

## **CITY OF STAFFORD**

### **PERSONNEL POLICIES AND PROCEDURES**

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## **I. INTRODUCTION**

### **A. OBJECTIVE**

This manual was written to provide all City employees with a basic understanding of the fundamental elements of the policies necessary for an effective administration of public service and to outline an equitable system to deal with personnel administration in City government. Fundamentally we seek to: outline the City personnel policies, simplify our system of personnel recruitment, selection and advancement which will make City employment attractive and rewarding as a career; offer a fair and equal opportunity for all qualified individuals wishing to work and who are presently working for the City; and finally, provide the basis for an effective understanding and good working relationship among City employees. The attitude and behavior of City employees shall be courteous and show good will in dealing with the public. All policies and procedures shall be subject to and in accordance with State law and whatever City Ordinances are applicable. This manual shall supersede any previously adopted rules. The word "shall" when used herein is meant to be mandatory.

### **B. EQUAL OPPORTUNITY POLICY**

Affirmative action shall be taken to insure equal employment opportunities for all employees and prospective employees engaged in or to be engaged in City service. Discrimination or harassment against any individual in recruitment, examination, appointment, training, promotion, retention, discipline or any other aspect of personnel administration because of political or religious opinions and affiliations, membership or non-membership in employee organizations, or because of race, color, age, disability, veteran status, sex, national origin, marital status, or other non-merit factors is prohibited. Any employee discriminated against or harassed shall report such conduct to his or her immediate supervisor or Department Head; provided, however, if a Department Head is the alleged source of a claim of discrimination or harassment, the aggrieved employee may address such claim directly to City Council. Appeals from decisions of Department Heads may be taken in accordance with the procedures specified in Article IX.

### **C. APPLICABILITY**

These rules apply to all City employees. A person on retainer or under contract is not considered to be a City employee in the absence of a specific agreement to that effect.

#### **D. DISSEMINATION**

All City employees shall be informed of the existence of these rules. Each department shall keep a copy available for reference by its employees. Each new employee shall receive a copy to read and sign a statement to that effect. Notwithstanding the foregoing, it is each employee's responsibility to become familiar with the contents of these policies and to ask questions when necessary for a full understanding.

#### **E. AMENDMENT**

These rules may be changed, supplemented or superseded at any time as provided by the City Council.

#### **F. RESPONSIBILITY**

1. The City Council has the final authority and responsibility for approving and interpreting personnel policies and procedures.
2. Department Heads and supervisory personnel are responsible for enforcing the provisions of these rules and related policies and procedures as approved by the City Council.

#### **G. PERSONNEL MANUAL AND PERSONNEL POLICY**

These policies and all amendments hereto shall be the official personnel policies of the City. All prior policies are hereby repealed.

#### **H. AT WILL EMPLOYMENT**

These policies and the benefits described herein do not constitute a contract of employment or a contract with the City and any employee to provide any benefit. The City may alter, modify, amend, or terminate any of the policies or benefits set forth herein at any time, with or without notice.

### **II. CLASSIFICATION OF EMPLOYEES**

#### **A. CITY – MONTHLY-SALARIED AND HOURLY-SALARIED**

For the purposes of these rules only, the City shall assign each employee to one of three categories. The three categories of employees are:

1. **FULL TIME EMPLOYEES.** A Full Time Employee is any employee who is regularly scheduled to work not less than forty hours per week in one or more positions that are budgeted for not less than 2,000 hours per year;
2. **REGULAR PART TIME EMPLOYEES.** A Regular Part Time Employee is any employee who is not a Full Time Employee, but who is regularly scheduled to work in a position that is budgeted 1,000 hours or more per year. Any part time position that normally requires 1,000 hours or more per year services from an employee must be approved in advance by the City Council. A Regular Part Time employee may not work in excess of 1,475 hours per calendar year;
3. **PART TIME EMPLOYEES.** A Part Time Employee is an employee who is not either a Full Time Employee or a Regular Part Time Employee. A Part Time Employee may not work in excess of 999 hours per calendar year.

**B. NON – CITY – RETAINER OR FEE BASIS**

1. **Professional.**  
Those employees who are not actually supervised by the City but are on a retainer or fee basis, such as the City Attorney and City Engineer.
2. **Contract.**  
Those non-City employees who are placed by and paid by an agency, such as temporary clerical workers, or who are paid a fixed fee for performing a particular service.

**III. JOB TITLES AND COMPENSATION PLAN**

**A. JOB TITLES.**

All employees shall be assigned a job title and be designated as a Full time Employee, Regular Part Time Employee, or a Part Time Employee. An employee's salary shall be determined by said title and shall be shown in the annual budget.

**B. JOB DESCRIPTIONS.**

All employees appointed by Council shall be classified based on the authority, duties and responsibility of the position. Each job description should state the essential functions of the job. Any such employee may be reclassified by Council's approval to a higher or lower title and/or pay scale whenever warranted by changed circumstances.

### **C. APPOINTMENTS, PROMOTIONS OR DEMOTIONS**

Appointments, promotions or demotions to positions shall be determined by any of the following: education, experience, testing and ability to perform the job.

### **D. PROBATIONARY PERIOD**

The required probationary period is six continuous calendar months for new employees and for employees that are appointed, promoted or demoted to a different position. New employees who have successfully completed six (6) months probation, shall be eligible for a salary increase or, as the case may be, an increase in hourly wages. New employees who have successfully completed one (1) year of service shall be eligible for a salary or hourly wage increase on the anniversary of their date of hire, provided that an appropriation was made for such increase in the then current fiscal year budget. Thereafter, salary and hourly wage increases, if any, shall be appropriated in the City's annual budget and be effective upon the beginning of the City's fiscal year. Department Heads and/or supervisors shall be responsible for timely submitting requests for pay increases to City Council for employees successfully completing the six (6) months probationary period or one (1) year of service.

### **E. ADDITIONAL COMPENSATION FOR BILINGUAL EMPLOYEES**

1. To qualify for additional compensation for bilingual skill ("bilingual pay"):
  - a. The employee must hold a job position that has been designated by City Council as eligible for bilingual pay and successfully complete a six-month probationary period in such position;
  - b. The employee must be able to speak both the English and Spanish languages or both the English and Vietnamese languages with equal fluency; and
  - c. The employee must have passed a verbal fluency test administered by a recognized testing agency or received certification as an interpreter from an accredited institution.
2. To receive bilingual pay, a qualified employee's department head must submit a recommendation and request to City Council to approve the employee for bilingual pay. Upon approval by City Council, the employee will begin receiving bilingual pay in the

amount of \$30.00 per month beginning the first month after the date of approval by City Council, provided funds for such pay have been appropriated in the City's budget for the fiscal year.

3. City Council, in its sole discretion, by adoption of an ordinance amending this policy, may discontinue bilingual pay. Bilingual pay shall be discontinued without the necessity of amending this policy if the City Council fails to appropriate funds for such pay in a duly adopted budget.

#### **IV. EMPLOYMENT**

##### **A. PROCEDURE FOR EMPLOYMENT**

1. Announcement of Vacancies.  
All vacancies shall be announced by posting notice thereof in the City Hall administration building and such other locations and in such publications as deemed appropriate by the Department Head and as may be instructed by City Council. Each announcement, in so far as practical, shall specify the title, nature of the job, required minimum qualifications, physical requirements, and the deadline for and method of application. Each announcement shall contain a statement confirming the City's commitment to a policy of equal employment opportunity.
2. Application.  
A written application on a prescribed form furnished by the City shall be completed by the applicant and returned to the City.
3. Interview.  
An applicant considered for employment may be requested to submit to an oral interview to further examine his or her qualifications.
4. Background Check.  
Depending upon the particular job for which the applicant is applying, a background check may or may not be required.
5. Physical Examination.  
A physical examination at the City's expense may be required as a prerequisite to employment, or at any time during the employee's tenure. The State of Texas requires all police applicants to have a physical and mental examination. These examinations are at the City's expense.

6. Drug Test.  
A pre-employment drug screening test shall be required as a prerequisite to employment in accordance with the City's Drug Free Workplace Policy. (See, Article VIII., K.4.a.)
7. Skills Test.  
Depending upon the particular job for which the applicant is applying, a skills test may be required.

## **B. JOB ASSIGNMENT**

1. Duties/Shifts.  
Any employee may be shifted in jobs and assigned any and all duties. In departments requiring various shifts, the employee's shift may be changed at the discretion of the departmental supervisor.
2. Limited Duty Assignment Policy and Purpose.  
The utilization of limited personnel resources and the interests of the public and the City's employees are best served by the ability of a department head of the City to utilize temporary limited duty assignments for employees who, for legitimate reasons, are temporarily unable to perform the functions of their regular job position or, for administrative reasons, require temporary reassignment. The purpose of this section is to provide the means for valued employees to maintain their employment status following a temporarily disabling illness or injury by establishing a procedure for temporary transfers to job duties other than the employee's regular assigned position. This procedure is to be implemented when an employee is medically expected to recover sufficiently to return to his normal duties within a short period of time, and when the temporary assignment is deemed, by the department head, to be in the best interests of both the City and the employee. The adoption of this policy does not require the City to establish a limited duty position, to create permanent limited duty positions for disabled employees, or to create any right to a limited duty position for employees.
  - a. Authority. When a legitimate need arises and the best interests of the City and the employee are served, a department head may transfer an employee under his/her supervision to a temporary limited duty job assignment. This temporary assignment shall be to duties that serve the department's needs and utilizes the employee's knowledge and skills. An employee may be transferred to a temporary duty assignment in another department with the approval of

the other department's Department Head. Temporary limited duty assignments may include, but are not limited to:

Telecommunications;  
Records filing and/or maintenance;  
Report taking and writing;  
Technical functions for which the employee is qualified;  
Attending training classes; or  
Any other appropriate duty.

Nothing in this policy shall be interpreted as a guarantee of assignment to limited duty or that such assignment is a matter of right. The determination of assignment to limited duty rests with the department head.

b. Basis for Temporary Limited Duty Assignment. The department head may authorize an employee's transfer to a temporary limited duty assignment for any of the following reasons:

- (1) When an employee suffers an injury or illness in the course and scope of the employee's regular job duties;
- (2) When an employee suffers an injury or illness that occurs when the employee is not on duty or occurs outside the course and scope of the employee's regular job duties; or
- (3) For administrative reasons deemed appropriate by the department head.

c. Procedure for Assignment to Limited Duty.

