The safety and well-being of our employees and visitors are of utmost importance to us. To ensure a secure and conducive work environment, the following rules regarding guns in the workplace are established:

- **Prohibition of Firearms:** Possession, storage, carrying, or use of firearms, including handguns, rifles, shotguns, or any other type of firearm, by employees or visitors, is strictly prohibited on city premises. This prohibition applies to all indoor and outdoor areas owned, leased, or otherwise controlled by the city of Glenn Heights.

- **Exceptions:** Limited exceptions to this policy may apply to authorized security personnel or law enforcement officers acting in their official capacity. Any such exceptions must be approved in advance by the city manager or applicable department director and comply with all applicable laws and regulations.
- **Notification:** Employees and visitors are hereby notified of the company's prohibition of firearms in the workplace through signage posted at prominent entrances and other appropriate locations on city premises.
- **Compliance:** All employees are required to adhere to this policy at all times while on city premises or conducting business on behalf of the city. Failure to comply with this policy may result in disciplinary action, up to and including termination of employment.
- **Reporting Violations:** Any employee who becomes aware of a violation of this policy is encouraged to report it immediately to the Human Resources Director or city manager. Reports will be promptly investigated, and appropriate action will be taken in accordance with city policies and procedures.

2.25 Scope

The employer will involve department management in the recruitment, examination, and selection process.

2.26 Source of Applicant

Regular positions may be filled by applicants selected from within or outside the organization or existing eligibility lists. If no eligibility list exists, the employer may initiate a recruitment (open or promotional) to create an eligibility list. Applications from present employees may be considered for open positions before non-employee applicants are considered. For open recruitments, the position vacancy announcement will be posted internally and externally.

Promotional recruitments limit consideration of applicants to qualified employees currently working for the employer within a single department of the employer (departmental/promotions) or to qualified employees currently working within the employer (employer-wide/promotional). Departmental/promotional recruitment shall be limited to employees in regular or Probationary status who have completed at least six months of service. Employer-wide/promotional recruitment is limited to regular or Probationary employees of the employer with at least six months of service.

2.27 Job Announcements

Before initiating recruitment, the employer may verify the essential job functions; identify knowledge, skills, and abilities needed, and determine what education, experience, and credentials will provide the desired knowledge, skills, and abilities.

2.27.1 Open Recruitments

The employer will announce all vacancies for regular positions. An announcement may be to fill a single vacancy or to establish an eligibility list for one or more vacancies in the same job class. Position vacancies will be publicized to allow potentially qualified and interested individuals to learn of employment opportunities and to encourage qualified applicants from diverse backgrounds to apply. Recruitment announcements will always be posted online on the City's website and in other places as the employer feels appropriate. The announcement will normally include:

- Title and pay range of the class of the vacancy.
- The nature of the work to be performed, including the essential job functions.
- Minimum as well as any preferred qualifications, including education and/or experience, knowledge, skills, abilities, or other special criteria associated with the position.
- License or certifications required.
- Manner of applying (where, how, and deadlines); and
- A declaration that the employer is an Equal Employment Opportunity (EEO) employer, and Americans with Disabilities (ADA) accommodations are available.

2.27.2 Promotional Recruitments

Notice of promotional recruitments will be posted in the employer's work locations as appropriate. When an eligibility list is to be established as a result of a promotional recruitment and used to fill more than the current vacancy, the announcement will state the time period during which the list will be used and state that only the most appropriately qualified applicants will be placed on the list. The announcement will include the criteria outlined above in sub-section *Open Recruitments*, items 1-6.

2.27.3 General Requirements for Filing of Applications

2.27.4 Application Forms

Applicants must complete a separate application form for each vacancy unless the job announcement indicates otherwise. The employer may also

require résumés, completed supplemental questionnaires, and other evidence of education, training, experience, or other lawful requirements, including licenses and certifications. Applications submitted become the property of the employer.

2.28 Application Filing Periods

Recruitment announcements will specify the application filing period. Applications must be received by the date specified. The filing period may end on a specific date, and/or may allow acceptance of applications until enough appropriately qualified applicants have applied. The employer, consulting with department management, will determine when sufficient applications have been received.

Application periods will end at the close of the business day or at the specific time stated on the recruitment announcement. A job announcement may be cancelled at any time and for any reason as determined by the employer.

2.29 Eligibility of Applicants

An applicant may be disqualified from further participation in the recruitment process and/or from placement on an eligible list by the employer for material reasons, including, but not limited to:

- The application does not indicate that the applicant possesses the qualifications required for the position.
- The application is not fully and/or truthfully completed.
- The applicant has prior convictions that relate to the position for which the applicant is being considered as a peace officer, firefighter, a position for an agency which provides child welfare services or residential mental health treatment to children; or a position which entails physical access to computer and/or equipment used to access the Texas Criminal Justice Information System or the National Crime Information Center, as provided for in Texas statute, as applicable; or other positions exempted by state or federal law.
- The applicant has been discharged from or resigned in lieu of dismissal from any prior employment for any cause which would constitute a reason for dismissal from employment with the employer.
- The applicant does not appear at the time and place designated for an examination or interview.
- The applicant is a former employee of the employer who, absent a compelling reason, quit without notice.

- Applicant's failure to possess a valid license, certificate, permit, or occupational certification. If a prospective applicant for a position cannot obtain the required license, certificate, permit, or occupational certification required for the job, the applicant will not be given any further employment consideration. Any job offers, offers of promotion, or offers of transfer previously made will be withdrawn.
- The applicant is a former employee whose performance evaluations indicated below-acceptable performance and/or behavioral problems, such as insubordination, leave abuse, or excessive tardiness.
- Any other appropriate reason other than those prohibited under federal or state law.

2.30 Limitation of Applicant Pool to the Most Qualified

The employer may determine at any point in the recruitment process that only those applicants who are deemed most qualified for the vacancy being filled will continue to be considered.

2.31 Interviewing Applicants

Once applications have been evaluated and a determination of whether to interview has been made, applicants will be notified as to their status.

Each applicant applying for the same position will be asked the same job-related questions and rated using the same evaluation form to measure the extent to which each applicant possesses the necessary knowledge, skills, and abilities required for the position. Whenever necessary, follow-up questions should be asked to clarify the response of applicant. Questions that are unlawful or on inappropriate subjects must be avoided.

Applicants who are selected for an interview will be provided the pay range of the position for which was applied.

2.32 Selection

Employment decisions will be based solely on merit. Consistent with applicable federal, state, and local laws and regulations, employment decisions may not be influenced by any protected class membership or the applicant's wage or salary history. The employer will not request usernames and passwords for personal social media accounts. The hiring manager has ultimate responsibility for the selection of the applicant for hire; however, input from the other members of the interview team will be taken into consideration. The hiring manager is responsible for ensuring the selected applicant meets the required qualifications. The hiring manager will document the basis of the decision to select a particular applicant, e.g., why

the applicant is the most qualified and the best fit for the position. The hiring manager should also document why other applicants were not selected; the Applicant Interview Evaluation Form is a good tool for this. The hiring manager will submit the documentation regarding the reasons for the selected applicant was chosen and notify Human Resources of the selection.

2.33 Correction of Administrative Errors

If the employer should discover any administrative error regarding the process of filling a vacancy, the employer will correct the error at any time during the duration of the eligibility list. No such correction shall affect an appointment.

2.34 Reference Checks

Acquiring and providing accurate employment references is an important component of acquiring, retaining, and providing relevant information concerning employees. Therefore, the employer is committed to adhering to the following procedure whenever conducting a reference check for an applicant for employment or when responding to inquiries from others for information regarding a current or former employee.

2.34.1 Acquiring References

Reference checks are conducted to assist the employer in assessing an applicant's fitness for employment with the employer. Only those employees designated by the Human Resources Department may acquire employment references. Any authorized employee of the employer who attempts to acquire reference information on an applicant must comply with the following:

- Obtain an employer employment application that is signed and dated by the applicant. The applicant must have completed all relevant sections of the application.
- Obtain authorization from the applicant using the applicant's signature directly on the application and/or a separate release form for the release of information from former employers, military, educational institutions, other institutions, personal references, and other individuals listed on the application. Authorization for release of such information by the applicant shall include a release from liability of any company, institution, or individual providing such information. Applicants who refuse to sign such a release will be eliminated from further consideration for employment with the employer.
- Inform the applicant that the employer will conduct a reference check and that evaluating the applicant's suitability for employment

includes contacting employment and other references, educational institutions, and personal and professional associates to verify information provided.

- Develop questions that are related to the essential functions of the position and are non-discriminatory. Questions related to an applicant's training, knowledge, skills, production, timeliness, quality of work, and ability to work with others are examples of appropriate inquiries. Discriminatory or non-work-related questions such as family or marital status, disabilities, age, and related areas are not appropriate.
- Identify the appropriate individual(s) to question regarding the applicant's work performance, knowledge, skills, and abilities related to the essential functions of the position.
- Adequately document the conversation and record refusals to provide information.
- Maintain strict confidentiality of all reference information. Only employees, supervisors, or management officials of the employer who have a demonstrable work-related need-to-know should be accorded access to such information.

2.34.2 Providing References

All requests for employment information shall be referred to the Human Resources Department. Only those personnel designated by the employer are authorized to release employment information to third parties.

The employer has a neutral reference policy as well as a confidential information policy. Only the following personnel information and employment records that the employer maintains concerning current and former employees shall be provided upon request:

- Name
- Class/Job Title
- Dates of employment
- Rate of pay.
- Information regarding an employee terminated for violent actions in the workplace or who may have demonstrated dangerous behavior in the workplace will be provided only after consultation with the employer's legal counsel.

- Employment information and documented incidents regarding the character, honesty, and potential for violence of the employer's employees may be provided to governmental employers, including, but not limited to, any federal, state, county, municipality or city employers, or any other private (non-governmental) employer where the employee's character, honesty, sexual misconduct, and potential for violence are relevant issues. Examples include, but are not limited to, jobs which involve public safety, entrustment for the care or safety of children, the elderly, or health care patients, or positions having access to money and/or valuables. Information in this section may be provided after consultation with the employer's legal counsel.

In addition, the city will:

- Provide information requested by public schools, private schools, charter schools, university schools for profoundly gifted pupils, and/or contractors or agents who work at schools in this state in accordance with Texas law.
- Make available to subsequent employers upon receipt of written request from the employee or former employee, records which are required for employees in safety-sensitive positions, as defined in 49 CFR Part 382 and U.S. Department of Transportation regulations.

A public officer or employee who acts in good faith in disclosing or refusing to disclose information and the employer of the public officer/employee are immune from liability for damages, either to the requester or to the person whom the information concerns.

2.35 Background Checks

The employer desires to maintain a productive, efficient, effective, healthy, and safe work environment and, as a result, will conduct pre-employment background checks of applicants and current employees as necessary. Background checks may include verification of employment, educational background, criminal/court history records check, credit report check, military records check, drug test for safety-sensitive positions; character references, and other publicly available information deemed to be job-related. In addition, if the position requires driving a vehicle, a Department of Motor Vehicles (DMV) search may be conducted. If the position involves contact with minors or with any persons having diminished capacity to care for themselves, a search of government sex offender registries may be conducted. If the position requires licensing or certification, the institution and/or licensing authority may be contacted to verify possession of education, licenses, and/or certificates.

2.36 Offers of Employment

2.36.1 Policy

The following provisions apply to all applicants except for a position that is a peace officer, firefighter, or has physical access to a computer or other equipment used for access to the Texas Criminal Justice Information System or the National Crime Information System, or other positions exempted by State or federal law.

- Unless, pursuant to a specific provision of state or federal law, the criminal history of an applicant for employment may be considered only after the earlier of:
 - The final interview conducted in person, or
 - A conditional offer of employment has been made.
 - The employer may, before selecting an applicant as a finalist for a position or extending to an applicant a conditional offer of employment, notify the applicant of any provision of state or federal law that disqualifies a person with a particular criminal history from employment in a particular position.
 - The employer may decline to make an offer of employment or rescind a conditional offer of employment extended to an otherwise qualified applicant who has criminal charges pending against the applicant that were filed within the previous six months or has been convicted of a criminal offense, only after considering:
 - Whether any criminal offense committed by the applicant directly relates to the responsibilities of the position for which the applicant has applied.
 - The nature and severity of each criminal offense committed by the applicant.
 - The age of the applicant at the time of the commission of each criminal offense.
 - The period between the commission of each criminal offense and the date of the application for employment; and
 - Any information or documentation demonstrating the applicant's rehabilitation.
- The employer may not consider any of the following criminal records in connection with an employment application:

- An arrest of the applicant that did not result in a conviction.
- A record of conviction which was dismissed, expunged, or sealed; or
- A misdemeanor offense for which a sentence of confinement in a county jail or community supervision was not imposed.
- If the criminal history of an applicant is used as a basis for rejecting an applicant or rescinding a conditional offer of employment, such rejection or rescission of a conditional offer of employment should:
 - Be made in writing.
 - Include a statement indicating that the criminal history of the applicant was the basis for the rejection or rescission of the offer and provide an opportunity for the applicant to discuss the basis for the rejection or rescission of the offer with the director of human resources or a person designated by the director.

2.36.2 Pre-Employment Drug Screening

- The employer may require successful applicants to consent to a pre-employment screen test for drugs/prohibited substances. The employer will advise the applicant that the presence of one or more drug metabolites may be cause for rejection from further consideration for employment, and that offers of employment are contingent upon a negative test result. The applicant may be asked to authorize the employer, as a condition of employment, to conduct, through the employer’s designated laboratory testing facility, a screen test for drugs/prohibited substances. Refusal to authorize and participate in a screen test shall eliminate the applicant from further consideration for the position.
- The employer may direct applicants to an appropriate collection or testing facility. The screen test must be undertaken as soon after notification as possible, and in no circumstances later than 48 hours after notice to the applicant.
- The employer will advise applicants of the opportunity to submit medical documentation to support a legitimate use for a specific drug. Such information will be reviewed only by medical consultants, determining whether the applicant is lawfully using an otherwise illegal drug or prohibited substance.

- The employer will not extend a formal job offer letter to any applicant with a verified positive test result for illegal substances, and such applicant will not be considered for any vacancy with the employer for six months. The employer shall disqualify the applicant on the basis of failure to pass the applicable test(s).

2.36.3 Other Conditions

All offers of initial employment are conditioned upon the applicant furnishing satisfactory evidence of identity and legal authority to work in the United States. Each applicant must attest to one's identity and legal authority to work in the United States in accordance with the applicable federal statute by completing and signing INS Form I-9 (Employment Eligibility Verification).

2.37 Orientation

The employer recognizes that an appropriate and timely orientation program can aid the assimilation of new staff members. The Human Resources Department will be responsible for the orientation of each new employee. Orientation may include, but is not limited to, a review of the organization and services of the employer, work rules, standards of performance, and personnel policies and procedures, including the policies relating to fair employment practices, prohibited conduct/behavior, workplace violence, alcohol and drug abuse, and workplace safety. Additionally, the Human Resources Department will ensure that the new employee:

- Has completed all new hire paperwork, including payroll and benefit forms.
- Will receive or be provided with access to the employer's personnel policies.
- Has been introduced to other employees; and
- Has had the opportunity to have questions addressed.

2.38 Probationary Period

**All new and rehired employees, casual, temporary, or seasonal employees will serve a six-month Probationary period beginning with the day the employee initially reports for work. Current employees who are promoted or transferred will also be required to serve a six-month Probationary period. During this Probationary period, the employee and the employer can evaluate one another and determine whether the employment relationship should be continued. At its sole discretion, the employer may extend this Probationary period up to three months when the employer has had

insufficient opportunity to assess the employee's ability to perform the job functions or such extension is determined appropriate. During and after the Probationary period, the employment relationship is at-will and can be terminated by the employee or by the employer at any time, with or without cause or advance notice.

The supervisor will conduct performance evaluations as outlined in *the Performance Management* section of this policy manual, to ascertain the advisability of continued employment.

