

CITY OF STAFFORD

PERSONNEL POLICIES & PROCEDURES



PERSONNEL POLICIES FOR THE CITY OF STAFFORD, TEXAS

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PERSONNEL POLICIES OF THE CITY OF STAFFORD, TEXAS

SECTION 1

GENERAL PROVISIONS

1.01 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/Federal 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.

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.

1.02 EQUAL EMPLOYMENT OPPORTUNITY

The City of Stafford maintains policies and practices of equal employment. Actions are taken to ensure equal employment opportunities for all employees and prospective employees engaged in or to be engaged in City service. Discrimination or harassment against any person in recruitment, examination, appointment, training, promotion, discipline, or any other aspect of personnel administration because of political or religious opinions or affiliation, membership or non-membership in employee organizations, or because of race, color, national origin, age, handicap/disability, veteran status, sex or marital status, genetic information or any other categories protected by law is strictly prohibited. The City will not allow illegal discrimination in the workplace, and conduct found to violate the City's policies relating to discrimination and harassment may lead to discipline up to and including termination. Any employee discriminated against or harassed shall immediately report such conduct to the Human Resources Department.

1.03 APPLICABILITY

These personnel policies/rules apply to all City employees except where inconsistent with State or federal law, the City's Home Rule Charter, City Ordinance, or local legislation. 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. In the event of such inconsistency, the State or Federal law, Charter, ordinance or resolution shall prevail.

Each Department Head shall have the authority to make rules and regulations covering the

conduct and procedures particular 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, will 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 the Mayor.

1.04 DISSEMINATION/AMENDMENT

The City shall make every effort to thoroughly acquaint employees with the materials in these personnel policies and any subsequent revisions. Copies of these policies and all amendments shall be furnished to each employee. Notwithstanding the foregoing, it is each employee's responsibility to become familiar with the content of these policies and to ask questions when necessary for a full understanding.

1.05 RESPONSIBILITY

The City Council has the final authority and responsibility for approving and interpreting personnel policies and procedures in this manual.

Department Heads and supervisory personnel are responsible for enforcing the provisions of these policies and for cooperating with the Director of Human Resources on all related matters pertinent to their departments.

Organizational structures of established City departments will be developed or modified by the Department Head, considered by the Mayor and approved by City Council. Approval of major restructures must be in compliance with the City Charter and approved by City Council.

1.06 AT WILL EMPLOYMENT

These policies and the benefits described herein do not constitute a contract of employment or a contract between the City and any employee to provide any benefit, or grant to any employee any expectation of continued employment. **Specifically, employment is AT-WILL and nothing contained in these policies shall be construed as creating a property interest in employment with the City for any employee.** Notwithstanding any statement contained in these policies or in any other document or statement issued by the City or any of its representatives to the contrary, the City shall have the right to terminate any employee from employment with the City, at any time, with or without cause.

1.07 FRAUD POLICY

The City is committed to protecting its revenue, property, information and other assets from any attempt, either by members of the public, contractors, vendors, volunteers, or its own employees, to gain by fraud or deceit, financial or other benefits. It is everyone's responsibility to report any possible fraudulent activity or irregularity. The City will make every reasonable effort to identify and promptly investigate all instances of known or alleged instances of fraudulent activities or other fiscal irregularities.

When suspected fraudulent incidents or practices are observed by or made known to an employee, the employee shall immediately report the incident or practices to their supervisor. If it is inappropriate to report the incident to the supervisor or if an employee is uncomfortable reporting the incident or practices to the supervisor, the employee may report it to their Department Head or Human Resources.

1.08 PUBLIC INFORMATION ACT

While the Texas Public Information Act requires that many of the documents and much of the information collected by the City is subject to public disclosure upon written request, a City employee has the right to choose whether or not to allow public access to portions of his or her personnel file that reveal a home address, home telephone number, social security number and information that reveals whether or not he or she has family members. This privacy request should be made by the employee in writing and the document should be maintained in the employee's personnel file. Home addresses or telephone numbers of public safety employees are automatically closed to the public.

1.09 TEXAS MOTHER FRIENDLY WORKPLACE ACT

The City supports the practice of expressing breastmilk of lactating mothers, and provides work schedule flexibility to accommodate reasonable break times for an employee to express breastmilk for her nursing child or to breastfeed each time such employee has the need to express the milk or breastfeed, for up to one year after the child's birth.

Lactating mothers may use time during the standard workday for milk expression. This may include various combinations of standard paid break periods, lunch periods and other time as necessary. Scheduling will be arranged on a case-by-case basis and be based on the specific needs of the employee.

Supervisors and managers are responsible for ensuring that the duties of the lactating employee are covered during her expression breaks.

City support includes providing a private onsite location, other than a restroom, for the lactating mother to express breastmilk for her nursing child or to breastfeed her child.

1.10 AMERICANS WITH DISABILITIES ACT AMENDMENT ACT (ADAAA) ACCOMODATION POLICY

The City is committed to complying with all applicable provisions of the ADAAA. It is the City's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job with or without reasonable accommodations. Consistent with this policy on nondiscrimination, the City will provide reasonable accommodations determined through an interactive process, to a qualified individual with a disability as defined by the ADAAA, who has made the City aware of his or her disability and/or is in need of an accommodation, provided that such accommodation does not place an undue hardship upon the City.

An employee with a disability who believes that he or she needs a reasonable accommodation to perform the essential functions of his or her job should complete the [City of Stafford Request for Accommodation Form](#) and submit the form to the Director of Human Resources. The City encourages individuals with disabilities to make the City aware of any disability and to request a reasonable accommodation.