- (1) Employee Request for Transfer to Limited Duty. An employee requesting to transfer to a limited duty assignment must make the request in writing to the department head. Such request must be accompanied by appropriate documentation, prepared by a licensed physician or other bona fide licensed care provider, outlining the nature and extent of the injury or illness, stating specific job restrictions, and a prognosis for recovery, including the anticipated date the employee will be able to return to performing his/her regular duties. The request shall be reviewed by the department head and approved or rejected

within five (5) working days of receipt of the request, or after receipt of any additional information requested by the department head. All medical records shall be maintained in accordance with municipal, state, and federal laws and regulations.

(2) Administrative Transfer To Limited Duty. A department head may transfer any employee under his/her supervision to a limited duty assignment for any reason deemed appropriate. The employee shall be informed in writing of the basis for such transfer.

d. Duration of Temporary Limited Duty Assignments. When an employee is transferred to a temporary limited duty assignment, that assignment shall be reviewed by the department head on a regular basis and a determination shall be made, based on all relevant factors, as to what action shall be taken. The following provisions are specific limitations on the duration of a limited duty assignment, but shall not be construed to create a right or entitle an employee to any number of days on temporary limited duty assignment:

(1) Job Related Injury or Illness. Transfers to temporary limited duty assignments based on job related injury or illness shall be reviewed not later than thirty (30) days after transfer and a determination shall be made to either continue the assignment for an additional term not to exceed thirty (30) days, return the employee to their regular duty assignment, or terminate the employee. The time period authorized for limited duty assignment due to job related injury or illness shall be determined by the department head, but in no event shall such limited duty assignment exceed sixty (60) days from the actual date of transfer, unless an additional period is approved by City Council.

(2) Non-Job Related Injury or Illness. Transfers to temporary limited duty assignment based on non-job related injury or illness shall be reviewed not later than thirty (30) days after transfer and a determination shall be made to either continue the assignment for an additional term of ten (10) days, return the employee to their regular duty assignment, or terminate the employee. Assignment to temporary

limited duty based on non-job related injury or illness shall be limited to a maximum of forty (40) days from the actual date of transfer to limited duty, unless an additional period is approved by City Council.

- (3) Administrative. Transfers to temporary limited duty assignment based on administrative needs shall be reviewed not later than ten (10) days after the date of such transfer and a determination shall be made to either continue such limited duty assignment, return the employee to their regular job duties, or take other action based on policy regulations related to the reason for such transfer.
- e. Outside Employment and Public Appearance of Police Officers. Any police officer transferred to a limited duty assignment may not perform police related work outside the department and shall not appear in any public place while wearing a Stafford Police uniform. Such work or appearance might place the officer in a position that requires him/her to exercise the full range of police powers and to extend themselves beyond their limited abilities.

### 3. Stafford Volunteer Fire Department

- a. The Stafford Volunteer Fire Department may have up to 24 Regular Part-Time positions.
- b. All shift work shall be for 8-14 hours, 24-hour shifts may be used when required.
- c. Each Regular Part-Time position shall be scheduled to work up to 1,475 hours per calendar year, and each Part-Time position shall be scheduled to work up to 999 hours per year.
- d. No Regular Part-Time position may work greater than 1,475 hours during a calendar year. This shall include training and off-duty calls and shall be strictly monitored.
- e. No Part-Time duty crew personnel shall work greater than 999 hours in a calendar year. This shall include training and off-duty calls and shall be strictly monitored.
- f. The combined total of all hours for authorized duty crew personnel shall not exceed 42,000 hours in a calendar year.

- g. Regular Part-Time positions must submit to a minimum of 120 hours of availability, including a minimum of 24 hours availability of a weekend period (Saturday and/or Sunday) each calendar month. This can be through 10-hour weekday, 12-hour weekend, or 14-hour weeknight.
- h. The maximum number of duty crew personnel shall be 41 which would allow for up to 17 Part-Time duty crew positions.
- i. The Fire Chief will submit to the Mayor, not later than five days after the end of the previous month, a detailed list of all hours worked by duty crew personnel, Part –Time and Regular Part-Time.
- j. For most non-exempt employees, the work period is defined as the seven (7) days period beginning at 12:01 a.m. Sunday and ending at midnight Saturday. For non-exempt fulltime Firefighters (hereinafter referred to as “paid Firefighters”), the work shall be a 14-day period beginning Sunday at 00:00 and ending at 11:59 p.m. Saturday. The usually scheduled number of hours in a work period shall be 106 for paid Firefighters. Paid Firefighters will be paid for actual hours worked regardless of up or down fluctuation in a work period. Overtime worked will be paid the next pay period after being earned.
- k. Most non-exempt employees working on City Holidays are compensated at time and one half for those hours regardless of hours worked in that week. For purposes of administering the 14-day work period, paid Firefighters will be compensated for working City Holidays at straight time unless the holiday hours result in more than 106 total hours in the work period.
- l. For most non-exempt employees, holidays are accumulated on a monthly basis but for purposes of administering the 14-day work period, paid Firefighters will be provided “front loaded” 96-holiday hours allocated in advance for personnel hired between January 1<sup>st</sup> and June 30<sup>th</sup> each year. Paid firefighters hired on July 1<sup>st</sup> or later each calendar year will be provided “front loaded” 48-holiday hours for use. Benefit time use will be hour for hour (Example: 24-hours taken off would require 24-hours of vacation/holiday to be used).
- m. The hourly rate for full time paid firefighter personnel will be set by the Stafford City Council.

### **C. PROBATIONARY PERIOD**

The minimum probationary period shall be six continuous calendar months. This requirement shall pertain primarily to full-time employees. Employment is subject to review during the probationary period, and the employee shall be subject to termination without recourse if his or her employment is not satisfactory. Although full-time employees may earn vacation leave during the probationary period, such leave may not be taken during the probationary period, unless specifically authorized at the time of hire or unless approved by City Council during said period.

### **D. PROMOTIONS**

Promotion is to raise an employee to a higher or better position. Consideration shall be given to employees presently on the payroll when positions are to be filled. This shall not prohibit supervisory personnel from filling positions from outside the City work force should they feel it is in the best interest of the City.

### **E. PAYMENT OR NON-PAYMENT OF WAGES**

#### **2. Time for Payment.**

Beginning January 1, 2004, paychecks for all employees, except Fire Department personnel, will be issued every other Friday for services previously performed. The first paycheck under this system will be issued on January 16, 2004. In the event a pay day falls on an official City holiday, paychecks shall be issued on the closest preceding workday. Paychecks for Fire Department personnel and City Councilmembers will be issued once a month. Paychecks for Fire Department personnel shall be issued on the pay day for the last pay period of the month for services performed during the preceding four-week period. Paychecks for City Councilmembers shall be issued on the pay day for the first pay period of the month for services performed during the preceding month.

#### **4. Voluntary or Involuntary Termination.**

An employee who is involuntarily terminated may at the discretion of the Finance Director be paid immediately; otherwise such employee will be paid in accordance with applicable law. An employee voluntarily terminating shall be paid on the next regular payday unless other arrangements are authorized by the Finance Director.

#### **5. Payment to Estate of Deceased Employee.**

Accumulated wages may be paid to the estate of any deceased employees. Payment should be reduced for any monies owed the

City by former employee before final payment to the estate is made.

6. Absences With Pay.

- a. An employee is allowed absences with pay for three calendar days for death in the immediate family, spouse's immediate family or household. Immediate family includes mother, father, brother, sister, wife, husband, son or daughter. A member of the household includes anyone who resides within the family unit of the employee and who is regarded as a member of the family.
- b. Time off may be allowed by the supervisor as required to attend the memorial or funeral service of other relatives up to a maximum of one day.
- c. Time off to attend the funeral service of a close friend is generally charged as vacation time. The supervisor may, at his or her discretion, grant up to four (4) hours for this purpose.
- d. Time off, as required, to attend the funeral services of a City employee, a City official, or a well known and widely respected member of the community should be granted with the approval of the Supervisor.

Legal Duty.

- a. Employees summoned for jury duty will be allowed the necessary time; it is expected that an employee will report for work if they are excused from jury duty at or before 3:00 p.m.
- b. If an employee is legally ordered to appear in court as a witness, the time actually required shall be allowed. Time needed to appear in court as a defendant or as a plaintiff should be charged as vacation, compensatory time, or leave without pay. When in City capacity, employee is excused.

7. Military Leave.

Military leave may be either military training leave or military duty leave (active duty).

An employee of the City who is a member of the state military forces or a reserve component of the armed forces is entitled to leave of absence from the employee's duties on days in which the

employee is engaged in authorized training or duty ordered or authorized by proper authority. During any such leave, the employee shall not be subjected to loss of time, efficiency rating, vacation time, or salary. Leaves of absence without loss of benefits and salary under this paragraph may not exceed 15 days in a federal fiscal year.

A full-time or part-time regular employee who presents official induction orders (draft or reserve unit call up) to enter the United States Armed Forces, the Texas National Guard, or the Texas State Guard shall be eligible for military duty leave without pay. The employee may, but is not required to, use any accrued compensatory time, vacation leave, or other similar paid leave during the period of active duty. Provided such employee is eligible under and has complied with the provisions of Title 38 United States Code §4312, at the time of military discharge, the employee shall be reinstated to a position comparable to what the employee would have attained had he/she not been on active duty in accordance with Title 38 United States Code §4316. This shall include any promotions and/or pay raises for which the employee would have been eligible had the employee been at work instead of on active duty.

8. Unclassified Personal Emergencies.

An employee may be granted temporary time off with pay when an unforeseen personal emergency arises. However, approval must first be granted from the employee's supervisor and circumstances must warrant the approval of up to two (2) days. City Council must approve more than two (2) days.

9. Absences Without Pay.

An employee is allowed five (5) days a year of absences without pay. An absence without pay can only be taken if the employee has no vacation or compensatory time remaining and must be submitted in writing to the employee's supervisor and approved by the Department Head. Any employee requiring more than five (5) days without pay must submit a request in writing to his or her supervisor. The supervisor must then submit this request to Council for consideration and approval.

## **F. OVERTIME**

Overtime is to be the exception and not the rule. If an employee finds it necessary to regularly work overtime to accomplish his or her job, either they are not performing satisfactorily or their workload is too heavy.

1. Nonexempt Employees - Non-Fire Fighters and Non-EMS.  
Nonexempt employees who are required to work more than forty (40) hours during any work week shall accumulate overtime. Payment for overtime shall be at one and one-half the employee's regular rate of pay. If agreed to by the employee and the employee's supervisor, an employee may take compensatory time off in lieu of overtime pay at the rate of one and one-half hours compensatory time for each hour of overtime worked. Nonexempt employees may accumulate a maximum of forty (40) hours of compensatory time. Hours accrued in excess of forty (40) hours shall be paid as overtime. Except as specified below, compensatory time must be used in the fiscal year in which it was earned. All hours of compensatory time accrued, but unused, by the first pay period in the month of September, shall be paid as overtime in the final pay period in the month of September of each year. Overtime earned during the final pay period in the month of September will be paid as overtime or may be carried over into the next fiscal year as compensatory time, at the election of the employee.
  