****Fire/Police Department's employees will serve a probationary period of one (1) year for training purposes and for benefits such as taking accrual leave time and positive payroll changes probationary period will be six (6) months.**

2.39 Failure to Appear for Work

If a selected applicant fails to report for work within the time period prescribed by the employer, that applicant may be deemed to have declined the position and be removed from the eligible list.

2.40 Transfers

A transfer is a lateral move to a job in the same pay range as the employee's present position for which the employee meets the minimum education and/or experience requirement.

2.40.1 Employee-Requested Transfer

If the transfer is to another department, the employee may submit a written request or contact the hiring supervisor or manager, who will consider the transfer request by conducting discussions with the employee and appropriate supervisors or managers with knowledge of the employee's job performance. The hiring supervisor will also consider the employee's past performance, qualifications, abilities, and job experience as key factors in evaluating transfer requests. Approval of the transfer is at the sole discretion of the employer.

2.40.2 Agency-Directed Transfer

A manager/department head may transfer an employee to another position in the same class or a comparable class for the purpose of providing continued services to the citizens of the employer or other appropriate cause. A transfer pursuant to this section must not be made to harass or discipline an employee.

2.41 Promotions

The employer encourages employees to apply for promotional opportunities for which they are qualified. Promotions will be based on the ability, qualifications, and potential of all applicants for the positions. Employees interested in advertised positions must follow the application instructions outlined in the job announcement.

2.41.1 Purpose

Because some of the employer's work is indefinite and/or irregular with regard to schedule and duration, the employer may need to employ casual/temporary/seasonal workers at all levels of responsibility from time to time on an as-needed basis or to work for limited periods of time at the discretion of the employer.

2.41.2 Rehire

If an employee is rehired within one year of resignation, the employee will not lose his/her seniority or have to fulfill the waiting period for benefits. The employee will also have the option of buying back any vacation paid and TMRS disbursement. Any unused sick leave up to the allowable maximum annual limit will be credited back to the employee.

2.41.3 Authorization to Hire Casual/Temporary/Seasonal Workers

In general, a casual/temporary/seasonal worker may be hired for work which will require fewer than 20 hours per week or fewer than 120 consecutive working days to complete if the employer has appropriated sufficient funds in the budget to pay the worker. Work requiring more hours to complete will usually require the establishment of a regular position. The employer will not hire casual/temporary/seasonal workers to avoid establishing a regular position when the work to be performed is ongoing. However, the employer may, from time to time, find that its best interests are served by assigning work to a casual/temporary/seasonal worker for longer than 120 days or more than 20 hours per week.

2.41.4 Duration of Casual/Temporary/Seasonal Employment

A casual/temporary/seasonal worker has no right to or expectation of continued employment or any property right regarding employment. A casual/temporary/seasonal worker may be terminated at any time, with or without cause, with or without notice, and shall have no right to appeal.

2.41.5 Employment in a Regular Position

The employer may hire a casual/temporary/seasonal worker into a regular position only after the applicant has been found to be qualified as a result of completing an authorized recruitment and selection process for that position. The employee's service date will be determined according to the date of hire.

in the regular position with no credit given toward completion of a probationary period or the accrual of benefits for the time an employee was hired for casual/temporary/seasonal work.

2.42 License/Occupational Certification

2.42.1 Purpose

The employer mandates that, if required by the current job, all employees obtain and maintain a valid license, certificate, permit, or other occupational certification issued by the state, county, city, or other applicable authority.

2.42.2 Employee Responsibilities

In the event the employee receives notice of revocation or non-renewal of a license, certificate, permit, or occupational certification, the employee shall immediately notify the direct supervisor. The employee shall not perform any task for which the license, certificate, permit, or other occupational certification is required after the license, certificate, permit, or occupational certification has been non-renewed or revoked. Employees who do not have a valid license, certificate, permit, or occupational certification will not meet the job requirements. Failure to meet the job requirements will result in termination.

2.42.3 Applicant's Failure to Possess a Valid License, Certificate, Permit, or Occupational Certification

Prospective applicants for a position who cannot obtain the required license, certificate, permit, or occupational certification required for the job will not be given any further employment consideration. Any job offers, offer of promotion, or offer of transfer previously made will be withdrawn.

2.42.4 Driving Records

The employer may conduct a review of driver's license records annually for those employees required to drive as a part of their duties.

3 POSITION CLASSIFICATION PLAN

3.1 Policy

3.1.1 Purpose

The employer will develop and maintain a classification plan for all positions. Classification plans categorize positions into similar duties, qualifications, and responsibilities called “classes.” Each class is defined in a job description form. The job description will include title; definition and/or distinguishing characteristics; essential functions; qualifications for employment including knowledge, skills, ability, experience, and/or training required to perform the job; physical and mental requirements and working conditions; and Fair Labor Standards Act (FLSA) status (exempt/non-exempt).

3.1.2 Classification

- Each position shall be classified consistently with this policy and in accordance with the nature and relative complexity of the essential functions, responsibilities, and authority of the position. Classification of a position shall be effective when approved by the City Manager.
- Positions will be allocated to the same class when the following conditions exist:
 - The same descriptive title may be used to designate the positions.
 - Substantially the same level of education, experience, knowledge, skills, ability, and other qualifications are required to perform the duties/essential functions.
 - Similar tests may be used to select employees for the positions.
- All applicants offered employment in the class are subject to the same type of medical exam(s), if any; and
- The same level of compensation is appropriate for the positions.

3.1.3 Maintenance and Revision

The employer will periodically review the classification plan and recommend to the Department Head the revision, addition, or abolishment of classes.

3.1.4 New Positions

When a new position is to be created, the Human Resources Director will recommend to the City Manager an appropriate class for the new position. When preparing a request for a new position, the requesting party shall

consult the Department Head to determine the appropriate classification for the duties to be assigned to the new position.

3.1.5 Reclassification

When a department manager believes the duties/essential functions of a position have changed to the extent they no longer fit within the current class, the duties/essential functions will be reviewed and, if appropriate, the position is reclassified to the appropriate class. Reclassification will not be undertaken as a substitute for discipline or hiring practices, nor to effect a change in pay in the absence of a significant change in assigned duties/essential functions, and responsibilities.

Reclassification must be confirmed by the Human Resources Director and the City Manager.

A change in a position's classification does not constitute the sole basis for determining whether the current employee in a position will also be assigned to the new position.

The decision as to reclassification of a position shall be made by the Human Resources Director with the concurrence of the City Manager.

The decision to place the current employee in the new class shall be based upon the qualifications and job performance of the employee.

Whenever a position is reclassified to a lower-level class, the current employee will be placed in the lower-level class.

3.1.6 Reallocation

A class may be reallocated to a higher pay grade or to a lower pay grade based on a change in duties/essential functions and responsibilities for all positions in the class or based upon salaries paid by other comparable employers for comparable work.

3.2 Procedure

3.2.1 Requests for Classification Review

Employees who believe that the duties and responsibilities of their position have changed significantly and permanently may request a classification review. The process for requesting a classification review is as follows:

Submission Process

- An employee may submit a written request for classification review to their Department Head. The request should include a detailed explanation of the specific changes in duties and responsibilities and a verification that these changes are intended to be permanent.

- The Department Head will review the request and, if appropriate, forward it to the Human Resources Director along with a memorandum explaining the changes.
- The Human Resources Director will review the request to determine if it meets the criteria for a classification review. If it does, the Human Resources Director will decide whether to conduct a study.
- If the Department Head does not concur with the request, the employee may appeal to the City Manager by notifying the Human Resources Director in writing. The notification must include the reasons for the disagreement and the request for further review.

Criteria for Determining the Need for Classification Review

- The duties and essential functions of the position have changed significantly.
- The responsibilities of the position have increased or decreased substantially.
- The changes to the position are permanent and not temporary.

3.2.2 Effective Date

- **Reclassification/Reallocation:** The effective date of a reclassification or a class reallocation shall be the first day of the pay period following the employer’s approval of the action. If the position is reclassified or reallocated upward, the anniversary date for future pay increases shall be established as the first day of the pay period following one year in the new classification and will not include the period for which retroactive pay is granted, as described below. If the position is reclassified/reallocated at the same level or a lower level, the anniversary date will remain unchanged.
- **Retroactive pay:** At the discretion of the employer, out-of-class pay may be paid back to the date on which a formal reclassification request was made if the reclassification is subsequently approved.

4 COMPENSATION PLAN

4.1 Pay Periods and Paydays

Employees are paid biweekly on Thursday. Pay periods and paydays may be changed at the employer's discretion, but will be at least monthly.

4.2 Workweek Defined

The work period begins at 12:01 a.m. on Monday and ends seven days (40) hours later at 12:01 a.m. on the following Sunday.

For law enforcement personnel, the work period is 80 hours within a 14-day period. The standard work period begins at 12:01 a.m. on Saturday and ends 14 days later on the second following Friday.

For fire suppression personnel, the work period is 212 hours with a 28-day period. The standard work period begins at 12:01 a.m. on Saturday.

4.3 Work Time

4.3.1 Attendance

Employees are expected to work their entire assigned shifts and be available and ready for work at the beginning of their assigned shifts and at the end of their scheduled rest and meal periods. Required preparation for rest and meal periods, as well as the end of the workday, is considered work time. Rest and meal periods include the time spent going to and from the place where the break is taken.

4.3.2 Work Schedules

Working Hours: Normal working hours for non-Police and Fire personnel are Monday through Friday, 8:00 a.m. to 5:00 p.m. with one hour for lunch, for a total of 40 hours per workweek. Police and Fire personnel may have additional working hour requirements as outlined in Departmental operating procedures.

Supervisors may establish times which may be flexible to fit the needs of the City. The City Manager may set other hours of work for individuals or groups of employees if necessary or desirable. Any adjustments to normal working hours will be applied fairly and equitably to employees in the same or similar roles within the department.

Employees are expected to report punctually for duty at the beginning of their assigned workday and to work the full workday established. Offices will remain open during the noon hour, and lunch periods for some employees shall be staggered according to the requirements of the City.

4.3.3 Rest Periods

Employees will be granted a morning and afternoon break of 15 minutes each is available to each employee, but this time does not accumulate if not taken.

Meal Periods

Employees who work 6 (six) or more hours in a workday are allowed an uninterrupted, unpaid meal period of 30 minutes or longer at or about the mid-point of their workday. Supervisors or managers will be responsible for ensuring that wherever and whenever possible, employees will be permitted the meal period uninterrupted by work-related duties. If an employee's meal period is interrupted by a work-related matter, the employee will be paid for the meal period. Meal periods may not be scheduled or taken consecutively or in conjunction with rest periods.

4.3.4 Work Assignments

Work should be scheduled in a manner which allows employees rest periods and meal periods. Rest and meal periods shall be scheduled in a manner which allows maximum public access to the employer's services. The employer may adjust rest and meal periods from time to time to meet the needs of individual employees and/or to respond to changes in department workload. Nothing herein should be considered to limit or restrict the authority of the employer to make temporary assignments to different or additional locations, shifts, hours of work, or duties as needed to meet the employer's needs or to respond to unforeseen or emergency situations.

4.4 Time Reporting

4.4.1 Purpose of Time Reporting

Recording hours worked and/or leave time taken by employees is necessary to provide an accurate basis for preparing paychecks, to assure compliance with federal and state laws, and to maintain an effective and efficient cost accounting system. (For payroll purposes, the Fair Labor Standards Act (FLSA) requires non-exempt employees to report all time spent performing work.)

4.4.2 Hours Worked

Non-exempt employees will be paid for all hours worked. Hours worked include but are not limited to:

- Time worked before or after the normally assigned shift, or any other irregular hours, even if the employee volunteers to perform the work. Periods of six minutes or less are not considered overtime unless they

occur regularly. (This provision does not apply to employees who are performing volunteer work which is unrelated to their normal job functions.)

- Rest periods of 20 minutes or less.
 - Travel time that occurs during an employee's normally scheduled work hours, including regular days off and holidays.
 - Except as provided below, hours spent at lectures, meetings, and training activities, unless attendance is completely voluntary, outside of normal work hours, not job-related, and no other work is performed.

Employees will be compensated for the time spent under the following conditions:

- Voluntary attendance, outside of work hours, at an independent school, college, trade school, or similar training offered by the employer at the employee's own initiative even if the courses are related to the employee's current job or paid for by the employer.
- Training outside of regular work hours required by law for certification for public-sector employees.
- Off-duty time for police officers or employees in fire protection activities who are in attendance at a police or fire academy or other training facility if they are free to use such time for personal pursuits.

4.4.3 Position Désignations - Exempt or Non-Exempt

All positions are designated as "exempt" or "non-exempt" according to federal and state laws and regulations.

4.4.4 Responsibility for Exempt or Non-Exempt Designation

Employees are responsible for accurately completing their own timesheets. Supervisors shall not alter or adjust the hours that an employee reports on the timesheet. If the supervisor believes the employee has completed the timesheet in error, the supervisor shall discuss the issue with the employee.

All non-exempt employees will record all hours worked and all leave time taken, whether paid or unpaid, and the type of leave taken (e.g., sick leave, annual leave, compensatory time) on the timesheet.

4.4.5 Responsibility for Time Reporting

Employees are responsible for accurately completing their own timesheets. Supervisors shall not alter or adjust the hours that an employee reports on

the timesheet. If the supervisor believes the employee has completed the timesheet in error, the supervisor shall discuss the issue with the employee.

All non-exempt employees will record all hours worked and all leave time taken, whether paid or unpaid, and the type of leave taken (e.g., sick leave, annual leave, compensatory time) on the timesheet.

All exempt employees in positions which require an accounting of hours worked will enter their hours worked for each project.

4.5 Overtime

4.5.1 Non-Exempt Employees

Except as provided below, employees in positions designated as “non-exempt” will be eligible for overtime compensation as follows:

- Employees will receive overtime compensation for hours worked in excess of eight hours in one day, with the following exceptions:
- Employees who work more than eight, but not more than ten hours, in a day, will receive overtime compensation for hours worked in excess of 40 hours in the workweek.
- All overtime hours must be specifically authorized in advance by the employee’s supervisor/manager, and non-exempt employees who work overtime hours without authorization may forfeit overtime pay. Supervisors and directors will not cause, suffer or permit nonexempt employees to work overtime hours without proper authorization. Overtime will be compensated for a time-and-one-half the employee’s regular rate of pay. An employee’s regular rate includes all payments made by the employer to the employee. Examples of payments to be included are on-call pay, shift differential, hazard duty pay, and longevity pay. Paid overtime will be included in the same paycheck covering the pay period in which the overtime was earned unless the correct overtime amount cannot be determined until after the regular pay period. Employees who earn overtime may, with the approval of the Department Director, elect to receive compensatory time off in lieu of overtime pay. Requests for compensatory time off in lieu of overtime must be made in writing and once approved, will be placed in the employee’s payroll file. Compensatory time will be earned at the rate of one and one-half hours off for each overtime hour worked. Employees who elect compensatory time off may accrue up to forty (40) hours. Employees who work in public safety, emergency response, or seasonal activity may accumulate up to 80 (eighty) hours of compensatory time as specifically authorized by the employer.

When an employee has exceeded the maximum number of hours specified, the excess hours will be paid out as overtime. Employees will be allowed to use compensatory time within a reasonable period of request unless it unduly disrupts the operations of the employer. At any time, the employer may pay an employee for accrued compensatory time not used at the employee's regular rate of pay, or schedule use at its discretion.

- Time paid but not worked, including sick leave, holidays, compensatory time off, and annual leave, does not count toward hours worked for the purpose of computing overtime hours.
- Firefighters and law enforcement personnel are governed by different overtime requirements.

4.5.2 Exempt Employees

Generally, exempt employees are hired with the understanding that they are responsible for accomplishing the duties required for their assigned position. It is the city's policy to comply with all aspects of the FLSA including its salary-basis requirements. Therefore, making any deductions from the salaries of exempt employees which are not allowed by law is prohibited.