Procedure for Requesting an Accommodation

Accommodation requests will be evaluated on a case-by-case basis through an interactive process. In response to an accommodation request, the Director of Human Resources and the employee's supervisor will meet with the employee to discuss and identify the precise limitations resulting from the disability and the potential accommodation that the City might make to enable the employee to perform the essential functions of his or her job. In the event that the employee seeks accommodation but is unable to suggest an appropriate accommodation, the City may consult with outside agencies and organizations to identify reasonable accommodation options for the specific situation.

The Director of Human Resources and the employee's supervisor will determine the feasibility of the requested accommodation. Various factors will be considered, including, but not limited to, the nature and cost of the accommodation, the City's overall financial resources, the accommodation's impact on the operations of the City and the individual department and/or division, including its impact on the ability of other employees to perform their duties, and on the City's ability to conduct business.

The Director of Human Resources will inform the employee of the decision on the specific accommodation request, any alternative accommodation proposed, or how to implement the approved accommodation. If the accommodation request is denied, the employee will be advised of the right to appeal the decision to Mayor by submitting a written statement explaining the reasons for reconsideration of the request within five (5) business days. If the request on appeal is denied, that decision is final. If an employee's circumstances or needs change, he or she may restart the interactive process and request a reasonable accommodation, even if an earlier request has been denied.

The ADAAA does not require the City to accept the employee's preferred accommodation, if an equally useful but more economical or equitable alternative exists. The City retains the right to make rational business-related decisions regarding accommodations such as reallocation of essential job functions, altered work schedules, or providing personal use items at the City's cost (i.e. eyeglasses, hearing aids, wheelchairs, etc.).

Employees who fail to return to work after the conclusion of an approved reasonable accommodation leave, including any extensions of leave granted, shall be regarded as having voluntarily resigned their position.

1.11 GENETIC INFORMATION NONDISCRIMINATION ACT (GINA)

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting, or requiring, genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with GINA, employees are directed not to provide any genetic information when responding to any City request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or embryo lawfully held by an individual or family member receiving assistive reproductive services. It is unlawful for a covered entity to disclose genetic information about applicants, employees, or members. If the City acquires genetic information through the narrow exceptions allowed by this law, that information will be kept confidential and in a separate medical file. The genetic information may be kept in the same file as other medical information in compliance with the Americans with Disabilities Acts Amendment Act (ADAAA). There are limited exceptions to this non-disclosure rule, such as exceptions that provide for the disclosure of relevant genetic information to government

officials investigating compliance with Title II of GINA and for disclosures made pursuant to a court order.

1.12 WHISTLEBLOWER ACT

The City's policy is to comply with the Texas Whistleblower Act, and accordingly the City prohibits suspending, terminating, or taking any adverse personnel action against a City employee because he or she has in good faith, reported a violation of the law by the City or one or more of its employees to an appropriate law enforcement authority. Employees are required to promptly report any violation of this policy to the Human Resources Department under the City's complaint policy in Section 1.15.

1.13 DISCRIMINATION AND HARASSMENT-FREE WORK ENVIRONMENT POLICY

All City employees are entitled to a work environment free from discrimination and harassment. Discriminatory treatment occurs when an individual uses protected class (those groups protected from employment discrimination by law) as a basis for an adverse employment action or decision. This policy covers allegations of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), national origin, age, disability, sexual orientation, gender identity, or genetic information discrimination in, transfer, compensation, termination, and conditions or privileges of employment.

It is also the right of all employees to perform their jobs in an environment free from all forms of harassment, including innuendo, bullying, physical contact, verbal suggestiveness or derogatory remarks. While supervisors are responsible for creating and maintaining an atmosphere free of harassment, employees are responsible for respecting the rights of co-workers. The City will not tolerate discriminatory workplace conduct or the display of materials in the workplace that would be considered discriminatory or harassing to a reasonable employee.

Sexual Harassment Policy

Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of sex. Additionally, the Equal Pay Act of 1963 prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment; recognizing that not all employees perform at the same level, employee salaries may be different based on factors other than sex, including individual performance, tenure, experience, and education.

The Equal Employment Opportunity Commission defines unlawful sexual harassment as unwelcome, sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, including hiring, promotion, pay, fringe benefits, job training, classification, referral and other aspects of employment; or
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

It is the City's policy to prohibit harassment and discrimination in the workplace. This policy covers vendors, customers, volunteers and others who enter our workplace as well as all employees.

Anti-Violence Workplace Policy

The City prohibits and will not tolerate employee conduct that is harassing, intimidating, threatening or violent, including, but not limited to: inappropriate or harassing comments, jokes, references, or mannerisms; threats of violence; physical challenges to fight; stalking; inappropriate or harassing physical conduct; attempted assault or assaulting of fellow employee(s), vendors, customers and/or any others who enter our workplace. Employees should make any complaint that they may have under this policy by completing the **City of Stafford Harassment Complaint Form** and filing the form with the Director of Human Resources. Any employee found in violation of this policy will be subject to disciplinary action, up to and including termination.

Online Harassment Policy

Consistent with the spirit and intent of the Sexual Harassment and the Anti-Violence Workplace Policies mentioned above, and in conjunction with the City's Social Media Policy, the City will not tolerate harassing, intimidating, threatening or violent employee or volunteer conduct or behavior that creates intimidating, hostile or offensive environments online or through electronic means.