2. Nonexempt employees - Fire Fighters and EMS.  
A fire fighter or a member of the fire department who provides emergency medical services who is not exempt under the Fair Labor Standards Act of 1938, 29 U.S.C. Section 201, et seq., and who is required to work more than 212 hours during any 28-day work cycle shall accumulate overtime. Payment for overtime shall be at one and one-half the employee's regular rate of pay. If agreed to by the employee and the employee's supervisor, an employee may take compensatory time off in lieu of overtime pay at the rate of one and one-half hours compensatory time for each hour of overtime worked. Nonexempt fire fighters and members of the fire department that provide emergency medical services may accumulate a maximum of forty (40) hours of compensatory time. Hours accrued in excess of forty (40) hours shall be paid as overtime. Except as specified below, compensatory time accrued, but unused, by the first pay period in the month of September of each year, shall be paid as overtime in the final pay period in the month of September of each year. Overtime earned during the final pay period in the month of September will be paid as overtime or may be carried over into the next fiscal year as compensatory time, at the election of the employee.
  
3. Holiday Pay.  
An employee who is required to work on an official City holiday shall be paid one and one-half times his/her regular rate of pay for the hours worked on such holiday and the employee may take time

off at a later date in accordance with Article XI. B below. In the event hours worked on an official City holiday result in overtime, holiday pay is in lieu of and not in addition to overtime pay.

4. Absences.

Absences, whether approved, such as jury duty, illness or injury, death in the family, voting, vacation, compensatory time, and holidays, or unapproved, are not considered as hours worked in computing overtime, except under the following conditions: (a) the employee was required to work outside of that employee's normal working hours (example: street department personnel called in to clear road hazards at night or on a weekend); or (b) the employee was required to work on a scheduled day off (examples: additional public safety personnel required to report to duty to keep the peace or respond to natural disasters or the employee was required to substitute for another employee that was scheduled to work).

5. Overtime Payment.

An employee who has accumulated overtime or holiday pay shall be paid for same in the next appropriate pay period.

6. Exempt Employees.

Exempt Employees are expected to work the length of time necessary for the proper performance of their jobs. Authorized absences or hours worked in excess of normal City work week will not affect the pay of exempt employees. Exempt employees are not entitled to earn compensatory time.

7. Training.

Time spent by an employee attending training classes required by the City, during regular working hours, shall be considered compensable hours worked. Time spent by an employee attending training classes outside of regular working hours at specialized or follow-up training which is required by law for certification of employees of the City, shall not be considered compensable hours worked.

**G. EMPLOYEE PERFORMANCE EVALUATIONS**

1. Definition.

The purpose of a performance evaluation system is the accurate measurement of an employee's job performance. Emphasis is placed on the employee's work rather than on his or her personality.

2. Purpose.

A performance evaluation system can serve as a tool to achieve effective and efficient use of the City work force. It has the following advantages for various levels of municipal organization. For example:

City Council

  - Provides a measure of employee effectiveness in serving citizens.
  - Serves as a basis for merit salary increases.

Mayor

  - Serves as a means for evaluating Department Heads' abilities.
  - Pinpoints weaknesses in the City's service operations.
  - Identifies areas where training and/or guidance is needed.

Department Heads

  - Serves as a basis for constructive discussions with employees.
  - Helps solve disciplinary problems before they become serious.
  - Strengthens the supervisor's role in managing employees.
  - Establishes closer communications between supervisors and the employees.
3. Frequency.

At least one formal written evaluation, including an oral interview with the employee, should take place during the month of May to ensure that the results are available to Council on a timely basis for merit salary budget considerations. All memoranda of oral reviews and formal written reviews shall be placed in the employees' official personnel files maintained by the Human Resource Specialist.
4. Facilities.

Appropriate facilities for the evaluation process must be available. Because the feedback interview is so essential, facilities are needed where the supervisor and employee can confidentially discuss performance. The atmosphere should be conducive to open and frank discussions with minimum interruptions.
5. Documentation.

It is the responsibility of the appropriate supervisor to maintain a file which includes written documentation (with examples when possible) of specific instances when an employee exceeds expected performance levels and when proper performance levels are not met by an employee. This is absolutely necessary to properly support disciplinary action should it become necessary. The original or copies of such documentation should be forwarded

to the Human Resource Specialist to be maintained in the employee's official personnel file.

## **V. EMPLOYEE BENEFITS**

### **A. INSURANCE**

The City furnishes hospitalization and medical coverage for its full-time employees as defined herein. To be in conformance with the Affordable Health Care Act, beginning 01/01/15, any employee who works an average of 30 hours or greater per week in a 12-month period must be offered health insurance, with the look back period as the previous 12 months (01/01/14-12/31/14). Any employee who is identified to have worked 30 hours per week in the preceding 12 months must be offered coverage for the next 12 months regardless of the actual hours worked. It is for this reason no Regular Part-Time employee shall be allowed to work in excess of 1,475 hours in any calendar year. Life, long-term disability, and dental insurance benefits accompany the hospitalization and medical coverage. The total cost of the premium for the employee is presently paid in full by the City. Upon employment, an application is completed on the employee and is forwarded to the insurance company. The application must be submitted before the coverage will become effective. The Human Resource Specialist is presently responsible for seeing that such an application is prepared and submitted.

1. Effective Date of Coverage.  
At the present time there is no waiting period for an employee and his or her dependents to be covered by insurance. To insure coverage, it would be well for employee to check with Human Resource Specialist to verify that coverage is presently in effect before an attempt to use it is made.
2. Scope of Coverage.  
The City's insurance coverage is effective as long as the employee is on the City's payroll including before and after working hours, weekends, holidays and vacation.
3. Procedure for Filing Claim.  
It shall be the duty of the employee to obtain a claim form from the Human Resource Specialist as soon as practical so that he or she can complete such form and obtain the attending physician's statement. Each employee is responsible for payment of medical bills and the filing of necessary forms with the insurance company.

### **B. WORKER'S COMPENSATION**

Worker's Compensation is provided for all employees on the regular City payroll. An employee or a person acting on the employee's behalf shall notify the Human

Resource Specialist as soon as possible after an accident causing injury. The Worker's Compensation standard form must be filled out and submitted to the Human Resource Specialist within 72 hours of any accident causing injury. It is most important for the Human Resource Specialist to coordinate the filing of this form.

### **C. SICK LEAVE**

1. Purpose.

Sick leave is given in order that an employee may regain his health without loss of regular income so as to be able to resume and perform his or her assigned duties. Sick leave shall be taken off only when illness, injury, surgery or medical need renders the employee incapable of performing his or her assigned duties. Notwithstanding the foregoing, sick leave may be taken to care for a son or daughter or spouse of the employee. "Son" or "daughter" shall mean a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in the place of a parent, who is under 18 years of age, or 18 years of age or older and incapable of self-care because of a mental or physical disability. Employee must call his or her immediate supervisor when unable to report for work within two hours of regular reporting time on day of absence. Maternity leave may be charged against accumulated sick leave. Sick leave time shall not be used for attending funerals.

2. Method of Accumulation.

Only full-time employees shall be entitled to earn sick leave. Sick leave time shall be earned and tabulated on the basis of 5/6 day per month and shall be credited to the employee on the last pay period of the month.

3. Maximum.

All full-time permanent employees shall earn 5/6 day of sick leave per month of service, credited on the last pay period of the month, for a total of 10 days per year. Employees may accumulate a maximum of 180 days. However, when a person's employment is terminated, whether voluntarily or involuntarily, including retirement, such person shall receive payment for a maximum of thirty (30) days accumulated sick days at the base salary in effect on the date of such termination.

4. Prior Notice.

An employee must give prior notice to his or her supervisor, except in case of emergency, when sick leave time is taken off. Employee's sick leave shall be charged against accrued sick leave time. As an example, prior notice must be given whenever sick leave time is to be taken off for planned surgery.

5. Partial Days.  
Sick leave may be taken in increments of not less than one (1) hour.
6. Comp Time / Vacation Permitted for Sick Leave.  
After an employee's accumulated sick leave has been exhausted, sick leave shall be charged against vacation and/or compensatory time.
7. Proof of Illness.  
Medical proof of illness or injury shall be required when an employee has missed three (3) consecutive days of work due to illness or injury and may be required by the Council or supervisory personnel at any time there is a reasonable belief that an employee is abusing sick leave time. Upon absence from work for three (3) consecutive days due to illness or injury or upon request by Council or supervisory personnel, the employee utilizing sick leave time shall be required to obtain and present a written statement from the attending physician, surgeon, dentist or other duly licensed and recognized medical person rendering assistance.
8. Exhaustion of Sick Leave.  
When an employee has used all of his or her accumulated sick leave, vacation leave, and compensatory time he or she will not be paid for those days absent from his or her job because of illness, except as provided under Section K, below.
9. Abuse of Sick Leave.  
Claiming of sick leave benefits on a frequent basis may constitute grounds by the Council that the physical condition of the employee is below the standard necessary for the proper performance of his or her duties. Likewise, evidence of the abuse of this benefit will constitute grounds for dismissal or disciplinary action by the Council.
10. Illness Occurring While on Vacation.  
An employee who becomes ill or injured during a vacation may request that the vacation be terminated and the time of the illness be charged to sick leave.

#### **D. INJURY LEAVE**

1. Worker's Compensation.  
Worker's Compensation will be paid in accordance with the Worker's Compensation Act. During such injury leave, the City

shall pay the employee benefits as prescribed by the Worker's Compensation Act.

- a. An injured employee is entitled to medical aid and hospital services which are reasonably required at the time of injury and at any time thereafter as may be necessary to recover. Such medical benefits may be subject to final approval by the City's Worker's Compensation carrier.
- b. When an employee is injured on the job, the supervisor shall complete the accident reports required by the Worker's Compensation Act within the time limits established in Section B above. Subsequent reports must be filed according to the Act as required. Where an accident causes serious bodily injury or death to an employee, the departmental supervisor and City Council must be notified immediately by the next level of supervision.
- c. The employee shall have the initial right to select or choose the persons or facilities to furnish medical treatment.