Consistent with the FLSA, employees in exempt positions are not required to be paid for overtime.

Exempt employees utilizing intermittent leave under the Family and Medical Leave Act (FMLA) may have their pay deducted, including from sick or annual leave balances, for partial day or hour-by-hour absences.

4.6 Safe Harbor

The City will classify employees as exempt or non-exempt, in accordance with the provisions of the FLSA and applicable state law. Employees who believe their position is improperly classified should request a review of the classification from the Human Resources Director. An assessment will be conducted on a timely basis and employer will act to correct any errors as soon as practicable. The employer will not make improper deductions of pay from any employee, regardless of exempt or non-exempt status. Improper deductions should be reported to the Human Resources Director. The complaint will be investigated, and the employer will act to reimburse the employee if an error is found. The City will continuously make a good faith commitment to comply with all provisions of FLSA and state laws and intends this policy of correction to satisfy the "safe harbor" provisions of the FLSA.

4.7 Rates of Pay

4.7.1 Compensation Plan

Each regular position will be assigned to a class and pay grade in the compensation plan. Assignment to a pay grade will be based on the relative level and complexity of the duties, responsibilities, and authority of the job. The employer shall determine the pay ranges based on these considerations:

- Rates paid by the employer for comparable work.
- Internal relationships of other job classes in the same or similar occupation.
- Rates paid by other employers for comparable work.
- Other financial commitments of the employer; and
- Funds available to the employer for salaries.

The employer may adjust the minimum and maximum for each pay range periodically as changes in any of the factors listed above occur or to recruit and retain qualified employees for each job.

4.7.2 Advanced Step/Pay Hire

Fairness and equity in the administration of the compensation plan will be maintained when making advanced step/pay hires. The employer may authorize advanced step/pay appointments when all of the following circumstances exist:

- The applicant's qualifications indicate the individual will perform at a level commensurate with the requested step/pay.
- Other applicants with similar qualifications not requiring an advanced level pay rate are unavailable.
- Funds are available in the hiring department's budget to pay the higher rate; and
- Advanced hire rate will not exceed the pay range/ salary grade commensurate with current employees of comparable education, experience, and skill levels.

4.7.3 Pay Rate on Promotion, Transfer, Demotion, Reclassification, and Reallocation

A regular employee who is promoted to a higher classification will move to pay range for the new class which provides at least an approximate 3% pay increase, not to exceed the top step the range for the new class. A promoted employee's pay rate shall not be less than the starting pay of the pay range

for the new position. Reclassification to a class with a higher grade level is treated as a promotion for pay purposes.

- An employee who transfers to a position at the same grade level will retain their current step on that grade level.
- Employees who apply, interview, or are offered a promotion or transfer will be provided the pay range for the new position.

4.8 Certification Pay

Purpose: To recognize and reward the attainment of job-related, City-recognized professional certifications and accreditations.

4.8.1 Eligibility, Approval and Maintenance

Eligibility

- All full-time and part-time regular employees **may be** eligible for certification or assignment pay for approved certifications.
- Simply obtaining a certification does not warrant or guarantee payment of a stipend. Employees must meet all requirements before certification pay will be authorized.

Approval Process

- Department Heads will review and approve the stipends based on the relevance to the department.
- Stipends are not guaranteed by the mere attainment of certifications.

Maintenance and Verification

- Credentials will be verified prior to receiving a stipend and may be verified periodically during the course of employment.
- Failure to maintain certifications/accreditations and/or the reassignment or removal of applicable duties will result in the loss of a stipend.

Non-Cumulative Stipends

- Stipends are awarded only for the highest level of attainment in any one category and are not cumulative.

4.8.2 Stipend Levels

Level	Qualification	Annual Stipend
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Level 1	Exam only/ or Required Training, and/or No education requirement/G.E.D/ High School Diploma	\$300
Level 2	Exam only/ or Required Training, and /G.E.D/ High School Diploma/ Associate's Degree, and 1-4 years of Experience	\$600
Level 3	Exam only/ or Required Training, and /G.E.D/ High School Diploma/ Associate's Degree/ Bachelor's Degree, and/or 4-8 years of Experience, and/or Management or Exempt-level Position Attainment Requirement.	\$900
Level 4	Exam only/ or Required Training, and /G.E.D/ High School Diploma/ Associate's Degree/ Bachelor's Degree, and/or 8-12+ years of Experience, and/or Management or Exempt-level Position Attainment Requirement.	\$1200

4.8.3 Assignment Pay

Assignment pay is provided with the expectation that employees will be required to periodically perform Field Training Officer (FTO) assignments related to their approved accreditations and certifications in addition to normal work duties.

Assignment pay for fire or Police must be approved by the Department Head and it is paid as a monthly stipend in the amount of \$200.00 during the time the employee is performing the FTO assignment .

4.8.4 Paid Leave

One day of paid leave may be requested for certification exam preparation or completion.

4.8.5 Responsibilities and Reporting:

Employee Responsibilities

- Employees must report any changes in certification status.

Supervisors' Responsibilities

- Supervisors must ensure documentation is completed for assignment pay.

4.8.6 Recognized Certification and Accreditations

The following are recognized certifications and accreditations by the City of Glenn Heights:

Fire Certifications

- Structure Firefighter Intermediate:
 - Qualifications: Basic Firefighter Cert, 4 years of experience, required training
 - Governing Body: International Fire Service Accreditation Congress, Texas Commission on Fire Protection
 - Stipend Level: II
 - Type: Certification Pay
- Structure Firefighter Advanced:
 - Qualifications: Intermediate Firefighter Cert, 8 years of experience, required training
 - Governing Body: International Fire Service Accreditation Congress, Texas Commission on Fire Protection
 - Stipend Level: III
 - Type: Certification Pay
- Structure Firefighter Master:
 - Qualifications: Advanced Firefighter Cert, 12 years of experience, Associate's Degree or 60 semester hours (with 18 in Fire Science)
 - Governing Body: International Fire Service Accreditation Congress, Texas Commission on Fire Protection
 - Stipend Level: IV
 - Type: Certification Pay
- Fire Inspector Basic:
 - Qualifications: Exam
 - Governing Body: International Fire Service Accreditation Congress, Texas Commission on Fire Protection
 - Stipend Level: I
 - Type: Certification Pay
- Arson Investigator Basic:
 - Qualifications: TCLEOSE License, Exam

- Governing Body: International Fire Service Accreditation Congress, Texas Commission on Fire Protection
- Stipend Level: I
- Type: Certification Pay
- Driver/Operator-Pumper:
 - Qualifications: Fire Suppression Cert, Exam
 - Governing Body: International Fire Service Accreditation Congress, Texas Commission on Fire Protection
 - Stipend Level: I
 - Type: Certification Pay
- Fire Service Instructor Level I:
 - Qualifications: 3 years of experience, Exam, Field Examiner Course
 - Governing Body: International Fire Service Accreditation Congress, Texas Commission on Fire Protection
 - Stipend Level: Not Applicable (Assignment Pay)
 - Type: Assignment Pay

Police Certifications

- Basic Peace Officer Certification:
 - Qualifications: Active License or Appointment, Required Courses, 400-2400 hours of service, or Associate's Degree + 4 years of service, or Bachelor's Degree or higher + 2 years of service
 - Governing Body: Texas Commission on Law Enforcement Officer Standards and Education
 - Stipend Level: II
 - Type: Certification Pay
- Intermediate Peace Officer:
 - Qualifications: Basic Peace Officer Cert, Active License or Appointment, Required Courses, 800-2400 hours of service, or Associate's Degree + 6 years of service, or Bachelor's Degree or higher + 5 years of service

- Governing Body: Texas Commission on Law Enforcement Officer Standards and Education
- Stipend Level: III
- Type: Certification Pay
- Advanced Peace Officer:
 - Qualifications: Intermediate Peace Officer Cert, 4 years of service, 240+ hours of required training
 - Governing Body: Texas Commission on Law Enforcement Officer Standards and Education
 - Stipend Level: IV
 - Type: Certification Pay
- Master Peace Officer:
 - Qualifications: Basic Peace Officer Cert, Intermediate Peace Officer Cert, Advanced Peace Officer Cert, 1200-4000 hours of service, or Associate's Degree + 12 years of service, or Bachelor's Degree + 9 years of service, or Master's Degree + 7 years of service, or Doctorate/JD + 5 years of service
 - Governing Body: Texas Commission on Law Enforcement Officer Standards and Education
 - Stipend Level: IV
 - Type: Certification Pay
- Field Training Officer:
 - Qualifications: 2 years of service, Required training (departmental requirement)
 - Governing Body: Texas Commission on Law Enforcement Officer Standards and Education
 - Stipend Level: Not Applicable (Assignment Pay)
 - Type: Assignment Pay
- Crime Prevention Officer:
 - Qualifications: Required training
 - Governing Body: Texas Commission on Law Enforcement Officer Standards and Education
 - Stipend Level: Not Applicable (Assignment Pay)

- Type: Assignment Pay
- Instructor:
 - Qualifications: 4 years of service, Required training (departmental requirement)
 - Governing Body: Texas Commission on Law Enforcement Officer Standards and Education
 - Stipend Level: Not Applicable (Assignment Pay)
 - Type: Assignment Pay
- Intermediate Telecommunicator:
 - Qualifications: Active License or Appointment, Basic Telecommunicator Cert, 2 years of service, 120+ hours of required training
 - Governing Body: Texas Commission on Law Enforcement Officer Standards and Education
 - Stipend Level: II
 - Type: Certification Pay
- Advanced Telecommunicator:
 - Qualifications: Active License or Appointment, Basic Telecommunicator Cert, Intermediate Telecommunicator Cert, 4 years of service, 240+ hours of required training
 - Governing Body: Texas Commission on Law Enforcement Officer Standards and Education
 - Stipend Level: III
 - Type: Certification Pay
- Code Enforcement Officer:
 - Qualifications: Exam Only
 - Governing Body: Texas Department of State Health Services
 - Stipend Level: I
 - Type: Certification Pay

Municipal Services Certifications

- Public Water System Operator C (Surface Water, Groundwater, or Distribution):

- Qualifications: G.E.D. or High school Diploma, Required training, Exam
- Governing Body: Texas Commission on Environmental Quality
- Stipend Level: I
- Type: Certification Pay
- Public Water System Operator B (Surface Water, Groundwater, or Distribution):
 - Qualifications: G.E.D or High school Diploma + 2 years of experience, Exam
 - Governing Body: Texas Commission on Environmental Quality
 - Stipend Level: II
 - Type: Certification Pay
- Public Water System Operator A (Surface Water, Groundwater, or Distribution):
 - Qualifications: G.E.D or High school Diploma + 5 years, Bachelor's Degree + 2.5 years, 100 hours of required training, Exam
 - Governing Body: Texas Commission on Environmental Quality
 - Stipend Level: III
 - Type: Certification Pay
- Wastewater Treatment Plant Operator C:
 - Qualifications: G.E.D. or High school Diploma, Required training, Exam
 - Governing Body: Texas Commission on Environmental Quality
 - Stipend Level: I
 - Type: Certification Pay
- Wastewater Treatment Plant Operator B:
 - Qualifications: G.E.D or High school Diploma + 2 years of experience, Exam
 - Governing Body: Texas Commission on Environmental Quality
 - Stipend Level: II
 - Type: Certification Pay

- Wastewater Treatment Plant Operator A:
 - Qualifications: G.E.D or High school Diploma + 5 years, Bachelor's Degree + 2.5 years, 100 hours of required training, Exam
 - Governing Body: Texas Commission on Environmental Quality
 - Stipend Level: III
 - Type: Certification Pay
- Wastewater Collection II:
 - Qualifications: G.E.D or High school Diploma + 2 years of experience, Exam
 - Governing Body: Texas Commission on Environmental Quality
 - Stipend Level: II
 - Type: Certification Pay
- Wastewater Collection III:
 - Qualifications: G.E.D or High school Diploma + 5 years, Bachelor's Degree + 2.5 years, 100 hours of required training, Exam
 - Governing Body: Texas Commission on Environmental Quality
 - Stipend Level: III
 - Type: Certification Pay
- Irrigation Technician or Landscape Irrigation Technician:
 - Qualifications: G.E.D or High school Diploma, Required training, Exam
 - Governing Body: Texas Commission on Environmental Quality
 - Stipend Level: I
 - Type: Certification Pay

Finance Certifications

- Certified Payroll Professional:
 - Qualifications: 3 years of experience, Required Training, 18-24 months of practical current experience
 - Governing Body: American Payroll Association
 - Stipend Level: II

- Type: Certification Pay
- Fundamental Payroll Certification:
 - Qualifications: Exam
 - Governing Body: American Payroll Association
 - Stipend Level: I
 - Type: Certification Pay

4.9 Step/Pay Increases

4.9.1 Step/Pay Advancements Authorized

An employee who is currently not paid at the top of the pay range for the class is normally eligible for step advancement on the employee's anniversary date. Raises in pay resulting from step advancements are based on longevity and satisfactory performance and are not automatic. A step advancement may be granted only upon a finding by the employer that the employee meets all of the performance requirements of the position and complies with all of the employer's rules, regulations, and policies. An employee who is determined to be eligible for step advancement shall move to the next higher step in the range.

- Step adjustments may be made to a supervisor to maintain an appropriate differential, not to exceed two steps between the base rate of pay of a supervisor and the base rate of pay of an employee who is in the direct line of authority of the supervisor. An adjustment may be granted pursuant to this provision if, before the adjustment, the base rate of pay of the employee is the same or greater than the base rate of pay of the supervisor.
- Pay advancements are administered by the Human Resources Department, subject to the confirmation of the Department Director that there is adequate documentation that all requirements have been met.

All salary increases are based upon the budget approval by the Mayor and City Council. No step/pay advancements will be given without an approved budget.

4.9.2 Anniversary Date Step/Pay Advancement

The date on which an employee becomes eligible for consideration for step advancement is known as the anniversary date. When approved in writing, step advancements will become effective at the beginning of the pay period in which the employee's anniversary date occurs.

- A promotion and reclassification to a class with a higher pay range shall establish a new anniversary date.
- A demotion or reclassification to a class with a lower pay range shall not establish a new anniversary date.

4.10 Withholding of Step/Pay Advancements

4.10.1 Job Performance

When the employer has determined that the job performance of an employee is less than satisfactory, the step advancement shall be withheld. The employee's performance shall be documented, and a copy of the documentation provided to the employee.

4.11 Compensation for Casual/Temporary/Seasonal Workers

4.11.1 Rates of Pay

The employer will pay casual/temporary/seasonal workers at the rate of pay established for the same work when performed by regular employees, or as appropriate for the type of work performed. Students receiving school credit for work may be paid at a rate established by the employer for student interns.

The employer may adjust the rates of pay annually consistent with general pay increases granted regular employees.

4.12 Work Out-of-Class

4.12.1 Policy

Employees may occasionally be assigned to temporarily assume the duties of a higher-level budgeted position for a short period. In the event that such work extends beyond a short-term assignment, the employer establishes criteria for paying employees for temporarily performing work outside the assigned duties of their current job class, and for employees temporarily assigned the duties of a management or administrative position.

Employees may occasionally be assigned to temporarily assume the duties of a higher-level budgeted position for a short period. In the event that such work extends beyond a short-term assignment, the employer establishes criteria for paying employees for temporarily performing work outside the assigned duties of their current job class and for employees temporarily assigned the duties of a management or administrative position.