The City prohibits such conduct whether it occurs at work or outside of work via any social media, including but not limited to chats, Twitter, message boards, blogs, social networking sites such as Facebook or LinkedIn, instant messaging, avatars, spam, redirected or automatic linking, popups, or other Internet sources or through electronic means such as text messages, email messages, voicemail messages, or images relayed on cell phones, computers, or tablets.

These forms of harassment, commonly referred to as online harassment, cyberstalking, cyberbullying, or textual harassment, are prohibited to the same extent as prohibited in-person conduct or comments described in the Sexual Harassment and Discrimination Policy. The sending of offensive messages, humiliating comments, threats, or pornographic or lewd images or recordings by City employees to or about any other employee or representative, whether on City-provided equipment or otherwise, constitutes a violation of this policy. An employee who suspects he or she has been subjected to online harassment should save a copy of the harassing material and forward the material together with his/ her completed **City of Stafford Harassment Complaint Form** to Human Resources. Any employee who violates this policy will be subject to disciplinary action, up to and including termination.

Additionally, employees should be aware that Section 33.07 of the Texas Penal Code states, in part:

Online Impersonation:

1. "A person commits an offense if the person, without obtaining the other person's consent and with the intent to harm, defraud, intimidate, or threaten any person, uses the name or persona of another person to:
 - a. to create a web page on a commercial social networking site or other Internet website; or

- b. post or send one or more messages on or through a commercial social networking site or other Internet website, other than on or through an electronic mail program or message board program.
2. A person commits an offense if the person sends an electronic mail, instant message, text message, or similar communication that references the name, domain address, phone number, or other item of identifying information belonging to any person:
 - a. without obtaining the other person's consent;
 - b. with the intent to cause a recipient of the communication to reasonably believe that the other person authorized or transmitted the communication; and
 - c. with the intent to harm or defraud any person."

The City considers discrimination and retaliation to be grave acts of misconduct and may subject the perpetrator to disciplinary action up to and including immediate termination. Supervisors are accountable and have an obligation to pursue a discrimination and retaliation-free workplace environment.

The City will investigate every report of an alleged incident made in the workplace and will take appropriate action. The result of that action may range from informal counseling to disciplinary action, up to and including immediate termination. Every City employee shall be responsible for supporting and enforcement of this policy.

1.14 DISCRIMINATION AND HARASSMENT COMPLAINT AND GRIEVANCE PROCEDURES

The City is committed to a workplace free of discrimination and harassment. Any employee that is subject to, is a witness to, or becomes aware of any conduct that might be considered discrimination or harassment of any employee must immediately report the incident to Human Resources. If a supervisor is notified of a complaint, he or she should immediately notify the Human Resources. If the Director of Human Resources is the source of the alleged conduct that is subject to complaint, the employee should report the conduct to the Mayor. Complaints against the Mayor and individual council members should be brought to the Director of Human Resources and addressed by Council.

The following steps should be followed to complain.

- The person should complete the *City of Stafford Complaint Form* and submit this form to the Director of Human Resources.
- The Director of Human Resources, Legal Counsel or the Department Head will investigate. When appropriate, law enforcement officials will be involved to ensure the safety of employees.
- If it is determined that discrimination or harassment did occur, the City will take prompt corrective action to end the harassment or discrimination, return any lost benefits or opportunities to the employee, restore a proper workplace environment, and discipline the harasser. The disciplinary or corrective action taken may include

discipline up to and including termination.

- **Complaints made in good faith will in no way be held against any employee. However, the misuse of the complaint process may result in the appropriate disciplinary action up to and including termination.**
- The City will not tolerate retaliation of any kind and in any manner. This protection extends not only to individuals who complain about unlawful harassment and/or activities, but also to those who serve as witnesses or participate in investigations under this policy.
- Confidentiality will be maintained as much as possible regarding discrimination and harassment complaints. However, absolute confidentiality cannot be promised as complaints may be disclosed during the course of the investigation, but only on a need to know basis.

1.15 COMPLAINTS AND GRIEVANCES

Open communication between an employee and his/her supervisor is encouraged. If an employee has a complaint not covered under Section 1.14, or suggestion about any aspect of his or her work at the City, including but not limited to, any work rule, work-related decision, promotion, promotion procedure, safety condition, work condition, treatment at work, or violation or any City policy or procedure, the employee should talk directly to his or her immediate Supervisor or Department Head. If the Supervisor or Department Head is not responsive or if the employee is uncomfortable discussing the matter with them, the City encourages employees to contact Human Resources.

The following steps should be followed to complain.

- The person should complete the **City of Stafford Complaint Form** and submit this to Human Resources.
- The Director of Human Resources, Legal Counsel or the Department Head will investigate. When appropriate, law enforcement officials will be involved to ensure the safety of employees.
- **Complaints made in good faith will in no way be held against any employee. However, the misuse of the complaint process may result in the appropriate disciplinary action up to and including termination.**
- The City will not tolerate retaliation of any kind and in any manner. This protection extends not only to individuals who complain about unlawful harassment and/or activities, but also to those who serve as witnesses or participate in investigations under this policy.
- Confidentiality will be maintained as much as possible regarding complaints. However, absolute confidentiality cannot be promised as complaints may be disclosed during the course of the investigation, but only to those with a need to know.

SECTION 2

METHOD OF FILLING VACANCIES

2.01 VACANCY IDENTIFICATION/RECRUITMENT

All employee recruitment activities for all positions shall be coordinated through the Human Resources Department. Recruitment activities by the Human Resources Department are in conjunction with other City departments and shall be done in compliance with federal and state equal employment opportunity regulations.