2. Injured Employee Salary Supplement.

In addition to the benefits prescribed under the Worker's Compensation Act, injured employees shall receive a salary supplement subject to the provisions listed below:

- a. Total compensation (benefit plus salary supplement, less withholding) shall not exceed the employee's net monthly pay.
- b. Provided the employee's physician or the employee notifies his or her supervisor of their ability to work immediately after being examined by his or her choice of physicians.
- c. When an employee has been told by an examining physician to report for examination or treatment, in connection with an on-the-job injury, the employee shall report as directed. Willful failure of the employee to report as directed shall result in the employee losing his or her eligibility to use supplemental benefits.
- d. Provided the employee will submit to an independent examination by a physician of the City's choice.
- e. Provided the employee contacts his or her supervisor while on occupational injury leave every day.

3. Injured Employee Procedures.

Employees are required to follow certain procedures:

- a. An employee must report immediately any injury incurred in the line of duty, however minor, to his or her supervisor and take such first aid treatment as may be necessary.
- b. It is the responsibility of all employees injured on the job to have a statement as to ability to work filled out by the physician and returned to their supervisor immediately.
- c. It is the responsibility of the employee to contact his or her supervisor while he or she is on occupational injury leave every day if physically able to do so.
- d. All employees shall be required to return to work after the approval of the attending physician. Failure to return to work will be considered as terminating without notice, and only in unusual circumstances will reinstatement be considered.
- e. An employee who is able to return to work in light duty status may be required to work in a different department and perform duties not contained within his or her current classification.
- f. Supervisors of employees who are off duty due to occupational disability are responsible for working closely with the Human Resource Specialist to insure that time off is properly charged and that proper pay is made for the duration of the disability.
- g. An employee, upon request, may be granted additional injury leave without pay to extend for such time as a physician shall certify that the injured employee is unable to work but in no event to extend beyond 180 days.

**E. VACATION LEAVE TIME**

1. Purpose.

Vacation leave time is a benefit given in order that an employee shall have time off without loss of regular income to rest and relax from his or her assigned duties.

2. Eligibility.

Only full-time permanent employees may earn vacation leave.

3. How Earned.

Vacation leave shall be earned on the following basis:

- |    |                                  |                                     |
|----|----------------------------------|-------------------------------------|
| a. | New employee through one year    | 6.67 hours/month<br>(5/6 day)       |
| b. | One year through nine years      | 6.67 hours/month<br>(10 days/year)  |
| c. | Ten years through nineteen years | 10 hours/month<br>(15 days/year)    |
| d. | Twenty years or more             | 13.33 hours/month<br>(20 days/year) |

4. In Time-Without-Pay Status.

Vacation leave shall not be earned for any time in which an employee is in time-without-pay status.

5. Anniversary Date.

An employee's anniversary date of employment shall be recorded as the anniversary date for the purpose of vacation accrual.

6. No Payment in lieu of Vacation Leave.

Except in the event of termination, as provided below, no payment in lieu of vacation leave shall be given.

7. Minimum.

Vacation leave may be taken in increments of one (1) hour, if approved by the requesting employee's supervisor.

8. Maximum Accrual.

The maximum number of vacation leave hours an employee may accrue shall not exceed two (2) times the maximum number of vacation leave hours the employee may earn during the year of accrual. For example, an employee with ten (10) years of service to the City may accrue a maximum of 240 hours. Employees shall be encouraged to use their vacation time each year.

9. Vacation Pay on Termination.

Upon termination due to a voluntary separation, discharge, retirement, or death of an employee, the employee or his or her estate, as applicable, shall be paid for the accrued but unused vacation leave as of the effective date of the termination; provided, however, the maximum amount of vacation leave paid upon

termination, regardless of the amount accrued but unused, shall not exceed the total number of vacation hours the employee is eligible to earn during the year in which termination occurs. For example, an employee with 22 years of service to the City has 320 hours of accrued but unused vacation leave (2 times the maximum leave the employee may earn in a year), upon termination the employee would be paid for 160 hours of vacation leave. An employee shall not be allowed to extend his or her termination date by using vacation leave once he or she is no longer reporting to work. Instead, the remaining unused vacation time shall be paid out at termination in accordance with this paragraph.

10. Approval.  
Supervisor approval shall be obtained before vacation leave time is taken. Before granting vacation leave, the supervisor shall check with Human Resource Specialist to verify that the employee has earned the number of days requested. Employees shall not be allowed to take vacation during their six-month probationary period, unless such vacation is approved by Council. Regardless of the amount of vacation leave hours accrued, the maximum hours of vacation leave that may be taken at one time is the maximum amount the employee is eligible to earn in the year the time is taken.
11. Vacation Schedules.  
Department Heads shall schedule or approve vacations giving due consideration to the needs of the City and the interests of the employee. It is the responsibility of the Department Head to ensure that vacations do not unduly interfere with work flow and City service requirements.
12. Charging Vacation Time.  
Vacation leave shall be charged only for time during which the employee would ordinarily have worked.
13. Retaining Accrued Vacation Leave.  
Employees being transferred, promoted, or demoted shall retain accrued vacation leave.
14. Holidays during Vacation Leave.  
Official holidays occurring during a vacation shall not be charged to vacation leave.
15. Vacation Leave Advances.  
Vacation leave shall not be advanced to employees.

16. Transferability of Vacation Leave.  
Vacation leave credits are not transferable between employees.

#### **F. LEAVE OF ABSENCE**

A leave of absence is defined as more than five (5) days off without pay and must be granted by City Council. A leave of absence may be granted when it is not to the detriment of the City. Any leave of absence shall be specified by date before given. Neither pay nor vacation and sick leave benefits shall accrue to an employee, while he or she is on leave of absence. Continuation of insurance coverage during leave of absence of more than 30 days shall be considered on an individual basis by City Council.

#### **G. LONGEVITY**

All full-time employees that are members of the police and fire departments are entitled to receive longevity pay of \$4 per month for each year of service in the department, after one year's service, not to exceed 25 years; provided, however, such employees may receive longevity pay of \$4 per month for each year of service in the department exceeding 25 years, if funds are appropriated by City Council for such purpose. All other full-time employees shall receive \$4 per month for each year of service to the City, after one year's service, provided funds are appropriated by City Council for such purpose.

#### **H. MATERNITY AND PREGNANCY LEAVE**

1. A pregnant employee is expected to make her own decision in consultation with her physician, as to when she will cease working. Except in emergencies, at least ten (10) working days written notice of cessation of work shall be required. The aforementioned notice shall include a statement of the employee's intentions concerning resumption of work.
2. If pregnancy prevents an employee from properly performing her duties or creates a hazard to persons, including the fetus, or property, the City may invoke the provisions of these rules concerning separation for incapacity or may take appropriate administrative measures.
3. Employees with illnesses or disabilities arising from pregnancy or maternity shall be entitled to benefits on the same basis as employees with other types of temporary illnesses or disabilities.
4. Maternity leave will be charged against accumulated vacation leave and compensatory time, and may be charged against accumulated sick leave, if employee so elects, so as not to lose regular income.

If the employee is eligible, maternity leave will be granted in accordance with the Family Medical Leave Act and the provisions set out below under Section L.

#### **I. PERSONAL BUSINESS DAYS**

An employee is allowed two (2) personal business days a year, which will be charged against the employee's earned sick or compensatory time. Personal business is only that business which can only be conducted during the City's working hours. Any request for absence for personal business must be submitted to the employee's supervisor three (3) days in advance and be approved by the Department Head. Exceptions will only be made for emergencies.

#### **J. RETIREMENT**

1. Social Security.  
The City of Stafford participates in the Federal Social Security Program with all benefits deriving therefrom.
2. Texas Municipal Retirement System.  
The City provides retirement benefits through the Texas Municipal Retirement System. Membership in the retirement system is restricted to and mandatory for all Full Time Employees and Regular Part Time Employees who work in a position that normally requires services from the employee for 1,000 hours or more a year.

#### **K. SHORT-TERM DISABILITY**

The City of Stafford provides limited short-term disability benefits on a self-insurance basis. The purpose of this short-term disability program is to provide assistance to employees who are unable to work due to illness or injury. The coverage applies to all full-time City employees regardless of length of service. Upon exhaustion of all accumulated sick leave, accumulated vacation leave, and compensatory time the City will pay to the employee 60% of his or her base salary after the employee has been unable to work due to illness or injury for more than thirty (30) consecutive calendar days. These benefits will continue until a) the employee becomes eligible for long-term disability benefits through the City's Group Medical Plan; or b) the expiration of 180 calendar days from the date on which the employee becomes disabled; or c) funds in the City's short-term disability fund have been depleted, whichever first occurs.

#### **L. FAMILY AND MEDICAL LEAVE**

1. Definitions.  
As used in this Section, the following terms shall have the meanings set forth below.

- a. 'Eligible employee' shall mean an employee who has been employed (i) for at least twelve months by the City and (ii) for at least 1250 hours of service with the City during the previous twelve-month period.
- b. 'FMLA' shall mean the Family and Medical Leave Act of 1993, as amended.
- c. 'Health care provider' shall mean a licensed physician, dentist, psychologist, optometrist, or chiropractor, and also includes a licensed nurse practitioner, nurse midwife, clinical social worker, and Christian Science practitioner.
- d. 'Parent' shall mean the biological parent of an employee or an individual who stood in the place of a parent to an employee when the employee was a son or daughter.
- e. 'Reduced leave schedule' shall mean a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.
- f. 'Serious health condition' shall mean an injury, illness, impairment, or physical or mental condition that involves in-patient care at a hospital, hospice, residential care facility, or continuing treatment by a health care provider.
- g. 'Son' or 'daughter' shall mean a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in the place of a parent, who is under 18 years of age, or 18 years of age or older and incapable of self-care because of a mental or physical disability.
- h. 'Spouse' shall mean a husband or wife, as the case may be.
- i. 'Twelve-month period' shall mean a 'rolling' twelve-month period measured backwards, from the date an employee uses any FMLA leave.

2. **ELIGIBILITY:** Employed at least 12 months (52 weeks) for at least 1250 hours during the previous 12 months

**ENTITLEMENT:** Total of 12 work weeks of leave during any 12 month period.

(12 month period is a "rolling" 12 month period measured backwards from the date an employee uses FMLA Leave)

Total of 26 weeks of unpaid leave in a single 12 month period to care for a serious illness or injury incurred by military personnel in the line of active duty.

**REASONS:** Birth and care of a newborn child of the employee;

Placement with the employee of a son or daughter for adoption or foster care;

To care for a spouse, son, daughter, or parent with a serious health condition;

To take medical leave when the employee is unable to work because of a serious health condition

For qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation;

To care for a spouse, son, daughter, parent, or next of kin of a covered service member with a serious illness.