- Assignments: Employees may be temporarily assigned substantially all the duties and responsibilities of a budgeted higher-level position for such reasons as:

- The position is currently vacant.
- The employee normally filling the position is on authorized leave or has been temporarily relieved of all regular duties to complete a special project approved by the employer.
- Temporarily increased workload requirements.
- Approval and Procedures: The same employee shall not be assigned to the higher-level duties for more than 90 days unless specifically approved by the Department Head, who may extend the assignment for not more than an additional 90 days.
- Employee Eligibility: To be eligible for work-out-of-class pay:
 - Employees must be formally assigned and actually performing substantially all the duties of the higher job class.
 - The pay range for the higher paid class must be at least 5% above the range for the employee's current job class.
 - Beginning on the second consecutive workday of performing substantially all the duties of the higher-level position, employees will be paid at a rate 5% above their current rate of pay or at the entry rate of the higher job class, whichever is greater, but not to exceed the top step of the higher classification.
- Compensation: Acting out of classification pay will be provided when a member of the classified service is called upon to perform the duties of a higher classification. Employees will be compensated for acting out of classification only when officially assigned and notified of such duty assignment by an appropriate supervisor.

4.13 Longevity Pay

The City of Glenn Heights will pay all employees longevity pay after completing one year of employment on their anniversary date.

Eligibility

- Longevity Pay is additional pay granted based on years of service.
- Employees are eligible for longevity pay after one full year of service, at the end of the month in which they begin working.
- Longevity is granted at the rate of \$4.00 per month for each year of service, to a maximum of twenty-five (25) years of service.

- Longevity is paid annually, generally during the week, which includes Thanksgiving.

Calculations

- Longevity Pay calculations will be based on the employee's tenure within the department from the date of hire or date of eligibility as outlined above, whichever is less. Longevity pay may be paid based on funding in the approved budget.

4.14 Bilingual Pay

Employees who demonstrate proficiency in a language other than English and successfully pass a designated proficiency examination are eligible to receive bilingual pay. Upon certification, qualified employees will receive an additional \$50 per pay period as compensation for their bilingual skills, which may be utilized to assist in meeting the communication needs of the organization.

5 LEAVE PLANS

5.1 Holidays

5.1.1 Recognized Holidays

- Monday, January 1st: New Year's Day
- Monday, 2nd Monday in January: Martin Luther King Day
- Last Monday in May: Memorial Day
- June 19th: Juneteenth
- July 4th: Independence Day
- First Monday in September: Labor Day
- 9/11 Memorial Holiday (Fire and Police Personnel Only)
- November 11th: Veterans Day
- 4th Thursday in November: Thanksgiving
- Day after Thanksgiving
- December 24th: Christmas Eve
- December 25th: Christmas Day

5.1.2 Holiday Pay

- Recognized holidays are typically non-workdays.
- Employees will be paid their normal hours of work, up to eight hours, for each recognized holiday as long as the employee is in paid status on their regularly scheduled workday the day before and the day after the recognized holiday.
- Casual, seasonal, temporary employees will not be paid unless they work on the holiday.

5.1.3 Weekend Holidays

Employees will observe weekend recognized holidays as follows:

- Employees regularly assigned to work Mondays and/or Fridays:
 - Saturday holidays will be observed on the Friday preceding.
 - Sunday holidays will be observed on the Monday following.
- Employees regularly scheduled to work on the Saturday or Sunday will observe holidays on the calendar for which they fall unless an alternative is authorized by the employer.

5.1.4 Work on Holidays

Non-exempt employees who work on a designated holiday shall be paid for the holiday at one and one-half times their base rate of pay for any time worked on a holiday. This policy may not apply to police and fire personnel.

5.2 Vacation

- Full-time employees, upon completion of their probationary period, are eligible to request the use of any accrued vacation time.
- Vacation time shall begin to accrue upon the first day of employment at the rate of one workday per month.
- Vacation is accrued according to the following schedule:

Years of Service	Vacation Amount
1	Twelve workdays
8	Thirteen workdays
9	Fourteen workdays
10	Fifteen workdays
11	Sixteen workdays
12	Seventeen workdays
13	Eighteen workdays
14	Nineteen workdays
15+	Twenty workdays

5.2.1 Eligibility and Maximum Vacation Accrual

- Regular employees' accrued annual vacation leave may not exceed 160 hours unless it is determined that the employee requested and was denied leave because of the employer's business requirements. Any accrued unused vacation leave over 160 hours will be removed from the employer's leave balance as of December 31st each year.
- Police and Fire: accrued annual leave may not exceed 240 hours unless it is determined that the employee requested and was denied leave because of the employer's business requirements. Any accrued unused vacation leave over 240 hours will be removed from the employer's leave balance as of December 31st each year.
- All employees can switch out requested vacation leave time if, after requesting that vacation leave time, they become ill or an immediate family member becomes ill, creating a hardship resulting in canceling their vacation trip.
 - The employee must show that the trip has been cancelled

- Must have a doctor's medical certification
- The illness must occur before taking the requested vacation time

5.3 Sick Leave Policy

- Employees are allowed sick leave with full pay computed on a bi-weekly basis for one workday for each month employed. Employees begin earning sick leave upon hire; however, they are not eligible to claim sick leave until after 90 days of employment.
- Eligible employees shall be allowed to use their accrued sick leave to take paid time off from work for the following reasons:
 - Medical necessity during the employee's temporary incapacity due to illness or injury, including incapacity related to pregnancy or childbirth.
 - Infection with or exposure to a contagious disease such that their presence on the job might jeopardize the health of others.
 - FMLA-approved leave.
 - The employee's or an immediate family member's medical appointments that cannot reasonably be scheduled during non-work hours.
- For purposes of this policy, immediate family is defined as the employee's spouse, domestic partner, child, parent, or any other relative for whom the employee is the guardian or primary caregiver.

5.3.1 Sick Leave Procedure

- Approval of sick leave for non-emergency health-related appointments must be secured in advance. In all other instances of sick leave, the employee must notify their supervisor or Human Resources if the supervisor is unavailable, as soon as reasonably possible before the employee's next scheduled workday.
- Supervisors are responsible for determining that leave requested is available for use before approving the employee's request. If deemed necessary, supervisors may request verification of the necessity of the requested leave. Requests for verification will be in accordance with applicable HIPAA laws, and employees will not be required to provide information on medical diagnosis or other private health information.
- Verification: Supervisors may request a doctor's verification of the employee's ability to return to work. An employee who wishes to use

sick leave must comply with management's request for verification of the appropriateness of using sick leave.

- Forms of verification employees may provide include:
 - Certification from the treating physician that the employee is temporarily disabled from work, indicating the extent and anticipated duration of the disability and any work restrictions.
 - Certification from the employee's physician that the employee currently has or has been exposed to a contagious disease such that their presence on the job might endanger the health of others.
 - Evidence that the employee has a medical appointment that could not reasonably have been scheduled during the employee's non-work hours.
- Abuse of Sick Leave: It is an abuse of sick leave to claim qualifying reasons for an absence when such reasons do not exist. Employees who misrepresent the need to use sick leave are subject to disciplinary action up to and including termination.
- Accrual of Sick Leave:
 - Any unused sick leave accumulated during the calendar year shall be credited to the employee for the next year. There is no limit on the amount of sick leave that employees can carry over from one year to the next.
 - Employees who leave the City in good standing and are re-hired within one year will have eligible unused sick leave credited to their accrual bank.
 - Sick leave does NOT accrue in the following situations:
 - When an employee is on leave without pay or when no work is performed by the employee (FMLA).
 - When an employee is suspended or placed on administrative leave without pay pending the results of an official investigation or court action related to a disciplinary suspension.
- Payment of Sick Leave: Sick leave will not be paid as a cash value to an employee at any time.

5.4 Personal Days

All full-time regular, non-Fire employees will receive two (2) personal days, equal to one workday each for use at their discretion each calendar year. Usage of personal days must be pre-approved by the employee's supervisor. Approval will be based on departmental needs and will be processed in the order received.

Fire and Police personnel will receive (2) regular personal days and one personal day in observance of the 9/11 Memorial Holiday equal to one workday each. Usage and approval of personal days will follow the same guidelines as non-Fire personnel.

Personal days do not carry over from year-to-year. New hired employees who begin employment June 1st or later will only be eligible for one (1) personal days as calculated by the number of hours in a typical workday.

5.5 Family and Medical Leave

5.5.1 Policy

Public employers are covered under the Family and Medical Leave Act (FMLA); the City will comply with the requirements of the FMLA and advise employees if they meet all the FMLA eligibility requirements.

The City will provide employees Form WHD-1420: Employee Rights and Responsibilities Under the Family and Medical Leave Act and will post and keep posted this notice in a conspicuous place that can readily be seen by employees and applicants alike, even if no employees are eligible.

Eligibility

Employees who have been employed by the employer for a total of 12 months and worked for the employer at least 1,250 hours during the preceding 12-month period and are employed at a work site where 50 (fifty) or more employees work for the employer within 75-surface miles of that work site are eligible for FMLA leave. When the 1,250 hours are calculated, the hours an employee was on leave, even if that leave was paid, do not count toward the 1,250 hours worked. However, an employee who has a military service obligation will be credited with the hours of service that would have been performed, but for the period of military service. The required 12 months of employment does not have to be consecutive. There may be a break in service as long as it does not exceed seven years. There is an exception to the seven-year condition for USERRA-covered military service personnel or when written agreements are in place. All employees meeting the above qualifications qualify for FMLA, regardless of their employment status.

Compensation During Leave

FMLA leave will be unpaid leave unless the employee has accrued paid leave and is otherwise eligible to use the leave. Employees on FMLA leave must use all of their accrued paid annual leave, sick leave (if it qualifies under employer's sick leave use requirements), compensatory time off leave, and personal time off concurrently with FMLA leave. When substituting accrued paid leave, the employee must comply with the employer's procedural requirements, terms, and conditions of the paid leave policy as appropriate; the remainder of the leave period will then consist of unpaid FMLA leave. Employees must be made aware that they are required to use sick, annual, compensatory time off, and personal leave as appropriate, in the rights and responsibilities notice Form WH-381: Notice of Eligibility and Rights & Responsibilities.

Intermittent or Reduced Schedule During FMLA

When medically necessary (as distinguished from voluntary treatments and procedures) or for any qualifying exigency or caregiver leave, leave may be taken on an intermittent or reduced schedule basis. Leave for bonding with a healthy newborn or placement of a healthy child for adoption or foster care is not considered medically necessary and, therefore, may not be taken on a reduced schedule or intermittent basis unless agreed to by the employer. Employees needing intermittent leave or reduced schedule leave must make a reasonable effort to schedule their leave so as not to unduly disrupt the employer's operations. If the leave is foreseeable, the employer may require an employee on intermittent leave or reduced schedule leave to temporarily transfer to an available alternative position for which the employee is qualified if the position has equivalent pay and benefits and better accommodates the employee's intermittent or reduced schedule leave. Intermittent leave and reduced schedule leave reduces the 12-week entitlement only by the actual time used. When an employee who was transferred no longer needs intermittent or reduced schedule leave, the employee will be placed in the same or equivalent position held prior to when the leave commenced.

5.5.2 Duration of and Reasons for Leave

Duration of Leave

Any eligible employee, as defined above, may be granted a total of 12 weeks or equivalent of unpaid FMLA leave (which shall run concurrent with paid leave) during a 12-month period (see exception for *Military Caregiver Leave* section below). This period is measured backward from the date an employee uses any FMLA leave. A "week" is defined as a calendar week, regardless of the number of days the employee normally works. Twelve

weeks does not entitle a part-time employee working three days a week to 60 leave days, but rather 12 weeks.

Reason For Leave

FMLA may be granted for the following reasons:

- The birth of the employee's child and in order to care for the newborn child.
- The placement of a child with the employee for adoption or foster care.
- To care for the employee's spouse, child, or parent who has a serious health condition.
- An employee's own serious health condition prevents the employee from performing one or more of the essential functions of one's job. Serious health conditions may include conditions resulting from job-related injuries and/or illnesses, including time an employee is receiving lost time compensation; or
- Due to a qualifying exigency arising when an employee's spouse, son, daughter, or parent is a military member on covered active duty or has been notified of an impending call to covered active duty.

Conditions for Leave

- Serious Health Condition
 - A serious health condition is an illness, injury, impairment, or physical or mental condition of incapacity or treatment that involves:
 - Inpatient care (overnight stay) in a hospital, hospice, or residential medical care facility.
 - Continuing treatment by (or under the supervision of) a health care provider for a period of incapacity of more than three consecutive full calendar days, combined with at least two visits to a health care provider within 30 days of the first day of incapacity or one visit to a health care provider requiring a regimen of continuing treatment; e.g., prescription medication.
- Exigency Leave:
 - Short-term notice deployment (deployment in seven or fewer calendar days)
 - Military events and activities

- Childcare and school activities
- Family support or assistance programs
- Financial and legal arrangements
- Counseling
- Service member's rest and recuperation leave (limited to 15 (fifteen) calendar days for each instance)
- Post-deployment activities
- Parental leave for the spouse, son, daughter, or parent of a military member to care for the military member's parent who is incapable of self-care.
- Additional activities arising out of active duty that the employer and employee agree upon.

Limitation on Leave

The entitlement to FMLA leave for the birth or placement of a child for adoption or foster care will expire 12 months from the date of the birth or placement. If both an employee and the employee's spouse are employed by the employer, their combined time off may not exceed 12 weeks during any 12 months for the birth, adoption, or foster care of a child, or care of a parent with a serious health condition. Each spouse is, however, eligible for the full 12 weeks within 12 months for one's serious health condition, or to care for a son, daughter, or spouse with a serious health condition.

Employees may not take more than a combined total of 12 weeks in 12 months for all FMLA qualifying reasons listed in "Reasons for Leave" above.

5.5.3 Military Caregiver Leave

Policy: An eligible employee, as defined in "Eligibility" may be granted a total of 26 weeks of unpaid FMLA leave (which shall run concurrent with paid leave) during 12 months to provide caregiver leave for a seriously ill or injured covered service member or veteran who is the employee's spouse, son, daughter, parent, or next of kin. This period will be measured forward from the date an employee takes FMLA leave to care for the covered service member or veteran and ends 12 months after that date.

Limitations of Leave: Employees cannot take more than a combined total of 26 weeks for military caregiver leave or for other FMLA qualifying reasons as provided in "Reasons for Leave." A husband and wife both working for the same employer are limited to a combined total of 26 weeks of FMLA military caregiver leave.

5.5.4 Notice of Leave

An employee intending to take FMLA leave because of an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or family member, or the planned medical treatment for serious illness or injury of a covered service member shall provide notice for such leave at least 30 days before the leave is to begin. If a requested leave will begin in less than 30 days, the employee must give notice to the immediate supervisor as soon as the necessity for the leave is known. Reasonable advance notice is required for all leaves, even if the event necessitating the leave is not foreseeable. If an employee gives less than 30 days' notice, the employer may require an explanation. For foreseeable leave due to a qualifying exigency, notice must be provided as soon as practicable.

Within five business days (absent extenuating circumstances) of receiving notice that: (1) an employee requests to use FMLA leave, or (2) the employer acquires knowledge that a leave may be for a FMLA-qualifying reason, the employer will complete Form WH-381 Notice of Eligibility and Rights and Responsibilities. Completion of this form will determine if an employee is eligible for FMLA or if an employee is not eligible, the reason(s) why the employee is not eligible. The form will designate if the employee is required to obtain certification related to medical conditions and/or required family relationships. The employer may require the use of FMLA leave for any absence that would otherwise qualify as FMLA leave, even if no formal application for such leave was made by the employee, provided notice is given to the employee.

5.5.5 Certification of Leave

Certification Forms

- **Serious Health Condition:** A request for leave based on the serious health condition of the employee or the employee's spouse, child, or parent must be supported by completion of Form WH-380-E Certification of Health Care Provider for Employee's Serious Health Condition or Form WH-380-F Certification of Health Care Provider for Family Member's Serious Health Condition completed by the health care provider.
- The Certification of Health Care Provider form must be completed and returned by the employee within 15 (fifteen) calendar days, absent extenuating circumstances.
- **Exigency Leave:** Employees requesting FMLA leave for qualifying exigency are required to complete Form WH-384 Certification of

Qualifying Exigency for Military Family Leave and provide a copy of the military member's active-duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to covered active-duty status.