2.02 ANNOUNCEMENT OF VACANCIES/APPLICATION

The Human Resources Department shall publicly announce by appropriate means all vacancies to be filled in the City and shall maintain a list of current announced vacancies for public inspection.

Each job announcement, insofar as practicable, shall specify the title, hiring range, and nature of the job, the required minimum qualifications, 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.

Job opportunity announcements will be posted at various posting locations for a minimum period of ten (10) business days. All applications must be received through the Human Resources Department in order for proper application to have been made.

2.03 PROBATIONARY PERIOD

All employees other than those authorized by the Charter are required to serve a probationary period. Department Heads and supervisors shall use the probationary period to closely observe and evaluate the work and fitness of employees and to encourage adjustment in their work performance to better fulfill the expectations of the job description. Only employees who maintain acceptable work performance during their probationary periods shall be retained. Probationary employee's evaluation period may be extended up to an additional 90 days to allow for further evaluation of the employee's performance and provided constructive feedback on how to improve.

The required probationary period is six (6) continuous calendar months for new employees and for employees that are appointed, promoted, transferred or demoted to a different position. New employees who have successfully completed one (1) year of service in their current position 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 current fiscal year budget. Current employees must successfully complete one (1) year of service in their new position when appointed, promoted, transferred or involuntarily demoted to a different position. 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 or as otherwise directed by City Council.

Probationary employees who through no fault of their own are unable to complete their probationary period, may have their probationary period extended.

2.04 FAILURE OF PROBATIONARY PERIOD

An employee shall fail the probationary period when, in the judgment of the Department Head, the employee's fitness, quantity and/or quality of work are not such as to merit continuation of employment. Failure of the probationary period may occur at any time within the period and shall not be considered part of the disciplinary process. Department Heads and supervisors shall document all cases of failure during the probationary period. Failing the probationary period shall not be subject to review. However, any employee who believes that any such failure was based upon discrimination prohibited by law, or these policies, may request a review by Human Resources and the Mayor. Their request must be in writing and delivered to the Human Resources Department within five (5) business days following notice of failure of the probationary period. The decision of the Mayor shall be binding and final.

2.05 PROMOTIONS POLICY / TEMPORARY ASSIGNMENT OF HIGHER CLASSIFIED POSITION

A promotion is the assignment of an employee from their regular **pay grade** classification to a **pay grade** classification having a higher maximum salary. It shall be City policy to provide promotional opportunities to existing employees, when possible. 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. Opportunities for promotion across organizational lines shall also be possible, contingent on business necessities at the time.

The Department Head may authorize a temporary assignment to ensure the proper performance of City functions if a position is vacant or its regular incumbent is absent for an unforeseen extended period of time. Employees' temporary assignments will be according to the promotional salary range.

Temporary assignments shall not be used to circumvent normal selection procedures. The employee involved shall not acquire any status or rights in the class to which temporarily promoted except as provided in this section. A return to an employee's regular position after a temporary assignment shall not be considered a demotion under this policy.

Nothing herein shall be construed to prevent the temporary assignment of higher-level duties to an employee without additional compensation. Authorized additional compensation may be paid only in cases of those formally affected in accordance with these rules and Section 5.16.

2.06 TRANSFER POLICY

A transfer is an assignment of an employee from one position to another within the same pay grade classification, not involving promotion or demotion.

A regular, full-time City employee aspiring to transfer to a vacant position may make a request by notifying their immediate supervisor and completing a formal application and interview process. Should the employee be identified as the top qualified applicant for the position, final arrangements for the transfer shall be coordinated between the Department Heads of the affected position. All transfers must have prior approval of the Department Heads and Human Resources. Approval of the transfer shall signify certification that the employee is qualified to perform the duties of the position to which the transfer is considered.

The following provisions apply to the qualified employee who is promoted or

transferred in accordance with Sections 2.05 and 2.06:

- A. A six (6) month probationary period shall be served in the new position.
- B. If the supervisor or the employee is not satisfied in any way during the probationary period, the employee may ask for a transfer back to the former position, providing it has not been filled, and the respective Department Head and the Human Resources Department approve the return to the former position. However, if the employee's former position is no longer vacant, the employee may be separated from employment with the City.
- C. Successful completion of the probationary period is required to remain in the position into which the employee was transferred.

2.07 NON-DISCIPLINARY DEMOTIONS

A demotion is the assignment of an employee from their regular classification to a job classification having a lower maximum salary.

A non-disciplinary demotion shall require the approval of the Department Head, the Director of Human Resources, and the Mayor. If qualified to perform the duties of the lower-level position, employees may be administratively demoted, at their own request, or as an alternative to layoff. Such demotions shall not be considered disciplinary actions or disqualify the employees involved from consideration for future advancement. Demotions imposed as alternatives to layoffs may be fully or partially rescinded at any time. Demoted employees shall serve a six (6) month probationary period.

Involuntary demotions will be addressed in Sections 5.03 and 10.03.

2.08 APPLICANT EVALUATION

Consistent with equal employment opportunity practices, every qualified applicant for a vacancy shall be given due consideration. The Department Head and Human Resources shall determine the most appropriate means of evaluating applicants in light of the job descriptions and job requirements. The City shall make every reasonable effort to hire the best qualified applicant for the vacated position.

Human Resources and the respective hiring department may conduct reference checks, interviews, schedule medical examinations, background checks, performance tests, written tests, schedule drug screen, and/or other screening procedures as may be appropriate to determine the most qualified applicant. Documentation from the evaluation processes shall be placed in and become a part of the hiring file for the particular position and kept according to retention guidelines outlined by the Texas State Library.