**PAID LEAVE:** Accrued vacation leave and compensatory time used for birth, placement for adoption, and placement for foster care;

Accrued sick leave for care for a newborn child (maternity leave);

Accrued vacation, sick, and compensatory time for serious health condition of employee, spouse, parent, or child

Accrued vacation, sick and compensatory time to address qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation.

Workers Comp and Short Term Disability.

Each Department Head shall document FMLA leave, both paid and unpaid, and forward a copy to Finance Department & employee.

Employee may request FMLA leave with 30 days notice, if foreseeable.

Required Certification Forms are available from the Finance Director.

City continues to provide medical coverage for employees. Employee will reimburse City for cost of medical coverage premiums in employee elects not to return to work after non-paid FMLA leave.

Sick Leave continues to accrue during non-paid leave.

TMRS contributions shall cease after 3 continuous weeks of non-paid FMLA leave.

#### **ROLLING 12-MONTH PERIOD:**

Each time an employee takes FMLA leave the remaining entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months.

For example, if employee has taken 8 weeks of leave during the past 12 months, an additional four weeks of leave could be taken. If the employee used 4 weeks beginning February 1, 2000; and 4 weeks beginning June 1, 2000; and 4 weeks beginning December 1, 2000; the employee would not be entitled to any additional leave until February 1, 2001. Employee would be entitled to 4 weeks leave on Feb 1, 2001. Employee would be entitled to an additional 4 weeks on June 1, 2001, etc.....

Only the amount of leave actually taken counts towards the 12 weeks of leave:

#### **INTERMITTENT LEAVE:**

Employee who normally works 5 days a week and takes off one day would use 1/5 of one week of FMLA Leave is used.

Leave shall not be taken on intermittent or reduced leave schedule for birth, placement for adoption, or foster placement unless the department head decides otherwise.

## **REDUCED SCHEDULE LEAVE:**

Employee who normally works 8 hour days works 4 hour days under a reduced leave schedule would use ½ week of FMLA Leave each week.

3. Certification required.  
An employee requesting FMLA leave, or if leave is determined by the department head to be FMLA-related, the employee shall be required to submit certification by a health care provider of the serious health condition. The employee shall also be required to submit corroborating documentation of the birth of their son or daughter, adoption, or foster care placement with the employee. Certification Forms are available from the Finance Director and must be properly completed by the employee and health care provider or social caseworker.
4. Reporting while on FMLA leave.  
While on FMLA leave, the employee shall report to or contact their immediate supervisor each Monday regarding their condition and/or their intention to return to work. This contact shall be documented by the supervisor on the FMLA Employee Contact form. In the event an official holiday falls on Monday, the employee shall report on Tuesday. This form shall be forwarded to the department head for review, action, and record keeping.
5. Continuation of benefits/limitations.
  - a. Medical benefits. Except as hereinafter provided, the City shall continue to provide medical coverage for employees on non-paid FMLA leave as if the employee were actively working. If, at the time non-paid leave is taken, an employee was required to pay a portion of the premiums for medical coverage, the employee will be required to pay that portion of the premium while on non-paid FMLA leave and shall submit that payment to the City Finance Department on the first day of each month. If payments are more than thirty (30) days late, the medical policy benefits shall cease. If an employee elects not to return to work after non-paid FMLA leave, the employee will be required to reimburse the City for the cost of medical coverage premiums paid by the City during the employee's non-paid leave.
  - b. Other benefits. Sick leave shall continue to accrue during FMLA leave. City contributions to the Texas Municipal

Retirement System shall cease after an employee is on non-paid FMLA leave for three (3) continuous weeks.

- c. Seniority. An employee returning to work after FMLA leave shall retain the same length of service seniority as he or she had when the leave began. For example, if an employee had three years and four months seniority when the leave began, upon return to work, the employee would have three years and four months seniority, no matter how long the leave.

6. Outside employment while on FMLA leave.

An employee shall not engage in any outside employment while on leave (paid or non-paid), if the leave is due to the employee's serious health condition. An employee on leave for any reason other than his or her own serious health condition may not engage in any employment in excess of twenty (20) hours per week and at no time during the employee's regularly scheduled work hours.

7. Restoration to position.

- a. Fitness-for-Duty certification. An employee desiring to return to work after an illness or injury FMLA leave in excess of four (4) days shall be required to submit a fitness-for-duty certification from the health care provider as indicated on the Request for FMLA Leave form. If a fitness-for-duty certificate is required, the employee shall not be allowed to return to work until the certificate is submitted. The employee shall be returned to the same or equivalent position as that held when the leave began.

- b. Denial of restoration to position. The City may deny the return to work of an employee from FMLA leave if:

- (1) The employee fails to submit any required fitness-for-duty certification;
- (2) The employee is no longer qualified for the job and no reasonable accommodation can be made;
- (3) The employee fraudulently obtained leave;
- (4) The employee violated the outside employment policy or violated any policy or law while on leave; or

- (5) The employee unequivocally states his or her intent not to return to work.

## **VI. TERMINATION**

### **A. TEN WORKING DAYS FINAL NOTICE**

An employee desiring to voluntarily terminate employment with the City will use best efforts to give at least ten (10) working days written notice to his/her supervisor with a copy to the Human Resource Specialist for the personnel file. The Department Head under whose supervision the employee is working shall have the authority to immediately dismiss the employee if such immediate dismissal is found to be in the best interest of the City. In such case, at the request of the Department Head, the employee must surrender all City owned property and leave the premises. The Department Head shall notify the Human Resource Specialist that the employee was dismissed, but shall be paid through the date of termination stated in the written notice. Property to be surrendered to a supervisor upon termination, whether voluntary or involuntary, shall include the following:

- (1) Keys to City facilities;
- (2) Keys to City vehicles;
- (3) City Identification Badges; and
- (4) City equipment.

An employee's final paycheck shall not be issued until all City owned property has been returned. An employee claiming that property has been lost may be required to file an affidavit with the City regarding such items before the final paycheck will be issued.

### **B. POSSIBLE FINAL PAYCHECK DEDUCTION**

Any funds due the City shall be deducted from the final paycheck.

### **C. NO FAULT ATTENDANCE -AUTOMATIC TERMINATION POLICY**

Employees who have no hours actually worked for 220 days, including weekends and holidays, in a 12-month period are automatically terminated. An employee terminated under this provision may be eligible for rehire. A police officer who has been injured or contracted an illness related to the police officer's line of duty may be granted up to an additional 365 days by City Council.

## **VII. PERSONNEL RECORDS**

## **A. PERSONNEL FILES**

The Human Resource Specialist shall maintain the official personnel files for all City employees. Unless otherwise provided by law, personnel files and information shall be confidential and may not be used or divulged for purposes not connected with the City personnel management system except with the permission of the employee involved. An employee shall have the right of inspection of his/her official personnel file under procedures prescribed by the Human Resource Specialist. Department Heads may keep a copy of records related to employees under their supervision in their respective departments, provided such information is kept confidential as provided above and reasonable measures are taken to protect the information from disclosure to other employees and to the public.

## **B. EMPLOYEE TIME RECORDS**

Time sheets shall be completed and submitted to the Human Resource Specialist every other week by all departments reflecting the activity of all full-time, part-time, seasonal, hourly, and temporary employees for the preceding two-week period. From these official time sheets, which are required under the Fair Labor Standards Act, the payrolls are prepared. Also, compensatory time, vacation leave, sick leave, holidays, injury leave, authorized and unauthorized absences must be reflected on the time sheets. From the time sheets the Human Resource Specialist charges the employee for such leave time. In addition, all overtime shall be recorded on the time sheets. The Human Resource Specialist retains all time sheets in his or her files and they are the official record since they are signed and dated by the employee. Time sheets signed by the employee must be approved and verified by his or her supervisor before the employee's paycheck can be released by the supervisor.

## **C. PERSONNEL STATUS CHANGES**

Personnel status change forms are used to show employment, termination, or any change in job title or compensation. These forms are maintained by the Human Resource Specialist in the employee's permanent record file.

# **VIII. EMPLOYEE BEHAVIOR, ETHICS AND REGULATIONS**

## **A. COURTESY AND PUBLIC RELATIONS**

Employees are reminded that the people they come in contact with are the ones for whom they work. Thus, all city employees should conduct themselves in an orderly and courteous manner. This status involves a degree of duty and obligation regarding public and private conduct which is not common to many types of employment. The

attitude and behavior of city employees should be such as to promote the good will and favorable attitude of the public toward the City and its programs and policies.

## **B. PERSONAL CONDUCT**

Employees are reminded that they have a specific obligation to perform their jobs in a satisfactory manner and to take good and reasonable care of any equipment in their trust. If a supervisor reasonably believes that an employee has stolen or misused City property, the employee shall be subject to disciplinary action, including termination. Malingering is disruptive and harmful to moral in the workplace, creates a burden on supervisors and on fellow co-workers, and will not be tolerated. Employees who are unable or unwilling to perform their job duties due to other than bona fide medical reasons are subject to disciplinary action, including termination.

## **C. UNAUTHORIZED ABSENCES**

Unauthorized absences shall be so marked on the time sheet. An employee shall not be paid for any unauthorized absence. Excessive absences shall be a basis for dismissal. Employees are expected to report to work on time. Excessive tardiness shall be a basis for dismissal. If any employee is absent for three (3) days without notifying his or her supervisor, the City shall assume he or she has resigned and the personnel record shall be closed.

## **D. WEARING OF UNIFORMS**

If a City employee is provided with a uniform, he or she is required to wear the uniform when on duty. When reporting to work the employee shall ensure that his or her uniform is in good, clean and serviceable condition. An employee must not wear any part of the uniform without wearing all of it. Regulations for Police Uniforms are detailed in Department Regulations for the Police Department.

## **E. PRIVATE TELEPHONE**

All supervisory and many service personnel must have a telephone in their home in order to respond to calls for assistance at night, on weekends, holidays and at such other times as the need may arise. The telephone shall be the employee's personal expense and no reimbursement shall be made to the employee for the use of his or her telephone.

## **F. TRAVEL ALLOWANCES FOR CITY BUSINESS**

### **1. Use of City Vehicle.**

When an employee is authorized to use a City vehicle on City business, such vehicle shall be used only for the purpose authorized.

2. Type of Transportation.  
An employee, when making an authorized trip, shall use the most feasible transportation. Final determination shall be made by City Council.
3. Other Expenses.  
Other expenses such as room, board and incidentals will be reimbursed with set limits as approved by City Council.

#### **G. HOLDING OUTSIDE JOBS**

No outside employment or interest shall cast a bad reflection upon the City or otherwise conflict with the employee's employment with the City.