- Caregiver Leave: Employees requesting FMLA leave for military caregiver leave are required to complete Form WH-385 Certification of Serious Injury or Illness of Covered Service Member for Military Family Leave or Form WH-385-V Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave within 15 calendar days, absent extenuating circumstances. Employees may also submit invitational travel orders (ITOs) or invitational travel authorizations (ITAs) issued to any family member in lieu of forms WH-385 or WH-385-V.
- Incomplete or Insufficient Certification (Cure Period): If a certification is incomplete or insufficient, the employee will be given seven calendar days (unless not practicable under the particular circumstances despite the employee's diligent good faith efforts) to cure any such deficiency. If the deficiencies specified by the employer are not cured in the resubmitted certification, the employer may deny the taking of FMLA leave. A certification that is not returned to the employer is not considered incomplete or insufficient but constitutes a failure to provide certification.
- Clarification or Authentication of Certification: Employer may contact the employee's health care provider for the purpose of clarification or authentication after giving the employee an opportunity to clarify specific discrepancies. Only the Human Resources department may contact the health care provider.
- Second or Third Opinions: If the employer questions the validity of the certification, the employer may require, at its expense, the employee obtain a second opinion from a health care provider designated by the employer. If the second opinion conflicts with the original opinion, the employer may require, at its expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee. This third opinion will be considered final and binding on both parties.
 - Second and third opinions are not permitted for leave to care for a covered service member when the certification has been completed by a Department of Defense or Department of Veterans Affairs health care provider. However, second and

third opinions are permitted when the certification has been completed by other health care providers as provided for by law.

- **Recertification:** In instances where the minimum duration of leave anticipated by the original certification is more than 30 days, the employer may require the employee to recertify that the original medical condition still exists. Such requests can be made no more frequently than the minimum duration of the leave requested (e.g., 40 days) or once every six months in connection with an absence,
 - In situations in which the minimum duration of leave anticipated by the original certification is less than 30 days, the employer may request recertification if the employee requests an extension of leave, the circumstances described by the original certification have changed significantly, or the employer receives information casting doubt upon the continuing validity of the certification.
- Recertification's are not permitted for leave to care for a covered service member.
- **Annual Medical Certification:** The employer may require the employee to provide new medical certification, not recertification, for the first FMLA-related absence in a new 12-month leave year.

5.5.6 Designation Notice

Within five business days (absent extenuating circumstances) of receipt of all required information, the employer will make a determination on whether the employee's request for leave is for an FMLA-qualifying reason. The employer will complete Form WH-382 Designation Notice indicating if leave is approved or not and provide it to the employee.

If the employer cannot make a determination from the information provided, they will use this form to:

- Indicate the information presented is incomplete or insufficient and provide the employee with seven calendar days to provide complete information (cure period).
- Provide notice to an employee if a second or third medical certification is required.

The city may also use this form to designate a fitness-for-duty certificate which will be required prior to returning to work.

5.5.7 Benefits Coverage During Leave

During a period of FMLA leave, an employee will be retained on the employer's health plan under the same conditions that would apply if the employee were not on FMLA leave. To continue health coverage, the employee must continue to make any contributions that they would otherwise be required to make. Failure of the employee to pay their share of the health insurance premium may result in loss of coverage.

If the employee fails to return to work after the expiration of the FMLA leave, the employee may be required to reimburse the employer for payment of health insurance premiums during the leave, unless the reason the employee cannot return is due to circumstances beyond the employee's control.

An employee is not entitled to the accrual of any seniority or employment benefits during any unpaid leave. An employee who takes FMLA leave will not lose any seniority or employment benefits that accrued before the date the leave began and will be entitled to any unconditional pay increase, such as cost of living increase granted to all employees during the FMLA leave period.

5.5.8 Outside Employment

An employee is prohibited from engaging in outside employment during an FMLA absence if the job conflicts with the reason the employee is on FMLA leave, e.g., an employee is on FMLA leave due to a back injury and works a job requiring heavy lifting. All other requirements of employer's Outside Employment policy apply.

5.5.9 Periodic Reporting

Any employee on FMLA leave must notify their employer periodically of their status and intention to return to work. The employer has the authority to determine how often the employee must provide this notification.

5.5.10 Change in Duration of Leave

Return Prior to Expiration

If an employee wishes to return to work prior to the expiration of the approved FMLA leave period, the employee must notify the supervisor within two business days prior to the employee's planned return and comply with the provisions outlined in the Return from Leave section below.

Request an Extension of Leave

An employee who requests an extension of FMLA leave must submit a request for an extension, in writing, to the employer as soon as the employee realizes that they will not be able to return at the expiration of the leave

period. Any additional time requested beyond the FMLA 12-week period (or 26-week period for caregiver leave) will not be considered as FMLA. Rather, such time, if approved by the employer, will be characterized as either paid or unpaid leave, thereby ending the employer's reinstatement obligations included in the *Return from Leave* section.

5.5.11 Return from Leave

Upon returning to work, an employee on FMLA leave will be restored to that employee's most recent position or to a position with equivalent pay, benefits, and other terms and conditions of employment. The employer cannot guarantee that an employee will be returned to the original position. The employer will determine whether a position is an "equivalent position" as defined by FMLA. Employee's right to restoration, however, ceases at the end of the applicable 12-month FMLA leave year.

Employees may be required to provide a fitness-for-duty certification (if indicated on the designation notice) specifically addressing the employee's ability to perform the essential functions of the job, prior to returning to work if the FMLA leave of absence was due to the employee's own serious health condition. Employees required to present a fitness-for-duty certification may be delayed in restoration to employment until certification is provided. Second and third opinions are not allowed on a fitness for duty certification.

Key employees may be denied job restoration if such denial is necessary to prevent substantial and grievous economic injury to the operations of employer and the employee was given written notice that the employee was considered a key employee at the time notice of FMLA leave was given or when the leave commenced.

5.5.12 Failure to Return from Leave

Failure of an employee to return to work upon the expiration of an FMLA leave of absence will subject the employee to disciplinary action, up to and including termination, unless the employer has granted an additional paid or unpaid extension. (*Note: Refer to employer's other leave policies.*) Nothing in this policy limits employer's obligations of reasonable accommodation under the Americans with Disabilities Act, as amended.

5.5.13 Abuse of FMLA

An employee who fraudulently obtains FMLA leave from their employer is not protected by the FMLA's job restoration or maintenance of health benefits provisions. In addition, the city may take all appropriate disciplinary action against such an employee due to such fraud.

5.6 Leave of Absence Without Pay

5.6.1 Policy

The employer may approve leaves of absence without pay for up to 30 (thirty) days. Such approval will be for exceptional circumstances and conditions, such as education or prolonged illness, when the approval of such leave is consistent with the employer's needs, when the work of the office or department will not be impeded by the employee's absence, and when the leave will not require the appropriation of additional funds for the operation of the employee's department. Such leave may be extended for an additional period of up to 30 (thirty) at the sole discretion of the City. Exceptions for leave beyond 60 (sixty) days may be provided as required by law. The employer will require the use of all accrued paid leave prior to granting leave without pay.

5.6.2 Procedure

- Approval – 30 Days or Less: Leaves of absence without pay not exceeding 30 days may be granted by the employer with substantiating documentation.
- Approval – More Than 30 Days: The employer may grant a leave in excess of 30 days following written certification by the employee that the leave is consistent with the intent of this section and that substantiating documentation as requested by the employer is provided.
- Purpose: Leaves of absence without pay will not be granted to allow an employee to seek or accept other employment, except when or if the employer determines that the granting of such leave is in its best interest.
- Insurance: Employees on approved leave of absence without pay may continue their medical, dental, and life insurance coverage in accordance with Consolidated Omnibus Budget Reconciliation Act (COBRA) health benefit continuation regulations, or as required by other laws or statutes.
- Return from Leave: Employees on approved leave of absence without pay are required to return to work on the first workday following the end of leave at their regularly scheduled time. An employee who does not return from a leave of absence without pay on the first workday at the regularly scheduled time following the end of a leave will be considered to have resigned.

- Probationary Period: If an employee is granted unpaid leave during the employee's Probationary period, the Probationary period will be extended by the number of days of leave taken by the employee during the Probationary period.
- Medical Reason for Leave: The employer may require a health care provider's certification or other appropriate type of verification to substantiate a need for a medical leave of absence without pay. The employer may also require a statement from a health care provider certifying the employee's fitness to return to work no later than the date of return.
- Anniversary Date: An employee's anniversary date will be adjusted by the number of days off work for all unpaid leaves of absence more than 15 days during any 12 months. (See special provisions for *Military Leave* sections below.)
- Benefit Accrual: If an employee is on unpaid leave for more than one-half of the regularly scheduled work hours in any pay period, no leave benefits shall be accrued during this period, nor shall the employer contribute toward the cost of insurance benefits.
- Outside Employment: An employee is prohibited from engaging in outside employment during an approved leave of absence if the job conflicts with the reason the employee is on leave, e.g., an employee is on leave due to a back injury and works a job requiring heavy lifting. All other requirements of employer's Outside Employment policy apply.

5.6.3 Court Leave

5.6.3.1 Policy

The employer will grant court leave to allow employees to serve as juror if called for jury duty or as a witness in a court proceeding if the employee is a party to the action. Employees shall provide their supervisors with relevant documents verifying the need for court leave as soon as the need becomes known.

5.6.3.2 Compensation

Subject to the following conditions, eligible employees shall receive their base rate of pay for those hours spent in court when such time occurs during employee's regular scheduled workdays and hours of work. Casual, seasonal, or temporary employees will be granted time off without pay. Law enforcement personnel appearing in court as part of their duties are not affected by this policy.

- The employee's base rate of pay shall be limited to compensation for court time which occurs during the employee's regularly scheduled hours of work. Court leave will not result in payment of overtime or be considered as hours worked for purposes of determining eligibility for overtime unless the court leave is related to the employee's job responsibilities.
- Reimbursements received for out-of-pocket expenses such as meals, mileage, and lodging may be kept by employees, unless the employer has reimbursed the employee for such expenses, or such expenses were paid by the employer.
- An employee shall not receive pay for the work time missed if the employee is required to miss work because of court appearances in a matter to which the employee is a party or to serve as a witness for a party who has filed an action against the employer. However, the employee may choose to use accrued annual leave.

5.7 Bereavement Leave

A full-time or part-time employee who must be absent from work to attend the funeral of a family member who is within the third degree of consanguinity or affinity may use up to a maximum of three (3) days of bereavement leave per each occurrence within seven (7) days of the death unless otherwise approved by the employer. Bereavement leave longer than three (3) days may be charged to accumulated sick leave, up to a maximum of five (5) additional days, with the advance approval of the employer. Employees who are not regular full-time or part-time employees may take up to three (3) days of bereavement absence without pay. Supervisors or managers may require evidence of attendance at the funeral. Casual, seasonal, and temporary employees are not eligible for bereavement leave.

- Immediate Family (1st degree):
 - Spouse (Husband | Wife)
 - Parent (Father | Mother)
 - Child (Son | Daughter)
 - Sibling (Brother | Sister)
- 2nd degree Family:
 - Grandparent
 - Uncle
 - Aunt

- Cousin
- Nephew
- Niece
- Father-in-law
- Mother-in-law
- Son-in-law
- Daughter-in-law
- Brother-in-law
- Sister-in-law
- Grandparent-in-law
- 3rd degree Family:
 - Great-Grandparent
 - Great-Uncle
 - Great-Aunt
 - First Cousin once removed.
 - Grandnephew
 - Grandniece

5.8 Military Leave under Federal Law

5.8.1 Policy

Employees who are members of the uniformed services are entitled to military leave and to reemployment rights as provided in 38 USC, sections 2021-2024, and 4302 et. seq. The uniformed services covered include the Army, Navy, Marines, Air Force, Coast Guard, Public Health Service Commissioner Corps, the reserve components of these services, and any other category dispatched by the President in time of war or national emergency. The Army National Guard and Air National Guard are also covered.

5.8.2 Notice and Notification

The employer will provide employees with notice of their rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA). This requirement may be met by posting the notice where the employer customarily places notices for employees.

The employer may require written (orders) or verbal notice of service obligation but must waive the requirement if notice is impossible or unreasonable. Notice must be provided to the Human Resources Director.

5.8.3 Compensation and Benefits

- **Leave Without Pay:** The employer will treat the employee the same as any other employee on leave without pay. The employee may choose to use annual leave and compensatory time, if any, before going on leave without pay.
- **Health Insurance:** There is no impact to the employee's insurance coverage, including life insurance that is included in the health insurance package if the service is 30 days or less. During the 30-day time period, the employer and employee premium payments or obligations, if any, remain unchanged. If the service is for more than 30 days, and the employee is in leave without pay status, the employee may then continue coverage similar to that required by the COBRA for either 24 months or through the day after the date on which the employee fails to apply for reemployment in a timely manner; whichever is less (see Reemployment, Section 6.8.4. below). The employer will reinstate coverage upon the employee's prompt reemployment without the imposition of exclusions or waiting periods.
- **Seniority:** An employee is entitled to the seniority (and rights and benefits governed by seniority) accrued at the commencement of military leave, plus any additional seniority rights and benefits the employee would have attained if the employee had remained continuously employed (the "escalator principle"). However, if a Probationary period is a bona fide period of observation and evaluation, the returning employee must complete the remaining period of probation upon reemployment. The employer will count time served for the purpose of determining annual and sick leave accrual rates if the accrual amount is based on seniority. Additionally, the employer will count time in the military when determining the employee's rate of pay if the rate is based on seniority (e.g., a grade-and-step pay system). The employer is not required to accumulate annual or sick leave for an employee during the absence. The "escalator principle" will be applied to a returning employee's opportunities to take promotional examinations or skills tests and to merit pay increases.

- **Retirement:** Time served will be counted as work time for purposes of retirement. The employer will make contribution payments to the retirement plan as if the employee had not left, provided the employee returns to work. The employer contribution will be based on the rate of pay the employee would have been paid had the employee not been called to military service (e.g., a grade-and-step pay system). An exception to this requirement is when the higher pay is based on additional knowledge, skill, or ability that can only be gained by work experience.
- **Death or Disability:** If an employee does not return to work due to death or disability, the survivor or disability benefit will be treated as if the employee had been working until the date of the death or disability. The employer will make the retirement contribution up to the date of the death or disability.
- **Other Leave:** The employer will count time served in the military when calculating the employee's Family Medical Leave Act eligibility.

5.8.4 Reemployment

An employee has certain report-to-work obligations following military service. Eligible returning service members will be promptly reemployed, which in most cases means within two weeks of reporting. The employee's report-to-work obligations are:

- **Service of one to 30 days:** The beginning of the next regularly scheduled work period on the first full day following completion of service, and expiration of an eight-hour rest period following safe transportation home.
- **Service of 31 to 180 days:** Application for reinstatement must be submitted not later than 14 days after completion of military duty.
- **Service of 181 or more days:** Application for reinstatement must be submitted not later than 90 days after completion of military duty.

The deadline for reinstatement may be extended for up to two years for persons who are convalescing due to a disability incurred or aggravated during military service, and the employer will make reasonable accommodations for the disability.

Reemployment rights apply to veterans whose cumulative period of uniformed service does not exceed five years while employed by the same employer. Time spent in National Guard and reservist training does not count towards the five-year period.

5.8.5 Discharge

If the time served is greater than 30 days, but less than 181 days, an employee may not be discharged within 180 days of reemployment, except for just cause. If the time served is greater than 180 days, an employee may not be discharged for one year, except for just cause.

5.8.6 Emergency Volunteer Service

An employee who is a participant in any volunteer emergency service (e.g., fire protection, ambulance service, or search and rescue) shall not schedule oneself for on-call duty during work hours. In the event an employee is required to respond to an emergency during normal working hours, the employee shall remain in full employment status and shall receive total regular compensation while performing the volunteer service for the period that the employee would have been working for the employer.