2.09 MEDICAL EXAMINATIONS

A person selected for initial appointment, reinstatement, transfer, or promotion to job classifications designated as having physical requirements may be required to undergo a medical examination at City expense in a manner prescribed by Human Resources and or the Department. Employment shall be contingent upon results of the medical examination in relation to the requirements for the position involved, and whether the applicant can perform the essential functions of the position with or without reasonable accommodation. No physical requirement shall be imposed which is not expressly provided in the job description for the position for which the applicant has applied.

SECTION 3

CLASSIFICATION OF EMPLOYEES

3.01 PURPOSE

The Director of Human Resources shall maintain a position classification plan for all budgeted City positions. In this plan, all positions shall be assigned an official classification title, FLSA status, a formal description of duties, a job analysis, and minimum qualifications. Any position reclassifications shall be reviewed by Human Resources and the Mayor and approved by City Council.

3.02 TYPES OF EMPLOYMENT

Full-Time Employees

A Full-Time Employee is any employee who is regularly scheduled to work not less than forty hours per week or 80 hours in a pay period in one or more positions that are budgeted for not less than 2,080 hours per year;

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 for 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;

Part-Time Employees

A Part-Time Employee is an employee who is neither a Full-Time Employee nor a Regular Part-Time Employee. A Part-Time Employee may not work in excess of 999 hours per calendar year.

Temporary Employees

- A. Full-time employees who work a minimum of forty (40) hours per week, but are employed for only a specified period of time or for a specified job task or project and may not exceed 999 hours per calendar year; or
- B. Part-time employees who work less than forty (40) hours per week, but are employed for a specified period of time only or for a specified job task or project and may not exceed 999 hours per calendar year.

Non-City Retainer or Fee Basis

- A. Professional: are those who are not actually supervised by the City but are on a retainer or fee basis, such as the City Attorney or City Engineer.
- B. Contract: are 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

3.03 EXEMPT EMPLOYEES

Certain employees, due to their position title and responsibilities are exempt from the

minimum wage and overtime provisions, including executive, administrative personnel and professional employees. All positions are evaluated to ensure accurate FLSA Exempt or Non-Exempt classifications and may be re-evaluated as necessary to ensure the position is classified appropriately. Exempt employees are expected to work the hours necessary to complete the duties of their job.

3.04 NON-EXEMPT EMPLOYEES

Employees in all other position classifications may receive overtime pay or be offered compensatory time at the rate of time and one-half in lieu of overtime pay. Time and one-half is used in calculating overtime and compensatory time in situations where the actual hours worked exceed standard work week or pay period hours.

3.05 INTERNSHIP

The City supports internships for the purpose of providing practical application of material taught in a classroom. Internships offer short-term opportunities, with no entitlement to a job upon completion, for degree-seeking college students or high school students to allow them to obtain valuable hands-on experience to complement their education. The goal of an internship at the City is for the intern(s) to gain insight into local government and municipal operations and prepare for future leadership positions. The experience is for the intern's benefit, not the City's advantage, and interns will not be used to displace regular employees. Interns may be asked to complete tasks that enable them to gain job-related experience, including tasks not directly related to their course of study. Any paid or unpaid internships shall be established annually during the budget process and are subject to the availability of funds.

3.06 EMERGENCY TEMPORARY EMPLOYEES

During a declared emergency by the Mayor, when the services of personnel who are not otherwise available may be needed, the Mayor may immediately appoint emergency temporary employees without regard to normal selection and appointment methods. Such appointments shall be for periods not to exceed thirty (30) working days. Emergency temporary employees shall not be eligible for benefits other than worker's compensation coverage.

3.07 LIMITED DUTY ASSIGNMENT POLICY

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 their 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. This limited assignment is not subject to the Transfer Policy under Section 2.06. 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. 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 assignment. This temporary assignment shall be 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:

1. The other department's Department Head. Temporary limited duty assignments may include, but are not limited to:
 - a. Records filing and/or maintenance; Report taking and writing;
 - b. Technical functions for which the employee is qualified; Attending training classes; or
 - c. 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. The Department Head may authorize an employee's transfer to a temporary limited duty assignment for any of the following reasons:

- a. When an employee suffers an injury or illness in the course and scope of the employee's regular job duties;
- b. 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
- c. For administrative reasons deemed appropriate by the Department Head.

3.08 PROCEDURE FOR ASSIGNMENT TO LIMITED DUTY

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 in Human Resources.

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.

3.09 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:

A. 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 the Mayor.

B. 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 the Mayor.

C. 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.

D. Outside Employment and Public Appearance of Police Officers and Firefighters

Any police officer or firefighter transferred to a limited duty assignment may not perform police or fire fighting related work outside the department and shall not appear in any public place while wearing a Stafford uniform.

SECTION 4

PERFORMANCE EVALUATIONS

4.01 PURPOSE

An employee work performance evaluation is a valuable opportunity for both the employee and supervisor to formally communicate about all aspects of a job and the work performance expected for that particular job.

Employee evaluations are designed to:

- A. counsel employees regarding their job performance in relation to their job description;
- B. serve as input for merit salary adjustments when approved by City Council during the budget process; and
- C. provide a tool for management decisions regarding employee developmental needs, training, assignments, goals, promotions, demotions, and retention.

4.02 PERFORMANCE EVALUATION REPORTS

Each employee shall be formally evaluated at least once every year but supervisors shall have constant engaging communication regarding performance with employees throughout the year. Probationary employees shall be evaluated after six (6) months of employment. All evaluations and memoranda shall be placed in the employee's official personnel file.