#### **H. DEPARTMENT REGULATIONS**

Each departmental supervisor shall have the authority to make rules and regulations covering the conduct and procedures peculiar to his or her department. If any such rule or regulation shall be inconsistent or in conflict with any provision of this manual, the specific departmental rule or regulation shall, to the extent of such inconsistency or conflict, control over the provisions of this manual only if such departmental rule or regulation has been specifically approved by City Council on motion duly made, passed, and recorded in the official minutes of the meeting at which such departmental rule or regulation was considered by City Council.

#### **I. JOB-RELATED ORGANIZATIONS**

Nothing herein shall prohibit any employee from joining or belonging to job-related organizations.

#### **J. IN-SERVICE TRAINING**

When required, employees shall participate in in-service training programs; for example, the mandatory fire and police certification program. In addition, employees are encouraged to further their knowledge in their job by participating in non-mandatory training programs that will further their professional knowledge. The City will bear the expense of participating in such programs when approved by the City Council.

#### **K. DRUG AND ALCOHOL-FREE WORKPLACE**

1. Purpose.  
It is the policy of the City to foster a work environment free from the effects of both the illegal use of controlled substances and the use of alcoholic beverages. The use of drugs and alcohol impairs

employee judgment which may result in increased safety risks, hazards to the public and environment, employee injuries, faulty decision-making, and reduced productivity. The use of illegal drugs, on or off duty, by City employees is inconsistent not only with the law-abiding behavior expected of all citizens, but also with the special trust placed in such employees as servants of the public. Employees who are under the influence of alcohol or use illegal drugs pose a serious health and safety threat to members of the public, City operations, and to other City employees. In recognition of the serious and essential duties and responsibilities entrusted to the employees of the City and with the knowledge that drugs and alcohol can hinder a person's ability to perform and fulfill those duties and responsibilities as assigned, this section will provide guidelines for the detection and deterrence of alcohol and/or drug abuse.

2. All employees of the City are required to refrain from the use of illegal drugs. Persons who use illegal drugs, on or off duty, are not suitable for employment with the City. The use, possession, or sale of illegal drugs by any employee, on or off duty, is strictly prohibited. Possession or use of alcoholic beverages on City premises is prohibited except at City sponsored social or recreational functions approved by the City Council. Further, it is the policy of the City that employees shall not be under the influence of alcohol while on duty or on call. All employees shall be aware that violation of this Policy can result in disciplinary action up to and including dismissal.
3. An employee who is under the influence of alcohol or uses or possesses illegal drugs during working hours or on City property is subject to immediate disciplinary action, including dismissal. Further, employees reasonably suspected to be under the influence of alcohol or drugs shall be prevented from engaging in further work of any sort and will give the City cause to subject them to immediate testing in accordance with the procedures set forth in this Policy.
4. When drug testing is required under the provisions of this Policy, a urinalysis test will be given to detect the presence of the following drug groups:
  - a. Amphetamines/Methamphetamine (e.g., Speed, Crystal)
  - b. Benzodiazepines (e.g., Valium, Librium, Oxazepam, Serax, Dalmane, Ativan)

- c. Barbiturates (e.g., Amobarbital, Butabarbital, Pentobarbital, Phenobarbital, Secobarbital)
- d. Cocaine
- e. Methodone
- f. Methaqualone (e.g., Quaalude)
- g. Opiates (e.g., Codeine, Heroin, Morphine, Hydromorphone, Hydrocodone)
- h. Phencyclidine (PCP)
- i. THC (Marijuana)
- j. Alcohol
- k. Other substances which may be deemed controlled substances in the future.

The test threshold level for each drug group will be based on testing laboratory standards that ensure a drug is genuinely present when a positive result occurs and that rule out inadvertent exposure to a drug group where that is a possibility.

5. General Standards for Drug Testing.

Pre-Employment Drug Screening. All applicants for employment by the City shall be required, as part of their pre-employment physical, to undergo drug testing for the presence of the drug groups set forth in this Policy. Applicants who refuse to consent to drug screening will not be considered for employment.

An applicant who has a positive test result after an initial drug testing by the enzyme-multiplied immunoassay techniques (EMIT) test and a confirmatory test using the gas chromatography/mass spectrometry (GC/MS) test shall not be eligible for hire by the City until the expiration of one (1) year from the date of their testing. An applicant who has tested positive shall be eligible to reapply for City employment upon the expiration of such one (1) year period; provided, however, that the applicant shall be subject to retesting prior to employment.

Reasonable Suspicion Drug Screening. The City may require an employee to undergo drug testing if there is a reasonable suspicion that the employee is under the influence of drugs or alcohol during work hours.

"Reasonable suspicion" means an articulable belief based on specific facts, and reasonable inferences drawn from those facts, that an employee is under the influence of drugs or alcohol. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to:

- (a) a pattern of abnormal, unusual, or erratic behavior;
- (b) information provided by a reliable and credible source;
- (c) possession of drugs or direct observation of drug use;
- (d) presence of the physical symptoms of drug use (i.e., glassy or bloodshot eyes, slurred speech, poor coordination or reflexes).

An employee who refuses to consent to a drug test when "reasonable suspicion" of alcohol or drug use has been identified is subject to disciplinary action up to and including dismissal. The reasons for the refusal shall be considered in determining the appropriate disciplinary action.

Post Accident Drug and Alcohol Testing. An employee involved in a work-related accident is subject to post-accident testing for alcohol and controlled substance use which shall be conducted as soon as practicable on each surviving employee. An accident is defined as "an incident involving a vehicle in which there is either a fatality, and injury to the employee or to another, or causes damage to the property of another or involves other unusual circumstances. The employee subject to post-accident testing must refrain from consuming alcohol for eight (8) hours following the accident or until he/she submits to an alcohol test, whichever comes first. The employee must remain available for testing, and if he/she is not, his/her lack of availability will be considered as a refusal to take the test. When an alcohol or controlled substance test has not been administered within a reasonable time frame following the accident, the following actions shall be taken: If the employee has not submitted to an alcohol test within two (2) hours, The City shall prepare and maintain on file a record stating the reason a test was not properly administered. If the employee has not submitted to an alcohol test after eight (8) hours, attempts to administer the alcohol test shall cease, and the City will document attempts to administer the test and maintain documentation. If the employee has not submitted to a controlled substance test within 32 hours the City will document attempts to administer the test and maintain that documentation.

This policy should not be construed so as to require the delay of necessary medical attention for injured people following an accident, or to prohibit an

employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. An employee who refuses to consent to a post accident drug test for alcohol or drug use is subject to disciplinary action up to and including dismissal. The reasons for refusal shall be considered in determining the appropriate disciplinary action.

Post Accident Alcohol and Drug Testing for Employees Performing Jobs That Require a Commercial Driver's License. All employees who are required to have a commercial driver's license (CDL) are subject to this provision of the policy in addition to the other provisions contained in this policy. An employee that is not required to take a post accident drug test under this provision is still subject to the post accident and other drug testing requirements of this policy. Each employee who performs duties as a commercial driver for the City shall be subject to alcohol and drug testing described in 49 Code of Federal Regulations Part 382. The following activities are prohibited:

- (a) Being on duty and/or operating a commercial motor vehicle while possessing alcohol.
- (b) When required to take a post-accident alcohol test, using alcohol within eight (8) hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
- (c) Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion, or follow-up testing requirements.
- (d) Reporting for duty or remaining on duty, if the employee tests positive for controlled substances.
- (e) Reporting for duty or remaining on duty when the employee's general appearance or conduct or some other substantiating evidence indicated he/she has used alcohol within the preceding four (4) hours.
- (f) No employee shall report for duty, remain or permit another employee to remain on duty, while having a blood alcohol concentration of 0.04 or greater.
- (g) No employee shall knowingly permit an employee to use alcohol while performing safety sensitive functions, including operating a commercial vehicle.
- (h) No employee shall perform, and no employee shall knowingly permit an employee to perform, safety sensitive functions within four hours after using alcohol.
- (i) No employee shall report for duty, and no employee shall remain or permit another employee to remain on duty when the person's performance may be impaired by the use of a controlled substance.

All employees who are required to have a commercial driver's license (CDL) are subject to post-accident testing for alcohol and controlled substances shall be conducted as soon as practicable on each surviving employee when there is either:

- (a) A loss of human life; or
- (b) The employee receives a citation under the state or local law for a moving traffic violation and
  1. the accident involved a bodily injury to the employee or to another that requires immediate medical attention away from the scene of the accident; or
  2. damage was caused to one or more vehicles requiring a vehicle to be towed away from the scene by either a tow truck or another vehicle.

The employee subject to post-accident testing must refrain from consuming alcohol for eight (8) hours following the accident or until he/she submits to an alcohol test, whichever comes first. The employee must remain available for testing and if he/she is not, his/her lack of availability will be considered as a refusal to take the test. When an alcohol or controlled substance test has not been administered within a reasonable time frame following the accident, the following actions shall be taken: If the employee has not submitted to an alcohol test within two (2) hours, The City shall prepare and maintain on file a record stating the reason a test was not promptly administered. If the employee has not submitted to an alcohol test after eight (8) hours, attempts to administer the alcohol test shall cease, and the City will document attempts to administer the test and maintain that documentation. If the employee has not submitted to a controlled substance test within 32 hours the City will document attempts to administer the test and maintain that documentation.

This policy should not be construed so as to require the delay of necessary medical attention for the injured people following an accident, or prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. Before an employee who has engaged in prohibited conduct regarding alcohol misuse returns to duty in a position requiring the performance of a commercial driver's license, the employee shall undergo a return-to-duty alcohol testing indicating a breath alcohol concentration of less than 0.02. The employee shall be subject to a minimum of six (6) follow-up controlled substance and/or alcohol tests in the following twelve (12) months.

Random Drug Test Screening for Employees Performing Jobs That Require a Commercial Driver's License. All employees performing jobs that require a Commercial Driver's License are eligible for random drug test screening. Employees selected for a random test shall be notified by the Department Head to submit to an alcohol and/or drug test. Employees selected for a random test but absent due to vacation, sick leave, other leave or on urgent City business approved by their Department Head will not be notified to take the alcohol and/or drug test until the first day they return to work after random selections even if the first day occurs in a later month.

6. Management Responsibilities and Guidelines. Department Heads and supervisors are responsible for consistent enforcement of this Policy. Any Department Head or supervisor who knowingly permits a violation of this Policy by an employee under his/her direct supervision shall be subject to disciplinary action.