5.8.7 Emergency Road Conditions

Any non-exempt employee who is unable to report to work due to road closures or hazardous road conditions caused by ice, snow, floodwaters, washouts, or slides shall not receive regular pay. Employees are advised to use their best judgment in making a decision about whether or not to report to work under such conditions. Should an employee decide to remain at home, all reasonable attempts should be made to notify the immediate supervisor. Any employee wishing to receive payment for time missed due to hazardous road conditions may do so by using either accrued annual leave or accrued compensatory time.

Any non-exempt employee who reports to work late due to road closures or hazardous road conditions will be compensated only for the actual hours worked. In the event the employee wishes to receive a full day's pay, the employee may request to use annual leave or accrued compensatory time to complete the normal work period.

Any employee who elects not to report to work due to hazardous road conditions or reports to work late under such conditions shall not be subject to discipline. In the event the supervisor is in doubt of the employee's reasoning, the final decision shall be made by the employer on the basis of documentation or confirmation of the hazardous conditions by either a law enforcement agency or the appropriate public works agency having jurisdiction over the roadways in question. Conflicting internal policies of the police and/or fire department will control.

5.8.8 Disaster Area Declaration

“Disaster Area” is defined as a designated area affected by an event declared to be a disaster by a state or federal governmental agency duly authorized to make such designation. Non-exempt employees who are unable to report to work due to a disaster may request to use accrued annual leave or compensatory time as compensation for scheduled time not worked. Exempt employees who are unable to report to work due to a disaster shall use accrued annual leave as compensation for scheduled time not worked.

Employees shall make every effort to report to work as soon as is reasonable under such conditions provided the employer’s operation is open and functioning. An employee who has made such an effort yet fails to report to work under such declared “disaster” conditions, shall not be subject to discipline. Employees shall make every effort to report their circumstances to their immediate supervisor. Conflicting internal policies of the police and/or fire department will control.

5.9 Parental Leave

Policy

The City will provide paid parental leave to employees following the birth of an employee’s child or the placement of a child with an employee in connection with adoption, foster care or other legal placement. The purpose of paid parental leave is to enable the employee to care for and bond with a newborn, newly adopted child, new foster child or other legal placement.

Eligibility

To be eligible for Parental Leave, an employee must be eligible for FMLA leave, and must meet the following criteria:

- Have been employed with the City for at least 12 months (the 12 months do not need to be consecutive); and
- Have worked at least 1,250 hours during the 12 consecutive months immediately preceding the date the leave would begin; and
- Be regularly scheduled to work 20 or more hours per week in a full-time or reduced- schedule position.

Temporary or seasonal employees and interns are not eligible for Parental Leave.

In addition, employees must meet one of the following criteria:

- Have given birth to a child;
- Be a spouse of a woman who has given birth to a child;

- Have adopted a child age 17 or younger, except for adoption by one spouse of the other spouse's child; or
- Placement with the employee of a foster child, or other child, to whom the employee stands in the position of a parent (in loco parentis), age 17 or younger.

Parental Leave is not allowed for placement of a child in parental custody cases or legal assignments as a Guardian ad Litem.

Amount and Duration of Parental Leave

The City provides up to six (6) weeks of paid parental leave per calendar year.

- In no case will an employee receive more than six weeks of paid parental leave regardless of whether more than one birth, adoption, or foster care placement occurs within that 12-month time frame.
- If spouses are both employed by the City, and each is eligible for Parental Leave, as provided in this policy, each spouse may use a maximum of six weeks under this policy.
- For this policy, the date of adoption of a child is, at the employee's choice, the date that the child is placed in the employee's home, in anticipation of legal adoption, or the date that the adoption is approved by a court of law. For adoption, paid parental leave is allowed for time prior to the placement of the child for adoption, if the need for leave is related to the adoption. Eligibility for this leave prior to placement will be decided on a case-by- case basis.
- Each week of paid parental leave is compensated at 100 percent of the employee's regular, straight-time weekly pay. Paid parental leave will be paid on a biweekly basis on regularly scheduled pay dates.
- Approved paid parental leave may be taken at any time during the twenty- six week period immediately following the birth, adoption, or placement. Paid parental leave may not be used or extended beyond this twenty-six week time frame.
- Employees may take paid parental leave continuously or intermittently, but all parental leave used must be used during the twenty-six weeks following the child's birth, adoption or placement. Any unused paid parental leave will be forfeited at the end of the twenty-six week time frame.

- Upon termination of the individual's employment at the City, he or she will not be paid for any unused paid parental leave for which he or she was eligible.

Coordination with Other Policies

- In no case will the total amount of leave for the birth, adoption, foster care or other legal placement, whether paid or unpaid, granted to the employee exceed 12 weeks. Available leave (for example, sick, vacation, holiday) may be used to extend paid leave beyond the six weeks of paid parental leave. Employees are not required to exhaust all leave before taking paid parental leave.
- The City will maintain all benefits for employees during the paid parental leave period just as if they were taking any other paid leave.
- If a City holiday occurs while the employee is on paid parental leave, the absence will be charged to holiday pay; however, such holiday will not extend the total paid parental leave entitlement period.
- Parental Leave runs concurrently with Family and Medical Leave; however, if an employee has exhausted all available Family and Medical Leave because of a reason that is not the birth, adoption, or placement of a child, the employee is still eligible for up to six weeks of paid Parental Leave. The employee must submit the FMLA application at least 60 days prior to the proposed date of the leave (or if the need for leave was not foreseeable, as soon as possible after the need for leave is known). The employee must complete the necessary forms and provide all documentation as required by the City to substantiate the request.
- The decision regarding the request for leave will be provided in writing by the City within 15 days of the request. Any delay in making the decision or informing the employee of the decision will not extend the total paid parental leave entitlement period.

As is the case with all policies, the City has the exclusive right to interpret this policy.

5.10 Leave for Nursing Mothers

As required by the Pregnant Workers' Fairness Act, the employer will provide paid or unpaid reasonable breaks each time an employee needs to express breast milk for her nursing infant who is up to one-year old. Employees may elect to use their paid break times for this purpose. The employer will furnish a private space, other than a bathroom, which is

reasonably free from dirt or pollution, protected from the view of others and free from intrusion by others where the employee may express breast milk.

5.10.1 Prohibition Against Retaliation

The employer will not tolerate any retaliation by management or by any other employee against an employee who exercises rights under this policy. Employees who believe they have been retaliated or discriminated against in any manner whatsoever should immediately notify the HR Director or the alternate. The employer will promptly investigate and deal appropriately with any allegation of retaliation.

5.11 Catastrophic Leave Program

5.11.1 Policy

Voluntary shared leave allows one employee to assist another employee in the case of a prolonged medical condition of the employee or the employee's immediate family member that exhausts the employee's available leave and would otherwise force the employee to be placed in leave without pay status, resulting in a loss of income and benefits.

Only full-time, non-probationary employees are eligible to donate or receive sick leave for catastrophic illness.

For purposes of this policy, immediate family is defined as the employee's spouse, domestic partner, child, parent, or any other relative for whom the employee is the guardian or primary caregiver.

This policy does not apply to incidental, normal, and/or short-term medical conditions. In addition, the policy is not intended to circumvent the requirement of management to have duties performed, or limit management's right to deny a request for leave without pay.

Prolonged Medical Condition as defined for this policy is one that requires an employee's absence from duty for a prolonged period (at least 20 consecutive workdays) or for frequent intermittent periods related to a serious medical condition.

5.11.2 Eligibility

Employees will be required to provide to Human Resources verification from the attending physician outlining the estimated time for treatment or recovery. Employee medical information is confidential. When disclosing information on an approved recipient, only a statement that the recipient (or family member) has a prolonged medical condition needs to be made.

Employees will only be able to receive leave donations up to the maximum amount required as outlined by the treating physician.

5.11.3 Guidelines

Employees who wish to contribute a portion of their unused sick leave may do so in minimum increments of eight (8) hours and a maximum of one hundred (100) hours. Donors must retain a minimum of forty (40) hours of personal unused sick leave. All donations are considered unspecified and may be credited towards any eligible employee.

Any employee who has been approved for retirement or has rendered a resignation to be effective within ninety (90) days will not be eligible to donate sick leave.

Employees who would like to request to receive donated leave from the Catastrophic Leave Program must have a situation that meets the following criteria:

- **Medical emergency:** A medical condition of the employee or an immediate family member that will require the prolonged/extended absence of the employee from duty or the employee needs additional time off for bereavement in the event of the death of a parent, spouse, or child, and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available. An immediate family member is defined as a spouse, child, or parent.
- **Major disaster:** A disaster declared by the president under §401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), or as a major disaster or emergency declared by the president pursuant to 5 U.S.C. §6391 for federal government agencies. An employee is considered to be adversely affected by a major disaster if the disaster has caused severe hardship to the employee or to a family member of the employee that requires the employee to be absent from work.

5.11.4 Time off for Voting

- **Eligibility:** All employees who are registered voters are eligible for time off to vote, regardless of their length of service or employment status, including full-time, part-time, and temporary employees.
- **Leave Entitlement:** Employees who do not have sufficient time outside of working hours to vote in a federal, state, or local election are entitled to take time off from work for the purpose of voting.
- **Timing:** Time off for voting will be granted at the beginning or end of the employee's scheduled work hours, as determined by the city. The amount of time off will be sufficient to allow the employee to vote and return to work promptly.

- Compensation: Time off for voting will not be paid.
- Notification Requirement: Employees must notify their supervisor in advance of the need for time off to vote, indicating the time they intend to take off and providing reasonable notice to allow for scheduling adjustments.
- Proof of Voting: Employees may be required to provide proof of voting (such as an "I Voted" sticker or a stamped voter registration card) upon their return to work. Failure to provide proof of voting may result in the absence being treated as unpaid time off.
- Job Protection: Employees who take time off for voting will be protected from retaliation or discrimination for exercising their right to vote under state law. The City of Glenn Heights will not penalize employees for taking time off to vote.

6 BENEFITS

6.1 Health Insurance Coverage

6.1.1 Eligibility

Eligible employees as defined in the group health insurance plan are eligible to enroll in the group health insurance plan effective the first of the month following their hire date. Dependents of employees, as defined in the current plan document, are also eligible for coverage under the insurance plan at the employee's expense. Employees must authorize a payroll deduction of any share of the health coverage premium which is to be paid by the employee.

6.1.2 Benefits

The specific terms and conditions of coverage are specified in the plan document for medical, dental, vision, and prescription drug insurance issued by the insurance company.

6.1.3 Plan Changes

The employer will, from time to time, evaluate the health coverage plan that is offered and make adjustments, as the employer deems appropriate, in the level of coverage and the amount of premium cost to be paid by the employer. Affected employees will be notified of any plan changes.

6.2 Life Insurance Coverage

6.2.1 Eligibility

Eligible employees, as defined in the life insurance plan, are covered by an employer-paid term life insurance and accidental death and dismemberment insurance plan effective the first of the month following the employee's hire date of employment.

6.2.2 Policy

The specific terms and conditions of coverage are specified in the plan document issued by the insurance company and are available from the Human Resources Department.

6.3 Retirement

The City of Glenn Heights is a member of the Texas Municipal Retirement System (TMRS), and all regular employees who work 1,000 hours or more in a calendar year are required to participate in this plan. Employees are required to contribute a percentage of their salary through automatic payroll deductions to the plan. The city also makes contributions to the system as an

added benefit to employees, with contributions based on budgetary limitations.

6.3.1 Additional Benefits

- **Leaving Employment:** Should an employee leave employment with the City before becoming eligible for retirement, the contributions made by the employee, plus interest, may be returned to them.
- **Death:** In the event of the employee's death while still employed by the city, the contributions, plus interest, will be returned to the person(s) designated as the beneficiary.
- **Beneficiary Designations:** Employees are encouraged to periodically update their TMRS beneficiary designations.
- **Additional Retirement Options:** The city provides additional retirement options through third-party plans for employees wishing to contribute to their retirement above the pre-set TMRS contributions.

6.4 Workers' Compensation

Employees are insured under the provisions of the State Workers' Compensation Act for occupational injuries and diseases that arise out of and in the course of their employment. The City's policies are subject to changes in state law or the terms of the City's insurance policy. Employees are required to report all on-the-job accidents, injuries, or illnesses to their immediate supervisor as soon as reasonably possible or within 24 hours of the accident, injury, or illness. Failure to report may impact workers' compensation benefits. Employees are also required to complete and submit to the employer the First Report of Injury form (DWC-1) within seven days of the accident, injury, or illness regardless of whether medical attention was received.

- **Medical Expenses:** When authorized by a physician, medical expenses related to the treatment of a work-related injury or illness (including doctor, hospital, surgical, physical therapy, prescription medication, medical equipment, and any out-of-pocket medical expenses), are covered.
- **Wage Replacement:** Workers' Compensation pays for wages lost as a result of an employee injury or illness, provided that the absence from work is related to a work injury or illness and is authorized by a doctor. Workers' compensation disability payments represent less than 70% of an employee's average weekly wages and are non-taxable income.

- **Benefit Continuation:** If an employee is out on workers' compensation for more than 30 days, the employee has an obligation to continue paying his/her voluntary benefits. City-paid benefits will continue if elected prior to the injury or illness.
- **Temporary Salary Continuation:** The City of Glenn Heights provides up to forty (40) hours of disability leave to employees injured in the course and scope of their employment per injury/illness. The purpose of this benefit is to alleviate an employee having to exhaust his/her personal leave time, as the indemnity portion of workers' compensation benefits do not begin unless disability exceeds seven days. Employees will not be required to use sick, personal, or vacation leave for lost work time due to a work-related injury or illness. If the employee receives dual payment for days 1-7 of lost work time, the employee shall endorse payment from the worker's compensation carrier, payable to the City.
- **Fraud:** Employees who are found to make fraudulent claims regarding injuries or illnesses will be subject to disciplinary action including and up to termination, and possible criminal charges.

6.5 Transitional Duty

6.5.1 Policy

The employer is committed to providing work, when possible, for employees who have been restricted by a treating health care provider due to a work-related injury or illness. Such work will be provided subject to availability. Work will be assigned according to the nature of the injury or illness and the limitations set forth by the treating health care provider. Every effort will be made to place employees within their own departments. If necessary, an employee will be placed wherever appropriate work is available.

6.5.2 Compensation

While on transitional duty, employees will continue to receive their regular rate of pay. Employees who are placed outside their department will continue to have their pay charged to their regular department.

6.5.3 Duration and Conditions of Transitional Duty

An employee on transitional duty must furnish a written update from the health care provider to the HR Department after each visit in order to remain in the reassigned job. Transitional duty assignments are limited to a period of 90 days, subject to review.

6.6 457 Deferred Compensation

All full-time regular employees of the City are eligible to participate in the deferred compensation plan.

6.6.1 Enrollment

Eligible employees may enroll in the deferred compensation plan at any time. Enrollment forms and information on available investment options can be obtained from the Human Resources department.

6.6.2 Contributions

- Employees may elect to defer a portion of their salary to the deferred compensation plan, subject to the limits established by the Internal Revenue Service (IRS).
- The city does not make matching contributions to the deferred compensation plan.

6.6.3 Withdrawals

Withdrawals from the deferred compensation plan are subject to IRS rules and regulations, which generally restrict access to funds until retirement, termination of employment, or other qualifying events.

6.6.4 Administration

The deferred compensation plan is administered by an external service provider. Employees can manage their accounts online or through customer service provided by the plan administrator.

6.7 Professional Development

6.7.1 Purpose and Policy

The City of Glenn Heights encourages the Professional Development and continuous education of its employees. The Professional Development Program provides financial support for approved Professional Development courses and training programs that enhance job-related skills and knowledge.

The Professional Development Program is subject to the availability of budgeted funds and operational needs. The City may provide payment or reimbursement of tuition/fees and/or paid time-off for approved professional development training, seminars and courses.