Supervisory personnel shall discuss the performance evaluation report with the affected employee and counsel the employee regarding his or her work performance in relation to expectations. The supervisor shall also offer constructive suggestions on expected performance improvements.

SECTION 5
COMPENSATION

5.01 BASIS OF COMPENSATION

It is the policy of the City to pay its employees a fair and equitable amount for their service without regard to race, sex, age, national origin, color, religion, veteran status, mental or physical disability or any other protected class. The City shall maintain fair and competitive salaries consistent with the economic requirements of the organization and commensurate with the City's competitive strategy in the labor market in order to attract, retain and reward qualified employees.

5.02 SALARY ADMINISTRATION OBJECTIVES

The City's salary administration program has the following objectives:

- To obtain the highest degree of employee performance and morale through fair and equitable salary administration.
 - To ensure that salaries are internally equitable and consistent within and between position categories.
 - To ensure that salaries paid are fair and competitive within the relevant labor market.
 - To provide an effective means of budgeting and controlling salary and related expenses.
 - To provide recognition and reward for differences in individual ability and performance.
- A. The City monitors external pay practices to ensure that the organization's compensation practices are competitive with the marketplace. Pay grade salaries are reviewed and adjusted (if needed) by City Council in the annual budget process.
 - B. All positions are assigned a pay grade, based on the City's competitive position in the marketplace. Pay grades are composed of a minimum salary, a mid-point salary (usually the middle of the salary range) and a maximum salary.
 - C. Merit salary decisions are based on appraisals of employee performance and internal equity. Internal pay practices are monitored to insure fairness to all employees.
 - D. The merit ranges will be established with the approval of the annual city budget process.
 - E. From time to time cost of living adjustments (COLA) may be awarded in lieu of or in conjunction with merit increases, which shall be determined by City Council during the annual budget process. There may be times where no increases are approved by City Council depending on budget circumstances.
 - F. Annual merit increases will be awarded on the first full pay period of the fiscal year.
 - G. Merit increases and or COLA's will be limited such that base pay is not increased beyond the maximum of the employee's salary range.

- H. Increases in excess of the range maximum will be given to the employee in a lump-sum payment at the time of the increase. The above range employees will receive lump-sum merit increases until successive salary structure adjustments bring the employee's salary in line with the pay grade maximum.
- I. The lump-sum payment is equal to the percentage in excess of range maximum times the employee's annualized base pay.
- J. Salary information regarding an individual employee is personal information and is confidentially maintained by the City in accordance with the Texas Public Information Act. However, each individual employee shall be advised of their own salary and pay grade.
- K. Temporary assignments that included a salary adjustment are not appropriate for a promotion increase. When an employee returns to their permanent position, they will receive the increase budgeted calculated based upon the permanent position base salary.
- L. A special adjustment increase may be recommended for reasons unrelated to merit or promotion, such as market forces at work.
- M. An out-of-salary range condition involves a salary below the minimum of the assigned pay grade or a salary above the maximum of the assigned pay grade.
- N. Salaries below the pay grade minimum can be used as temporary (six months or less) trainee rates for new incumbents who have less than the position requirements. A new incumbent's salary should at least meet the minimum salary of the position's pay grade. Below pay grade minimum situations are to be individually evaluated by the Director of Human Resources and approved by City Council for appropriate salary treatment.

5.03 DEMOTIONS

- A. Voluntary
If an employee chooses to apply for a position that is lower in pay grade, the appropriate salary adjustment may be made.
- B. Involuntary
An employee who is involuntarily demoted from one position to another position in a lower pay grade may have his/her pay reduced to a pay rate appropriate for that position.
- C. Administrative
An employee reduced in grade through no fault of his/her own through reorganization or reduction in force may retain their current salary if it is within the pay grade. If the employee's salary is above the maximum rate for the grade, the employee's pay may be frozen until it no longer exceeds the maximum range for the grade.

5.04 OVERTIME

Overtime is to be the exception and not the rule. Overtime should be approved and authorized. Payment for overtime shall be at one and one-half the employee's regular rate of pay.

A. Non-Exempt

Non-exempt employees who are required to work more than forty (40) hours during any work week shall accumulate overtime.

B. Police Patrol Officers

Patrol Officers will work regular 12-hour shifts and overtime will be paid for hours greater than 80 during the 14-day work period.

C. Firefighters

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 106 hours during any 14-day work cycle shall accumulate overtime.

D. Overtime Payment

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

E. Holidays

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 Section 7.01. 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.

5.05 RESPONSIBILITY FOR CONTROLLING WORK TIME

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

Employee Responsibility

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

5.06 COMPENSATORY TIME

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. Non-exempt 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 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.

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.

5.07 HOURS WORKED

Training

Time spent by an employee attending work related events (i.e. training classes, lectures, and meetings) required by the City or requested by management, 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.

Attendance at lectures, meetings, training programs and similar activities need not be counted as working time only if four criteria are met, namely: it is outside normal hours, it is voluntary, not job related, and no other work is concurrently performed.