Any Department Head or supervisor requesting an employee under his/her supervision to submit to a drug and/or alcohol test based on reasonable suspicion should immediately notify the Mayor. Should the Mayor concur that there is a reasonable suspicion that the employee is under the influence of drugs or alcohol; the following procedure shall immediately be applied:

- a. the Department Head or supervisor should document in writing the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs;
- b. the Department Head or supervisor requesting an employee to submit to a drug and/or alcohol test shall be responsible for the employee's transport to the drug testing laboratory where the drug and/or alcohol test will be performed; and
- c. any Department Head or supervisor encountering an employee who refuses to submit to a drug and/or alcohol test upon request shall remind the employee of the requirements and consequences of the Policy. Any employee refusing to submit to a drug and/or alcohol test shall not be forced to submit to such testing. The Department Head or supervisor should provide transport for the employee to his/her home.

7. Employee Responsibility. All employees of the City must:

- a. not report to work or be subject to duty while his/her ability to perform job duties is impaired due to alcohol or drug use, on or off duty;

- b. not directly or through a third party sell or provide drugs or alcohol to any person or to any other employee while either employee or both employees are on duty or “on-call”;
- c. submit immediately to reasonable requests for alcohol and/or drug testing when requested by a responsible City representative;
- d. notify his/her supervisor, before beginning work, when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of City equipment; and
- e. provide within twenty-four (24) hours of request a current valid prescription for any drug or medication identified when a drug test is positive. The prescription must be in the employee's name.

8. Consent to Drug Testing. Before a drug test is administered, employees or applicants will be asked to sign a consent form authorizing the test and permitting release of test results to City officials. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the City's drug testing policy. The consent form shall also set forth the following information:

- a. the procedure for confirming an initial positive test result;
- b. the consequences of a confirmed positive test result; and
- c. the consequences of refusing to undergo a drug test.

9. Drug Testing Procedure. The initial drug screening shall be by the enzyme-multiplied immunoassay techniques (EMIT) test which shall be administered at City expense. An employee or job applicant whose drug test yields a positive result shall be given a second test, at City expense, using a gas chromatography/ mass spectrometry (GC/MS) test. The second test shall use a portion of the same test sample withdrawn from the employee or applicant for use in the first test.

If the second test confirms the positive test result, the employee or applicant shall be notified of the results in writing by the appropriate department head or designee, using a standard form. The letter of notification shall identify the particular substance found and its concentration level. An employee or applicant whose second test confirms the original positive test result may, at the employee's or applicant's own expense, have a third test conducted on the same sample

at a laboratory to be selected by the City and which meets minimum criteria for drug testing.

Procedure. All drug testing of employees and applicants shall be conducted at medical facilities or laboratories selected by the City. A medical facility or lab must maintain written procedures approved by the City that will be used to maintain test samples. These procedures shall, at a minimum, include:

- (a) testing procedures which ensure privacy to employees and applicants consistent with the prevention of tampering;
- (b) methods of analysis which ensure reliable test results, including the use of gas chromatography/mass spectrometry to confirm positive test results;
- (c) chain-of-custody procedures which ensure proper identification, labeling, and handling of test samples; and
- (d) retention and storage procedures which ensure reliable results on confirmatory tests of original samples.

At the test site, the employee or applicant will be given a form on which he/she may list any medications he/she has taken, or any other legitimate reasons for his/her having been exposed to drugs, within the last thirty (30) days. The form will be sealed in an envelope that will not be opened unless the test is positive.

Processing of Samples. Upon receipt of the sample from the employee, the individual supervising the testing will test the temperature of the urine and initiate the processing of the sample. The sample shall be sealed by the employee and the individual supervising the testing will sign the sealed sample. The sample will be labeled with a control number and the date and time the specimen was obtained and kept in a secured refrigerated atmosphere until tested. The seal will only be broken by the individual performing the analysis. In order to protect the chain of custody, any person handling the sample must sign for it.

Privacy in Drug Testing. Urine samples shall be provided in a private restroom stall or similar enclosure so that employees and applicants may not be viewed while providing the sample. Street clothes, bags, briefcases, purses, and other containers may not be carried into the test area. The water in the commode may be colored with blue dye to protect against dilution of test samples.

10. Confidentiality of Test Results. All information from an employee's or applicant's drug test is confidential and only those with a need to know are to be informed of test results. Disclosure of test results to any other person, agency, or organization is prohibited unless written

authorization is obtained from the employee or applicant. All records relating to the taking of a drug test, or the order to take a drug test, shall be deemed confidential unless written authorization has been obtained from the employee or applicant or the records become the subject of a judicial proceeding. All records relating to the taking or ordering of a drug test shall be kept by the Human Resources Officer in a separate file. The Human Resources Officer shall implement procedures to prevent the unauthorized distribution of the results of or the order to take a drug test. The results of a positive drug test shall not be released until the results are confirmed. The records of unconfirmed positive test results and negative test results shall be handled in accordance with all applicable laws and regulations.

11. The City shall provide a program of training to assist supervisory personnel in identifying drug and alcohol use among employees. Such training will be directed towards helping supervisors recognize the conduct and behavior that gives rise to a reasonable suspicion of use.

12. Prior Notice of Testing Policy. The City shall provide written notice of its drug testing policy to all employees. A standard notice shall be prominently displayed in the City Hall Administration Office and field offices and shall contain the following information:

- a. the need for drug testing;
- b. the circumstances under which testing may be required;
- c. the procedure for confirming an initial positive drug test result;
- d. the consequences of a confirmed positive test result; and
- e. the consequences of refusing to undergo a drug test.

13. Consequences of a Confirmed Positive Test Result. If an employee's positive test result has been confirmed, the employee is subject to disciplinary action up to and including dismissal. Factors to be considered in determining the appropriate disciplinary response include the employee's work history, length of employment, current job performance, and the existence of past disciplinary actions. No disciplinary action will be taken against an employee solely for voluntarily identifying himself/herself as a drug user, if (1) such voluntary identification is made prior to an incident giving rise to a circumstance which would constitute a basis for administration of a drug test, (2) the employee obtains counseling and rehabilitation through a Substance Abuse Rehabilitation Program (SARP) approved by the City Council, and (3) after such voluntary identification the employee refrains from violating the City's

Policy on drug abuse. Disciplinary action may, however, be taken against such employee for other reasons.

14. SARP Referral. Upon the first confirmed positive drug test, the employee may request referral to the SARP for assessment, counseling, and rehabilitation. Participation in the SARP is voluntary and no disciplinary action may be taken against an employee for failure to begin or complete the SARP program. Disciplinary action based on a violation of the City's drug policy is not automatically suspended by an employee's participation in the SARP and may be imposed when warranted by this Policy or other appropriate authority. The City will participate in the cost of the SARP to the extent of coverage under the City's then current group health care benefits plan available to employees.

15. Exception. Nothing contained herein shall be construed to prohibit the possession, sale or purchase of illegal drugs, drug paraphernalia, alcoholic beverages, or any other substance prohibited hereby when such possession, sale, or purchase is conducted by the City's Police Department personnel during legitimate Police Department activities.

16. Effective Date. This Policy shall be effective immediately upon its adoption by the City Council of the City.

## SEXUAL HARASSMENT

1. Policy. Federal law protects employees from sexual harassment under Title VII of the Civil Rights Act of 1964, as amended. Specifically, Title VII prohibits employers from discriminating on the basis of race, color, religion, sex, or national origin on matters of hiring, discharge, compensation, classification, recruitment, and terms, conditions, or privileges of employment, and prohibits retaliatory discharge.

It is the policy of the City that all employees should be able to enjoy a work environment free from all forms of discrimination, including sexual harassment. The City prohibits the sexual harassment of any employee by any other employee or non-employee. The City will not tolerate the sexual harassment of any of its employees, and will take immediate steps to stop it when it occurs.

2. Definition.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that are explicitly or implicitly a term or condition of an individual's employment or are the basis for employment decisions. Sexual harassment is also defined as unwelcome sexual conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

The definition of sexual harassment includes conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men and conduct directed by women toward women.

Examples of sexual harassment include:

- Leering or ogling;
- Whistling or catcalling;
- Pinching or patting;
- Unwelcome hugging;
- Soliciting or pressuring someone to sit on your knee, to hug you, or to be friendly;
- Commenting on the clothing of an individual in a sexual way, for example, "Boy I sure like the way those pants fit";
- Brushing up against someone as you walk past;
- Vulgar or obscene jokes or language;
- Jokes or comments that put women or men down;
- Repeatedly asking someone for a date after you have been turned down;
- Recounting one's sexual exploits for the people in the office;
- Referring to someone in demeaning terms;
- Displaying crude jokes and pictures, including pinups from magazines such as Playgirl and Playboy;

- Revealing parts of your body in violation of common decency;
  - Starting and spreading untrue rumors about the sex life of an employee;
  - Grabbing or tearing someone's clothing; or
  - Physically forcing sexual activity on someone, ranging from assault to rape.
3. Applicability.  
This sexual harassment policy applies to all employees of the City in their conduct and relations with other City employees or members of the general public which they serve.
4. Notice.  
This policy shall be distributed to all employees of the City. Department Heads and supervisors shall be responsible for ensuring that all employees under their direction are familiar with this policy.
5. Complaints.  
Any employee who feels he or she is being subjected to sexual harassment should immediately report such conduct, in writing or orally, as provided in Article I, B above. To whomever the employee makes a complaint of sexual harassment, the employee should be prepared to provide the following information:
- a. employee's name, department, and position title;
  - b. the name of the person or persons committing the sexual harassment, including their title(s), if known;
  - c. the specific nature of the sexual harassment, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against you as a result of the harassment, or any other threats made against you as a result of the harassment;
  - d. witnesses to the harassment; and
  - e. whether you have previously reported such harassment and, if so, when and to whom.

6. Reports.

When an allegation of sexual harassment is made by any employee, the person to whom the complaint is made shall immediately prepare a report of the complaint according to the preceding section and submit it to the employee's Department Head, or in the event the sexual harassment complaint is against the Department Head, to the Mayor.

7. Investigation.

A written record of the investigation shall be made, including notes of verbal responses made to the investigator by the person complaining of sexual harassment, witnesses interviewed during the investigation, the person against whom the complaint of sexual harassment was made, and any other person contacted by the investigator in connection with the investigation. The notes shall be made at the time the verbal interview is in progress.

8. Review.

Based upon the report, the Department Head or Mayor shall, within a reasonable time, determine whether the conduct of the person against whom a complaint of sexual harassment has been made constitutes sexual harassment. In making such determination, the Department Head or Mayor shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred, and the conduct of the person complaining of sexual harassment. The determination of whether sexual harassment occurred shall be made on a case-by-case basis.