Employees are encouraged to discuss their career goals with their supervisors and the Human Resources department to ensure alignment with City objectives and career development plans.

6.7.2 Eligibility

Full-time regular employees who have completed their probationary period are eligible to attend career training programs.

Courses or training programs must be job-related and approved by the employee's supervisor and the Department Head.

All requests for job related training and conferences must be submitted to finance at least 14 days prior to the event, and must be approved in advance by the appropriate department director.

6.7.3 Training/Development Process

The Professional Development Program is subject to the availability of budgeted funds.

6.7.4 Police Academy

If approved by the City, employees will be enrolled in a police academy selected by the Chief of police or their designee. The City will provide payment for tuition and direct costs. While enrolled, the employee will be considered as a Police Cadet earning the appropriate salary for this position under the police pay plan classification.

6.7.5 Eligibility

Full-time regular employees who have completed their probationary period are eligible to attend career training programs.

An employee may submit a written request or contact the Police Department head, who will consider the transfer request by conducting discussions with the employee and appropriate supervisors or managers with knowledge of the employee's job performance. The hiring supervisor will also consider the employee's past performance, qualifications, and abilities, including physical fitness and readiness, as well as job experience, as key factors in evaluating transfer requests. Police Cadet applicants will be required to complete the full hiring process for Police Officers.

Approval of the transfer is at the sole discretion of the employer.

7 TRAVEL EXPENSES

7.1 Policy

- Employees will be reimbursed for reasonable travel expenses required for their assigned duties and appropriately authorized.
- To obtain reimbursement, employees must submit an expense report with required documentation.
- Reimbursement is only for expenses incurred, paid, and authorized.

7.2 Allowances

7.2.1 Mileage

The employer will attempt to make a vehicle available to employees to use for official travel. If there are no employer vehicles available and the employee must use a personal vehicle, mileage will be reimbursed at the per-mile rate set by the Internal Revenue Service (IRS). If an employee drives a personal vehicle when commercial air travel would be more efficient, the mileage reimbursement will be limited to the cost of the airfare. Employees using a personal vehicle for official travel must have proof of current registration and insurance for that vehicle.

7.2.2 Lodging

Moderate cost lodging should be pre-arranged at a location nearest to the meeting/training site as possible. Reimbursement will be based on the cost of a single room if available. A receipt is required for reimbursement of incurred lodging expenses.

7.2.3 Meals

The cost of meals shall be reimbursed using the current U.S. General Services Administration (GSA) per diem rates. Employees can determine their allowable per diem amounts by visiting: <https://www.gsa.gov/travel/plan-book/per-diem-rates>.

No reimbursement shall be allowed for any meal provided or made available to an employee as part of the cost of a meeting, class, conference, or other function—regardless of whether the employee consumes the provided meal or opts to purchase a meal elsewhere.

Receipts are not required for meals reimbursed at the per diem rate. However, employees should retain records of travel dates and destinations for documentation purposes.

Alcoholic beverages are not eligible for reimbursement under any circumstances.

Meal reimbursements will be prorated according to GSA guidelines for partial travel days (e.g., first, and last day of travel).

Incidental expenses such as tips, snacks, and other minor costs are included in the GSA per diem rate and will not be reimbursed separately.

Necessary business telephone calls, parking charges, and/or ground transportation will be reimbursed.

7.2.4 Unallowable Expenses

The employer does not reimburse for fines and parking tickets, towing, or impounding fees, traffic violations, alcoholic beverages, personal entertainment, tobacco or smoking products, or expenses unrelated to the business purpose of the travel as determined by the City Manager.

The employer discourages combining personal travel with business travel due to the public's perception regarding use of employer funds. Employees must clearly disclose any personal travel and/or annual leave to be taken in conjunction with employer travel. An employee's family or guest may accompany the employee on employer business, provided travel is not in an employer vehicle. The employer will not, however, pay any additional expenses so incurred.

8 EMPLOYEE SEPARATION

8.1 Resignation

8.1.1 Notice

Employees are requested to provide at least two weeks' notice, in writing, to their supervisor or manager of their intent to resign from their employment. At the sole discretion of the employer, an employee may withdraw a resignation at any time prior to its effective date. An employee's failure to give appropriate notice when resigning may constitute cause for denying reemployment with the employer. An employee who fails to give at least two weeks' notice of termination will forfeit any vacation payout.

8.1.2 Return of Employer Property

When resigning or being terminated, an employee must return all employer property including clothing, keys, credit cards, employee ID, tools, equipment, and other items of value, and must disclose all passwords for city electronic equipment used by the employee, prior to the last day of employment.

8.1.3 Job Abandonment

The employer may consider employees who are absent from work without approved leave for a period of three (3) or more consecutive workdays to have abandoned their position and, thus, to have resigned. Exceptions may be granted for prolonged periods of illness or hospital confinement.

8.1.4 Final Paycheck

When employment with the City is terminated, the final paycheck may be picked up by the terminated employee in the Human Resource Department, provided all City property, uniforms, keys, passwords, etc., have been submitted as requested and documented.

8.2 Layoffs; Reduction in Force

The employer may lay off employees because of lack of work; lack of funds; material change in duties or organization; or in the interests of economy, efficiency; or for other appropriate causes, as determined by the employer.

An employee hired for a project of limited duration (e.g., grant funded) will not be afforded rights relative to layoff at the end of the funding period unless, at the time of hire, the employer elected to grant layoff rights to the employee.

8.2.1 Alternatives to Layoff

Whenever a reduction in force is anticipated, the employer will notify employees whose jobs may be affected and explain all available options to them. The employer will make reasonable efforts to integrate affected employees into other available positions. The employer may also utilize options in lieu of layoffs where feasible such as part-time work schedules, reduction in work hours, job sharing, or reductions in class or pay.

8.2.2 Order of Layoffs

The order of layoff among employees in the same class within a department will be as follows: employees serving a probationary period will be considered first, and then all other employees will be considered.

In deciding which regular employees shall be laid off and which retained, the employer shall consider job-related factors such as job knowledge, skill, and ability to do the required work; previous work experience, including ability to perform other jobs which the employee may be called upon to perform as a result of the layoff; attendance, safety, and disciplinary records; performance evaluations while with the employer; and efficiency of operations. Where two employees are equally qualified based on the application of these factors, the employer shall retain the employee with the most time served since the current hire date.

8.2.3 Designation of Employees to be Laid Off

In the event of a reduction in force, the Department Head shall provide the Human Resources Director with a list designating the class, position, and names of employees to be laid off. The Department Head shall be responsible for providing the rationale for selecting particular employees within the same job class for layoff. The Human Resources Director shall review the list for conformance with employer policy.

8.2.4 Layoff Notice

Upon confirmation of the separation list, the Human Resources Director shall provide each affected employee with a written notice of employment separation. Such written notice shall either be hand-delivered or sent by certified mail, return receipt requested, to the current address on record or via email utilizing the read receipt function to the affected employees at least thirty (30) days prior to the expected date of separation.

8.2.5 Reinstatement

Employees who have been laid off shall be placed on one or more reinstatement lists. All employees laid off from positions in the same class shall be placed on a single reinstatement list without regard to department. A

laid-off employee may request and receive placement on a reinstatement list for any job class in which the employee previously held post-probationary status. When a vacancy occurs in the same job class for which a reinstatement list exists, the Human Resources Director shall fill the vacancy using the appropriate reinstatement list.

8.2.6 Reinstatement Process

The most recently laid-off employee on the applicable reinstatement list who is qualified for the position and is willing to accept employment in the class and department where a vacancy exists shall be reinstated. The Human Resources Director may select the most appropriately qualified employee based upon the same considerations described under the Order of Layoffs section. An employee reinstated to a position in the same class and department as held prior to the separation will not be required to serve an additional probationary period, provided the required probationary period had been served prior to separation.

8.2.7 Duration of Reinstatement List

The names of separated employees shall be maintained on a reinstatement list for one year from the date of separation. Persons on this list who are hired in positions in the same or (should they apply for and be selected for a vacancy) higher class held prior to separation shall, upon such hire, be removed from the reinstatement list. An employee who refuses reinstatement to the same position held prior to separation shall be removed from the reinstatement list. Persons reinstated to a position in a lower classification or called to work as a casual worker shall remain on the reinstatement list for the designated period of time the reinstatement list is active. Persons who refuse reinstatement to a position in a lower classification shall remain on the reinstatement list for the designated period of time the reinstatement list is active.

9 PERFORMANCE MANAGEMENT

9.1 Statement

The City's performance management system is designed to be a formal, objective, consistent, and ongoing process to assess the on-the-job effectiveness of each employee by communicating to the employee the status and the objectives and standards of performance which the employee is expected to achieve. The city views performance management as an ongoing process that focuses on the future and continued improvement.

9.1.1 Purpose

The performance management process exists to ensure timely and periodic two-way communication between employees and supervisors regarding job performance. This process is designed to:

- Clarify the City's goals and link them to performance expectations.
- Assist employees in reaching their full potential by identifying training needs and developing specific plans for continual improvement.
- Identify and document performance achievements and deficiencies.
- Provide ongoing opportunities for supervisors to coach and encourage personal development and improved job performance.
- Performance evaluations, whether formal or informal, do not create a contract or other right to continued employment.

9.1.2 Ongoing Communication Regarding Performance

It is the policy of the employer and the responsibility of each supervisor to routinely provide employees with accurate, constructive feedback regarding job performance expectations, accomplishments, deficiencies, and opportunities for growth.

9.1.3 Frequency of Performance Evaluations

Formal performance evaluations are to be conducted a minimum of once a year. Additionally, supervisors shall conduct formal evaluations at the following times:

- For new employees, no later than six months after initial hire and twelve months after hire.
- Six months following transfer to a new position within the same classification.

- When there is a significant change (either improvement or deterioration) in performance or behavior affecting the job.
- Within three months there will be an evaluation documenting that the employee's performance needs substantial improvement. (The city encourages frequent, ongoing meetings between the employee and supervisor.)
- At any other more frequent interval as the supervisor deems appropriate. In addition, informal performance communications (feedback) should occur routinely and regularly throughout an evaluation cycle.

9.1.4 Written Record

Formal evaluations will be in writing, utilizing the approved performance evaluation form. All information on the form shall be consistent with the information communicated verbally during the performance evaluation meeting with the employee. Employees will be allowed an opportunity to comment on the evaluation, sign the forms, and receive a copy. A copy of the evaluation, along with any written comments by the employee, will be placed in the employee's personnel file.

9.1.5 Personnel Actions Resulting from Performance Evaluations

Personnel actions, whether positive or adverse, are based on an assessment of the overall performance and behavior of the employee, rather than on a single performance evaluation.

Substandard performance or violation of a policy or procedure which necessitates disciplinary action is not part of the performance evaluation process and will be addressed as provided in the *Disciplinary Actions and Appeals* section of these policies.

9.1.6 Employee Involvement

Supervisors will conduct evaluations in a private meeting with the employee. The employer strongly encourages employee participation in the performance evaluation process. Opportunities for participation include the following:

- Supervisors providing employees with an opportunity to present a self-evaluation, which the supervisor may then consider prior to and discuss during the evaluation meeting.
 - Discussions between the supervisor and the employee for the purpose of establishing performance expectations or goals for the next evaluation period.

- If requested by the employee, a discussion with the next level supervisor to review any disagreements over a performance evaluation.

9.1.7 Performance Improvement Plans

If an employee's performance evaluations are less than acceptable, or following an event or course of misconduct or substandard performance, an employee may be placed on a performance improvement plan (PIP). The plan shall be in writing and shall clearly set forth the expectations of the employer while the PIP is in effect. While in effect, the employee will be regarded as a probationary employee. If the expectations are not met upon the end of the PIP's duration, the employee may be terminated, demoted or transferred, at the employer's discretion. A PIP will not excuse acts of misconduct or incompetency occurring while the PIP is in effect, and an employee may be disciplined independently of the existence of the PIP.

10 DISCIPLINARY ACTIONS AND APPEALS

10.1 Discipline and Appeal

10.1.1 Justification for Discipline

Disciplinary action, up to and including termination, may be taken against an employee for unsatisfactory performance or for misconduct including, but not limited to, the following:

- Conduct unbecoming an employee in the City's service, whether on or off duty, discourteous treatment of members of the public or a fellow employee, or any other act of omission or commission that impacts negatively on the public's perception of the integrity or credibility of the city or erodes the public confidence in the city.
- Falsification of or making a material omission on forms, records, or reports including applications, timecards, and other City records.
- Absence from work without permission or without notification to an appropriate supervisor/manager, habitual absence or tardiness, or misuse of sick leave.
- Unauthorized possession, removal, or use of the City's property including, but not limited to, funds, records, keys, confidential information of any kind, equipment, supplies, or any other materials.
- Insubordination, refusing to follow directions, or other unprofessional conduct directed toward a supervisor/manager.
- Harassment, bullying, or other prohibited behavior directed toward another employee, member of the public, vendor, or anyone doing business with the city, or anyone present on premises owned or controlled by the city.
- Actual or threatened violence including, but not limited to, intimidation, overt or subtle threats, harassment, stalking, or any form of coercion.
- Possession or inappropriate use of drugs, prohibited substances, or alcohol on property owned or controlled by the City or while on duty or during an on-call status.
- Possession, bringing, or aiding others in bringing unauthorized firearms, weapons, hazardous biological material or chemicals, or

other dangerous substances onto property owned or controlled by the City.

- Violation of safety or health policies or practices or engaging in conduct that creates a safety or health hazard to other employees, the public, vendors, or oneself.
- Dishonesty including intentionally or negligently providing false information, intentionally falsifying records, employment applications, or other documents.
- Violating or failing to comply with federal, state, or local law or the City's policies, rules, regulations, and/or procedures.
- Unsatisfactory work performance.
- Conviction of a felony offense or theft.
- Engaging in political activities while on duty.

10.1.2 Forms of Disciplinary Action

Disciplinary action includes, but is not limited to, one or more of the following:

- Verbal warning
- Written reprimand
- Suspension*
- Pay reduction*
- Demotion**
- Termination

Employees' signed copies of written findings of the imposition of the above items 1-6 will be placed in employees' personnel files, and a copy provided to employees.

**Exempt employees are subject to the following rules regarding disciplinary pay reductions and unpaid suspensions:*

- Pay reductions imposed as a penalty may only be made in cases of violations of safety rules of major significance, including those rules related to the prevention of serious danger in the workplace or to other employees. An example would be violating a rule that prohibits smoking around flammable material. Deductions can be made in any amount.

- Unpaid suspensions may be imposed for infractions of workplace conduct rules, such as rules prohibiting sexual harassment, workplace violence, drug, or alcohol use, or for violating state or federal laws. The suspension must be for serious misconduct, not for performance issues. Suspensions must be in full-day increments and must be imposed pursuant to a written policy applicable to all employees.
- Unpaid suspensions for performance issues will be made in full workweek increments.

10.1.3 Process for Imposition of Action

Prior to taking disciplinary action involving suspension, reduction in pay, demotion, or termination against any regular employee, the employer will take action intended to ensure that the employee is given adequate notice and an opportunity to explain or contest the disciplinary action prior to an appropriate supervisor making a final decision regarding the disciplinary action. Nevertheless, since the city is an at will employer, and since no employee has an expectation of continued employment, the provisions of this policy confer on employees the opportunity, not the right, to receive notice and to be heard.

Written Notice

In situations where the proposed disciplinary action involves a suspension of at least one day, a reduction in pay, a demotion, and/or termination, written notice of the proposed disciplinary action will be hand-delivered or sent by certified mail or by email to the employee. The notice will include the following information:

- The nature of the disciplinary action proposed.
- The effective date of the proposed disciplinary action.
- A statement of the proposed disciplinary action.
- For police officers, city-employed peace officers, detention officers and fire fighters, a copy of the written complaint signed by the person making the complaint.