5.08 REST & MEAL PERIODS

The Fair Labor Standards Act does not require an employer to provide break/rest periods. The City of Stafford, however, may allow two 15-minute rest periods, which may be provided each day and are to be taken within the work area. The supervisor is responsible for scheduling breaks to ensure continuity of workflow and adequate representation of personnel throughout the entire workday. The meal period shall be of one-hour length and shall normally be taken between 11:00 AM and 2:00 PM for those employees working a standard shift of 8 hours or more. Employees shall perform no work during their unpaid lunch hour. Any meal period of less than 30 minutes will be recorded as hours worked. Supervisors are responsible for making every effort to avoid situations in which an employee is expected to work more than five and one-half continuous hours without taking at least a 30-minute rest period or break. Rest periods and lunch breaks are to be taken as assigned and cannot be stored or banked. Schedules for Police and Fire Department personnel, shall be established by the respective Chief.

5.09 RECORDING TIME

Non-exempt employee positions shall record each workday separately with respect to hours worked. Any hours worked outside of a normal workweek schedule must be recorded on the timesheet applicable to each workday. As set out above, any overtime must be approved in advance in writing by a supervisor. If an employee leaves a work site periodically during the workday for personal reasons the employee shall reflect the lost time on time sheets (i.e. vacation, sick leave, compensatory time, etc.) in increments not less than one hour.

5.10 WORK WEEK / WORK PERIODS

Non-Exempt

The work week begins at 12:00 AM on Sunday and ends the following Saturday at 11:59 PM. The usual scheduled number of hours in a work week shall be 40 for regular non-exempt employees.

Alternative Workweek

Employees working a 9/80 schedule will have a work cycle defined as beginning mid-day on Friday or Monday depending upon the employee's schedule.

Employees working a 4/10 schedule will work for 10- hour days in a workweek.

Police Patrol Officers

The work period shall be a 14-day period that begins at 12:00 AM on Sunday and ends Saturday at 11:59 PM. The usually scheduled number of hours in a work period shall be 80 for Patrol Officers.

Full-Time Firefighters and EMS

Firefighters will work an average of 56 hours per week based on 48-hour shifts with 96 hours between shifts on a 14-day cycle??

5.11 ALTERNATIVE WORK WEEK SCHEDULES

Alternative work schedules, including the compressed work week, are consistent with the City of Stafford's efforts toward work/life balance and shall be determined by Department Heads.

For employees assigned a 9/80 schedule, a work week consists of a full- time employee working eight (9) nine-hour days, one (1) eight-hour day, and one (1) day off every pay period.

For employees assigned a 4/10 schedule, a work week consists of a full-time employee working four (4) ten-hour days each week.

Alternate work week schedules must meet the following requirements for consideration:

- A. All full-time employees must work a 40-hour week (or 80-hours each pay period).
- B. Operational requirements must be met, and service to our customers must be not be impacted.
- C. Utilizing the alternate work schedule shall not create overtime/comp time that would not normally exists; costs to the City will not increase.
- D. Each department must be covered during normal business hours.
- E. Alternative work week schedules will not diminish the ability of the City to assign responsibility and accountability to employees for the provision of services and performance of their duties.
- F. When a paid holiday falls on an employee's regularly scheduled day off, the employee will be given another day off (Thursday or Tuesday) during that pay period.
- G. Any employee who uses accrued leave for a work day shall be docked equivalent to the work day being taken off. (Example: A 9-hour work day being taken off equates to 9-hours of accrued leave being used.)
- H. Employees are encouraged to schedule all personal appointments on their off day.

5.12 CALLOUT TIME (UNSCHEDULED EVENTS)

Callout time is defined as the time the City requires an "on-call" employee to physically return to work on an unscheduled or emergency basis and actually performs work outside of the employee's regularly scheduled work hours or scheduled meetings/events

- A. The time that a non-exempt "on-call" employee is assigned to callback work will be considered as hours worked for purposes of calculating overtime (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).

When an on-call employee is called back to work on-site, any time worked less than 2 hours will still be deemed two hours of work. Any incident exceeding two hours will be paid according to the length of time the employee performs actual work for the City during the callout.

Exempt employees are not eligible for callout pay.

5.13 REMOTE CALL-IN

Non-exempt employees who are required to call-in, log-in or utilize technology to resolve an issue remotely outside of their normally scheduled work day shall record time as worked if the activity takes 7 minutes or longer; is not considered de minimus in nature and requires more than a short phone call, text message or e-mail to address. After 7 minutes time shall be recorded in 15-minute increments. Employees will not receive more than one hour of pay for multiple calls in the same hour period.

5.14 STEP UP PAY (TEMPORARY DUTIES IN HIGHER CLASSIFICATION)

Step up pay applies only to non-exempt employees in certified public safety positions who, are temporarily assigned or promoted to perform the full range of duties of a higher-classified position on a short-term basis due to the absence of an employee in a higher-classified position or the vacancy of such position. This temporary assignment is not subject to the City's formal promotion policy under Section 2.05.

5.15 TEMPORARY INTERIM PAY

Interim pay may apply to positions that are "At-Will" and that are vacant. Interim pay assignments must be approved by the Department Head and Mayor & Council. The employee who is temporarily assigned to perform the full range of duties of a higher-classified position on an extended-term basis and not in a position that would automatically assume the full range of duties as outlined in a job description, i.e., for a period of 13 work weeks or more due to the extended absence of an employee in a higher classified position or the vacancy of such position, may receive an increase in pay in the amount of up to 10% or the minimum of the salary range for the higher-classified position, for performing duties of a higher classification on an extended-term basis. This temporary assignment is not subject to the City's formal promotion policy under Section 2.05.

5.16 BILINGUAL PAY

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.

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.

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.

5.17 PAY PERIOD AND METHOD OF PAYMENT

Regular full-time and part-time employees are paid on a bi-weekly basis. In the event a pay day falls on an official City holiday, paychecks shall be issued on the closest preceding workday. Stipends for Volunteer Firefighters shall be issued on the last Friday of the month for reimbursement payments made regarding service during the preceding month. 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.