If the Department Head or Mayor determines that the complaint of sexual harassment is founded, he shall take immediate and appropriate disciplinary action against the employee guilty of sexual harassment, consistent with those pertaining to employee discipline.

The disciplinary action shall be consistent with the nature and severity of the offense, and any other factors the Department Head or Mayor believes relate to fair and efficient administration of the City, including, but not limited to, the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the City. Disciplinary action shall follow the guidelines set forth in these Personnel Policies. A determination of the level of disciplinary action shall also be made on a case-by-case basis. A written record of disciplinary action taken shall be kept, including verbal reprimands.

In all events, an employee found guilty of sexual harassment shall be warned not to retaliate in any way against the person making the

complaint of sexual harassment, witnesses, or any other person connected with the investigation of the complaint of sexual harassment.

Upon receipt of a report on the investigation of a complaint of sexual harassment against a Department Head, the Mayor shall present the report to the City Council. If the City Council determines that the complaint of sexual harassment is founded, it may discipline the Department Head consistent with City ordinances, resolutions, and these policies.

In cases of sexual harassment committed by a non-employee against a City employee in the workplace, the Department Head shall take all lawful steps to ensure that the sexual harassment is brought to an immediate end.

9. Employee Cooperation.  
Employees are not only encouraged to report instances of sexual harassment, they are obligated to report instances of sexual harassment. Employees are obligated to cooperate in every investigation of sexual harassment, including, but not necessarily limited to, coming forward with evidence, both favorable and unfavorable, to a person accused of sexual harassment, fully and truthfully making a written report or verbally answering questions when required to do so by an investigator during the course of an investigation of sexual harassment. Employees are also obligated to refrain from filing bad faith complaints of sexual harassment. Disciplinary action may also be taken against any employee who fails to report instances of sexual harassment, or who fails or refuses to cooperate in the investigation of a complaint of sexual harassment, or who files a complaint of sexual harassment in bad faith.
10. Remedies not Exhaustive.  
This policy is not intended to replace, but is in addition to any rights or remedies an employee may have under state and federal laws.

## **IX. DISCIPLINE AND GRIEVANCES**

### **A. DISCIPLINE**

1. Supervisory Personnel Responsible to Enforce Discipline.  
All supervisory personnel are charged with the responsibility of enforcing and maintaining discipline and proper standards of conduct among City employees under their supervision.

2. Disciplinary Action.

Nothing contained in this manual shall be construed to confer upon any employee of the City any entitlement, contractual right, or property right to continued employment by the City. The City Council may, with or without the recommendation or approval of an employee's supervisor or department head, demote, suspend without pay, or discharge at will any employee of the City with or without cause. In the event that a department head takes such disciplinary action against an employee, the department head shall report such action to the City Council which may affirm, reverse, or modify the department head's action.

**B. GRIEVANCES**

Insofar as possible, it is the policy of the City to prevent the occurrence of complaints or grievances and to deal promptly with those which do arise. The immediate supervisor of the employee having a grievance will discuss all relevant circumstances with the employee and attempt to arrive at a fair solution. If the immediate supervisor cannot settle the grievance, it will be forwarded to the Department Head. If the Department Head cannot settle the grievance, it will be forwarded to the City Council where the decision will be final. The grievance procedure provided herein does not apply to disciplinary action taken pursuant to Section IX(A) of this manual.

**X. USE OF VEHICLES AND EQUIPMENT**

**A. PRIVATE VEHICLES**

1. Allowances May be Given.

As the City Council deems necessary and such proposal is acceptable to the employee, an employee may be given a monthly allowance for using his or her own automobile for City business. The amount of the allowance shall be determined by the City Council and shall be based on the amount of use necessary for the employee to perform his or her duties.

2. Mileage Reimbursement.

In the event it is necessary for an employee to use his or her personal car for City business, he or she will be reimbursed the prevailing IRS approved rate for each mile driven. Employees are expected to carry insurance as prescribed by State law. Individual liability coverage is primary; if over this amount then City liability assists. City insurance does not cover property damage.

**B. CITY VEHICLES AND EQUIPMENT**

If an employee is found to have used any City vehicle or equipment in a negligent manner and such vehicle or equipment becomes destroyed or damaged, the employee may be required to pay for damages or replacing the equipment. This shall also pertain to equipment lost or stolen while in the care, custody and/or control of an employee.

### **C. CITY VEHICLE POLICY**

1. Intent of Policy.
  - a. To insure City property is used for City service purposes.
  - b. Will apply to personnel currently using vehicles "after hours."
  - c. Upon recommendation of the department head, and approval of Council, other employees may be assigned the use of a City-owned vehicle, based on the mission or assignment of the individual involved.
  
2. Use of Vehicles.
  - a. Personnel will use the City vehicle to respond to normal work situations and during any emergency situation when the employee is off duty.
  - b. Personnel Uses.
    - (1) 24-hour Availability. Personnel have the use of the City vehicle to transport themselves in the immediate vicinity of their residence or the City of Stafford after hours or while they are off duty but on 24-hour call-up. Each employee is required to maintain a log which must reflect non-City uses of his or her assigned vehicle to be turned in semi-monthly to his department head. Council may authorize the use of City vehicles as a means of compensating employees.
    - (2) Normal Business Hours. Personnel have the use of City vehicles to perform City business which occurs during the normal business hours. A log will be maintained for each vehicle in this category, which must reflect all uses of the vehicle, to be turned in semi-monthly to department head.
  - c. City vehicles cannot be used by employees for their personal monetary gain.

- d. No trips should be made out of the Greater Houston area without the approval of the employee's immediate supervisor.
- e. The consumption or possession of alcoholic beverages in City vehicles is strictly forbidden, except that an alcoholic beverage which is considered evidence can be transported.
- f. Employee cannot use City vehicles for recreational purposes, i.e. attending sporting events at Minute Maid Park, music events at the Compaq Center, etc.
- g. City vehicles are to be driven only by City employees. Police officers and other agencies are allowed to operate City of Stafford vehicles under exigent circumstances.
- h. All employees assigned a vehicle must live within a twenty-mile radius of the City of Stafford.
- i. Employees using a City-owned vehicle must possess a valid Texas Driver's License appropriate for the type of City vehicle being operated.
- j. Police Department employees who are assigned the use of a City-owned vehicle will maintain radio contact with the Department at all times when driving the vehicle. These Police Department employees will take appropriate action when necessary, whether on or off duty, in order to provide assistance to the Department and citizens. Police Department employees will, when driving to and from work, or while about in the community, serve as a supplementary force to the regular patrolling police units.
- k. Permanently assigned City-owned vehicles must be safely parked or stored at the employee's residence when not in use.
- l. City-owned vehicles which are permanently assigned to an employee will be stored on City property for use by others whenever the employee is on vacation or during other absences or times off in excess of four (4) working days.
- m. Employees assigned vehicles will insure that all required maintenance and inspection needs of the vehicle are adhered to as prescribed by the department head.

## **D. LOANING EQUIPMENT**

Even though City employees are discouraged from loaning City equipment, it is the City's policy to cooperate with other governmental entities as much as practical in the loaning of equipment and rendering assistance in any manner possible. Any City equipment to be loaned must first be given specific approval by City Council, except in the event of an emergency.

## **XI. HOLIDAYS AND SPECIAL CLOSINGS**

### **A. OFFICIAL CITY HOLIDAYS**

Employees shall receive twelve (12) paid holidays per year as designated by City Council. In the event one of the holidays should fall on a Saturday or Sunday, Council shall designate a working day which shall be taken off as the holiday.

### **B. TIME OFF TO BE GIVEN FOR THOSE REQUIRED TO WORK ON OFFICIAL CITY HOLIDAYS**

Time off at a later date shall be arranged for those employees who are required to work on official City holidays, provided, however, no more than two (2) official City holidays may be carried over to the next ensuing calendar year by an employee required to work on an official City holiday and must be used before March 31 or the time will be lost. Unused personal holidays shall be lost on December 31 of each year. Upon request, holiday pay compensation may be approved by City Council in lieu of equal time off.

## **XII. NEPOTISM PROHIBITED**

Nepotism is defined as being the appointment or employment of an individual to a position because of family relationship, either through blood or marriage. No person related within the prohibited degree under Texas law to any member of the City Council shall be employed or appointed to any position within the City. No City employee can work under a supervisor if the two are related.

## **XIII. PERSONNEL MANUAL NOT INCLUSIVE**

The purpose of this manual is to define administrative policy and guidelines and to acquaint in general all personnel of the duties, benefits, responsibilities and conduct expected of them as employees of the City of Stafford in an effort to create a better understanding between City employees, the Mayor and City Council, and should not be considered in any respect as establishing any contractual liability on the part of the City of Stafford. Any personnel matter not covered herein shall be subject to review by supervisory personnel. All City employees are herein reminded that they are subject to

the terms of this manual and shall not act without proper authority or permission. No employee shall acquire any vested right under the terms of this manual. This manual is subject to immediate review and change without prior notice.

#### **XIV. GIFTS TO CITY EMPLOYEES, COUNCIL AND APPOINTED BOARD MEMBERS**

Any employee receiving any gift having a value in excess of one hundred dollars (\$100.00) from any individual or firm doing business with, or whose business or property is the subject of any application to or regulatory process of the City, shall report such gift to the City Secretary. To determine the value of a gift for reporting purposes where no value is stated, or only nominal value is stated (e.g. ticket face value), the employee should use the fair market value of the gift determined as follows: the price that a willing buyer would pay and a willing seller would accept for the gift. This policy applies not only to all personnel of the City, but also to the Council members and those appointed positions such as Planning Commission, Board of Adjustments, Board of Directors of the Stafford Economic Development Corporation, Air Conditioning Board, Electrical Board, Home Rule Charter Commission, and other such offices. Consequently, each individual must list any such gift received along with the name of the person and/or firm presenting such gift. This includes any special gratuities such as tickets to sporting events, invitations to hunting or skiing trips, special luncheons or dinners, or other such special activities.

Reports of gifts and/or gratuities shall be prepared on a monthly basis and are due before the 12th calendar day following the month for which such report applies. Non-receipt of a report will be construed to mean there was nothing to report. Any employee failing to report a gift as required hereunder may be subject to immediate termination from employment. Failure of an appointed or elected official of the City to report a gift as required hereunder shall subject such official to removal from office.

#### **XV. AMENDMENTS**

Changes to Personnel Policies Manual will be distributed to manual holders as approved by City Council. After a significant number of changes or amendments have been accumulated, a revised manual will be issued. It is suggested that as amendments are issued, each manual holder file these in the amendment section and make an appropriate notation in the main body of the manual where applicable.

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