The notice may include:

- A statement advising the employee of the opportunity to file a written response, or to submit a written request for a pre-disciplinary conference with the Human Resources Director within three (3) workdays of receipt of the notice of proposed disciplinary action; and

- A statement that the employee's failure to file a written response or request a pre-disciplinary conference in a timely manner, or to appear at the pre-disciplinary conference after requesting such, will constitute a forfeiture of the employee's opportunities to any further appeal unless otherwise provided by law.

Employee Review

By request, the employee will be given the opportunity, as soon as practical, to review the documents or other evidence (except for confidential and privileged documents). If the employee requests, the employer will provide a copy of the documents used to support the proposed disciplinary action.

Conference Prior to Implementation

When the employee requests a conference after receipt of the proposed disciplinary notice, but prior to any disciplinary action being imposed, the Human Resources Director will schedule a meeting with the employee and the employee's representative (if the employee requests a representative be present) in a timely manner to review the reason for and basis of the proposed disciplinary action. At this conference, the employee will also be provided with an opportunity to present relevant information which may impact the nature or severity of the proposed disciplinary action.

Implementation of Discipline

No later than three (3) workdays from receipt of the employee's written response or conclusion of the pre-disciplinary conference, the Human Resources Director will issue a written decision to the affected employee. The written decision will inform the employee that:

- The proposed disciplinary action will be implemented; or
- The proposed disciplinary action will be modified, with an explanation; or
- The proposed disciplinary action is rescinded, with an explanation.

Appeal

The affected employee may appeal the disciplinary action to the City Manager by filing a written appeal with the Human Resources Department within three (3) workdays of the date of receipt of written notification of the disciplinary action or the determination of the Human Resources Director. The written appeal must allege that the facts in support of the disciplinary action are incorrect and should contain a specific admission or denial of each of the material statements in the decision. If the employee does not deny the facts, the written appeal may allege that the disciplinary action is excessive. If

an employee fails to file a written appeal conforming to these requirements within the prescribed time limit, the employee is deemed to have waived the opportunity to appeal unless otherwise provided by law.

After an employee has submitted a timely appeal to the Human Resources Department, a date will be set for a disciplinary hearing. At such an appeal hearing, the employee may be represented by an attorney to present evidence and argument in response to the disciplinary action. The hearing will be conducted by the City Manager and will be conducted informally without conforming to formal rules of evidence or procedure, and such informality of the appeal hearing process shall not invalidate the decision rendered. The City Manager will issue to the parties a decision following such hearing within five (5) workdays. The decision of the City Manager is final.

10.1.4 Administrative Leave During Disciplinary Proceeding

By notifying the employee in writing, the city may place an employee on administrative leave, with or without pay, pending investigations of alleged misconduct or performance deficiencies, before or during a disciplinary proceeding, or during the review of the employee's response to a proposed disciplinary action. The notice of administrative leave will include a statement that the leave is not a disciplinary action. An employee placed on administrative leave without pay who is later exonerated will be reimbursed for any pay lost during the administrative leave.

11 DEFINITION OF TERMS

The terms used in these policies shall have the meanings defined below:

Accident: An unplanned, unforeseen event or occurrence that results in, or has potential to result in bodily injury, property damage, or disruption to operations.

Administrative Leave: Authorized leave for administrative purposes, such as for conducting an Investigations which may be with or without pay, at the option of the employer.

Adulterated Specimens: A specimen is considered adulterated if it contains a substance that is not a normal constituent or contains an endogenous substance at a concentration that is not a normal physiological concentration.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

Alcohol Use: The drinking or swallowing of any beverage, liquid mixture, or preparation (including any medication) containing alcohol.

Allocation: The assignment of a single position to its proper classification on the basis of the duties performed and responsibility assigned.

Anniversary Date: The date the employee is hired, appointed, promoted, reclassified, or reallocated upward. The anniversary date may be adjusted as specifically provided elsewhere in the personnel policies. (Federal regulations govern the anniversary date of employees returning from military leave.)

Applicant: A person, including a current employee, who is applying for any position with the employer.

Appointment: The offer of and acceptance by a person to a position in accordance with the provisions of these personnel policies.

At-will: Employment status wherein the employee may be terminated at any time, with or without cause. An employee in an at-will status has neither a property right nor an expectation of continued employment with the employer.

Authentication: For purposes of Family Medical Leave Act, providing the health care provider with a copy of the medical certification and requesting verification that the information contained on the certification form was completed and/or authorized by the health care provider who signed the document; no additional medical information may be requested.

Casual Worker: An employee hired on an as-needed basis, either as a replacement for employees who are out on short- and long-term absences or to meet employer's additional staffing needs during peak business periods. A casual worker has neither a property right nor an expectation of continued employment with the employer and is

not covered by the provisions of the hiring, discipline, layoff, or dispute resolution sections of these personnel policies.

Child: (Son or daughter) a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing In Loco Parentis. For purposes of Family Medical Leave Act, leave to care for a child with a serious health condition is limited to a child who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability”; Exigency Leave and Military Caregiver Leave applies to a child of any age.

Clarification: For purposes of Family Medical Leave Act, contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of a response.

Class or classification: A group of like positions assigned to the same title and pay grade based on similar duties and responsibilities and minimum qualifications. A class may only have one position allocated to it if there are no similar positions within the organization.

Compensatory Time/Compensatory Time Off: Time off granted to an employee in lieu of monetary payment for overtime worked.

Contraband: Any item such as illegal drugs, prohibited substances, drug paraphernalia, or other related items whose possession is prohibited by policy.

Conflicting Employment: Outside employment that interferes with the employee’s ability to perform the assigned job.

Conviction: A finding of guilt, including a plea of no contest or imposition of sentence or both, by any judicial body charged with the responsibility to determine violations of federal or state laws. A deferral of adjudication or sentence, or the dismissal of criminal charges after completion of community supervision, probation or parole shall be construed as a conviction of a plea of guilty or no contest was entered.

Corrective Action: Action taken to improve unacceptable behavior or performance; corrective action may include coaching sessions, counseling sessions, training, and disciplinary actions including verbal warnings, written reprimands, suspensions, demotions, pay reductions, and discharge.

Date of Hire/Hire Date: The actual date an employee first renders paid service in a regular position.

Day: Calendar days unless workdays are specified.

Demotion: Involuntary movement of an employee from one job class to another job class having a lower maximum base rate of pay, as a result of disciplinary action.

Diluted Specimens: A urine specimen with a high concentration of water and has creatinine and specific gravity values that are lower than expected for human urine, as determined by the U.S. Department of Health and Human Services.

Disability-Related Inquiry: A question (or series of questions) likely to elicit information about a disability. Generally, disability-related inquiries are restricted by the ADA during the hiring process.

Discharge: Termination, separation, dismissal, or removal from employment for cause.

Discipline/Disciplinary Action: A formal form of corrective action to improve unacceptable behavior or performance; discipline may include verbal warnings, written reprimands, suspension, involuntary demotion, reduction in pay, or discharge.

Discrimination: Employment decisions or actions that are inappropriately taken because of the applicant's or employee's protected class membership.

Dispute: Any disagreement between the employer and an employee pertaining to the application of the employer's personnel policies, or an allegation by an employee that the employer has failed to provide a condition of employment established by the employer's compensation plan.

Domestic Partner: Persons who are registered have a valid domestic partnership or have a legal union validly formed in another jurisdiction that is substantially equivalent.

Drug Test: A test to determine the presence of illegal drugs/prohibited substances or their metabolites that includes specimen collection and testing by a U.S. Department of Health and Human Services (DHHS)-certified laboratory.

Eligibility List: A list of names of people who have satisfactorily completed an examination for a position and/or are qualified for employment, from which employment selections may be made.

Employee: A person employed in a budgeted position on a full- or part-time basis. Elected officials are excluded from policies for which there are specific provisions provided in federal, state, and local laws, charters, resolutions, and ordinances.

Regular Full-time Employee: A person who has completed a probationary period in a regularly budgeted position with a normally scheduled workweek of at least (30 hours).

Regular Part-Time Employee: A person who has successfully completed Probationary period in a regular budgeted position which requires a minimum number of hours per week (typically 20 hours), but less than full-time employment.

Exempt Employee: An employee who is exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act.

Non-Exempt Employee: An employee who is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.

Employer Premises: All employer property and facilities, the surrounding grounds and parking lots, leased space, employer equipment, vehicles, offices, desks, cabinets, closets, and any other property owned by the employer.

Essential Function: A fundamental job duty of the position held or desired. A function is essential if the job exists to perform that function, a limited number of other employees are available to perform the function, or the function requires special skill or expertise.

Examination/Test: Any measure, combination of measures, or procedures used as a basis for any employment decision, including traditional paper and pencil tests, performance tests, assessment centers, Probationary periods, and evaluation of physical, educational, and work experience qualifications through interviews and scored application forms.

Full-Time: Work which requires hours of work as established by the employer as full time. A full-time employee is regularly scheduled to work a normal workweek of 40 hours.

Grade: The designation of a pay range for a class.

Illegal Drugs: Any controlled substance or drug under Federal or Texas law, which is illegal to sell, possess, cultivate, transfer, use, purchase, or distribute. The possession and/or use of medication prescribed by a physician or health care provider, when used according to the prescription is not considered to be the use or possession of an illegal drug.

Incomplete or Insufficient Certification: For purposes of the Family Medical Leave Act, a medical certification is considered incomplete if the employer receives a certification, but one or more of the applicable entries have not been completed. A medical certification is considered insufficient if the employer receives a complete certification, but the information provided is vague, ambiguous, or non-responsive.

In Loco Parentis: For purposes of the Family Medical Leave Act, a relationship in which a person has put oneself in the situation of a parent by assuming and discharging the obligations of a parent to a child, with whom the employee has no legal or biological connection, including day-to-day responsibilities to care for or financially support a child.

Workplace Injury: Any physical harm or damage sustained by an employee arising out of and in the course of employment. This includes, but is not limited to cuts, burns, sprains, fractures, or any condition requiring medical injury.

Probationary Period: A trial or working test period which an employee serves in an at-will status used to determine if an employee's performance meets the expectations

of the position for which the employee was hired and if continued employment is warranted.

Key Employee: A salaried Family Medical Leave Act eligible employee who is among the highest paid 10 percent of all the employees employed by the employer within 75 miles of the employee's worksite.

Layoff: A separation from the employer's service because of a reduction in force, shortage of funds, lack of work, abolishment of a position, reorganization, or for other reasons not reflecting discredit on an employee and for reasons outside of the employee's control.

Leave Without Pay: Authorized leave in a non-paid status.

Major Life Activities: For the purposes of the Americans with Disabilities Act, functions such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, concentrating, thinking, communicating, reading, sitting, reaching, interacting with others, working, and the operation of a major bodily function, including but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, digestive, bowel, bladder, neurological, brain, genitourinary, cardiovascular, hemic, lymphatic, musculoskeletal, respiratory, circulatory, endocrine, and reproductive functions.

Manager: An employee, or an elected official who has been authorized to select, train, schedule, and evaluate the work of other employees, and to make decisions or effectively recommend actions related to the hiring, evaluation, and discipline of assigned employees. This person may also serve as the department head.

Medical Examination: A procedure or test usually given by a health care professional or in a medical setting that seeks information about an individual's physical or mental impairments or health.

Next of Kin: For purposes of Family Medical Leave Act, the nearest blood relative other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as the nearest blood relative for purposes of military caregiver leave under the Family Medical Leave Act .

Parent: For purposes of Family Medical Leave Act, includes a biological, adoptive, step or foster father or mother, or any other individual who stood In Loco Parentis to the employee or covered service member. This term does not include parents "in-law."

Pay Range: The minimum and maximum pay rates set for each classification, grade, or level as designated by the position compensation plans. (Also see Grade.)

Personal Information: A natural person's first name or first initial and last name in combination with any one or more of the following elements, when the name and data elements are not encrypted: social security number; driver's license or identification card number; account number or credit/debit card number with security/access code or password; a username or email address in combination with a password, access code or security question and answer. The term does not include the last four digits of a social security number, driver's license/identification card number, or publicly available information that is lawfully made available to the general public from federal, state, or local governmental records.

Positive Drug or Alcohol Test: Any detectable level of drugs or its metabolite (in excess of trace amounts attributable to secondary exposure) in an employee's specimen. With respect to alcohol, a blood alcohol concentration of .02% or higher constitutes a positive test.

Prohibited Substances: Medical and recreational marijuana (cannabis); prescription drugs not legally obtained, not being used in the manner, combination, or quantity prescribed, or by the individual for whom prescribed; over-the-counter medications used contrary to manufacturer instructions; or consumer products not meant for human consumption.

Promotion: The movement of an employee from one class to another class having a higher maximum base rate of pay, usually as a result of some type of examination.

Protected Class/Protected Class Membership: Individuals or groups of individuals protected from employment discrimination, harassment, and retaliation by federal and/or state laws. Protected classes include race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, membership in the Texas National Guard, and any other class that becomes protected by federal and/or state law.

Reasonable Accommodation: A modification or adjustment to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability, a female employee with a condition relating to pregnancy, childbirth or a related medical condition, or an employee who is or has a family or household member who is a victim of an act which constitutes domestic violence, to perform the essential functions of that position.

Reclassification: The change of a position to a different job class which results from changes in duties and responsibilities.

Reduction in Pay: Disciplinary action by an employer moving an employee to a lower pay level in the same class and same pay grade.

Regular Employee: See “Regular Full-Time Employee” and “Regular Part-Time Employee” listed under “Employee.”

Regular Position: An authorized position which appears in the authorized position list contained in the employer’s budget documents or its amendments approved by the City Council.

Reinstatement: The restoration of a laid-off employee without examination or an employee rejected during a promotional probationary period to a position in a class in which the employee formerly served as a regular employee.

Reinstatement List: A list of names of people who have been laid off and are available for reinstatement.

Reporting Officer: The staff member assigned the responsibility and authority to post notices; provide training; and receive, investigate, and resolve complaints of alleged discrimination/harassment.

Reprimand: A written notice to an employee stating specific performance and/or behavioral deficiencies and the improvements in behavior and/or performance which the employee must make, and that further disciplinary action will follow if the employee does not make the required improvements. (A performance evaluation form shall not be considered a reprimand.)

Resignation: A notice by an employee that the employee intends to separate from the employer’s service.

Seasonal Employee: See Casual Worker.

Son or Daughter: See “Child.”

Spouse: A husband or wife of a person, regardless of gender.

Step: A specific rate of pay within the pay range established for a class. (Also see Rate of Pay.)

Substance Abuse Professional (SAP): A licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional, state-licensed, or certified marriage and family therapist, drug, and alcohol counselor (certified by an organization listed at <https://www.transportation.gov/odapc/sap>) with knowledge of and clinical experience in the diagnosis and treatment of drug- and alcohol-related disorders.

Substituted Specimens: An employee's specimen not consistent with normal human specimen as determined by U.S. Department of Health and Human Services (e.g., a urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine).

Supervisor: An employee, or an elected official who has been authorized to select, train, schedule, and evaluate the work of other employees, and to make decisions or effectively recommend actions related to the hiring, evaluation, and discipline of assigned employees. This person may also serve as the department head or manager.

Suspension: The temporary separation from service of an employee for disciplinary reasons.

Temporary Employee: See Casual Worker.

Termination: See Discharge.

Transfer: A lateral change of an employee from one position to another position in the same class or to a different class in the same pay range.

Transitional Duty: A temporary assignment of an employee who is unable to perform one or more essential functions of the assigned job but has been cleared by a health care provider to perform other duties for the employer.

Volunteer: An individual who performs hours of service for a public agency for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered. An individual is not considered a volunteer if the individual is otherwise employed by the same public agency to perform the same type of services as those for which the individual proposes to volunteer.

Warning: Verbal notice or counseling of an employee specifying required changes in work performance or on-the-job behavior.

Workplace Injury: Any physical harm or damage sustained by an employee arising out of and in the course of employment. This includes, but is not limited to, cuts, burns, sprains, fractures, or any condition requiring medical injury.