If an employee believes that an error was made in his/her pay for that bi-weekly pay period, the employee is required to notify Finance/Payroll or Human Resources within 10 calendar days of receiving a bi-weekly paycheck or deposit confirmation relating to any error that he/she believes has been made, including payment for an incorrect number of hours, as well as any other mistake.

5.18 IMPROPER DEDUCTIONS FROM PAY

It is the City's policy to prohibit any improper deductions from an employee's pay. If any employee, whether or not his/her job is classified as exempt under the Fair Labor Standards Act (FLSA) believes that an improper deduction has been made to his/her pay, he/she should notify Finance/Payroll or Human Resources relating to any such deduction within 10 calendar days of said deduction. The City will investigate and if the deduction was made improperly, it will reimburse the employee for any such amount improperly deducted.

5.19 CERTIFICATION / INCENTIVE PAY

Certain positions may be eligible to receive certificate pay and/or educational certificate pay. Certificate pay shall be determined annually during the budget process. One of the functions of the budget process is to consider the competing priorities for limited revenue sources. The

City's financial status will affect certificate and/or educational pay available for each budget year.

5.20 EMERGENCY EVENT PAY

This policy applies to all non-exempt and exempt employees, and is intended to outline the compensation policy for employees when a state of emergency is imminent or has been declared by the Mayor and hours worked are extremely out of the ordinary. This policy recognizes that some emergencies provide no advanced warning.

In the event of the Mayor declaring a Disaster Declaration all non-exempt and exempt employees that are declared "Essential Personnel" for the event and are required to work or remain on the premises for the duration of the event, will be eligible for overtime at the rate of one- and one- half times their regular hourly rate of pay for actual hours worked. By providing for the payment of overtime for exempt personnel during a declared emergency, the City in no way has waived or altered the FLSA "exempt" status of those employees.

When City offices are declared closed by the Mayor, employees who are determined not to be "Essential Personnel" for that event will be paid as Emergency Event Pay for the day(s).

5.21 SEPARATION PAYMENT

- A. Final paychecks for employees who are terminated shall be issued as required by applicable law.
- B. An employee who has voluntarily separated shall be paid on the next regular payday unless other arrangements are authorized by the Finance Director.
- C. Unless otherwise approved in writing in advance by the Mayor, the effective date for separation refers to the last date which the employee actually worked. Employees shall not use compensatory time, vacation, banked city holidays, personal holiday or any other accrued leave time to extend the employee's "last" work day.
- D. Upon separation employees shall be paid out for vacation, comp time, sick leave in accordance with Section 7.02 and 7.03.

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.

SECTION 6

EMPLOYEE BENEFITS

The City of Stafford provides a benefits program for its full-time employees. The actual terms of the coverage are as described in the individual summary plan documents. The summary provided below is only to inform employees of the general benefits and procedures in a more concise manner. The terms of the coverage are subject to change.

6.01 BENEFITS ELIGIBILITY

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.

Effective Date of Coverage

Insurance coverage for eligible employees is effective the first day of the month following the date of hire. If an employee begins employment on day one of the month, insurance will be effective that day.

6.02 THE HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT (HIPAA)

Standards for Privacy of Identifiable Health Information (the Privacy Rule) was effective April 14, 2004. The City is required by applicable federal and state law to maintain the privacy and protection of health information. The HIPAA privacy rule permits disclosure of health information for workers' compensation purposes as governed by the State of Texas Labor Code and the Texas Workers' Compensation Commission associated rules. In addition, the HIPAA Privacy Rule permits the employer to collect health information as needed for employment. The HIPAA Privacy Rule does not affect medical information the employer collects and uses to carry out obligations under the Family and Medical Leave Act, the Americans with Disabilities Act, and other similar laws.

All employees are entitled to have personal and medical information private from all except those with a legitimate need to know. Under no circumstances will a City employee disclose Personal Health Information (PHI) regarding another City employee through the electronic mail system or written correspondence, unless the affected employee provides written authorization or if legitimate business needs warrant such disclosure. The unauthorized and illegitimate disclosure of PHI may constitute a federal crime and will subject an employee to immediate disciplinary action up to and including termination.

The Privacy Officer for the City of Stafford is the Director of Human Resources. Anyone who believes that the City of Stafford is not complying with a requirement of the Privacy Rule may submit a written complaint to the Privacy Officer. The writing must contain a description of the complaint and an explanation of the circumstances surrounding the complaint. Complaints may also be filed with the Secretary of the United States Department of Health and Human Services. No retribution or negative action will be taken or tolerated because a member files a complaint with the Privacy Officer or Department of Health and Human Services.

6.03 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 a non-work related illness or injury. The coverage applies to all full-time City employees regardless of length of service. Upon exhaustion of all accumulated leave, the City will pay to the employee 60% of his/her base salary after the employee has been unable to work due to non-work related illness, including complications from pregnancy 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 occurs first or d) birth unless complications arise from birth.

6.04 RETIREMENT

Texas Municipal Retirement System

The Texas Municipal Retirement System (TMRS) is the primary retirement plan offered by the City. Effective the first day of employment, participation in TMRS is mandatory if the employee's position normally requires them to work at least 1,000 hours per year. Through payroll deduction, employees will contribute seven (7%) percent of their gross income and the City will contribute approximately twice that amount, depending on actuarial needs. The employee contribution is tax deferred.

If an employee can no longer perform his or her job at the City as a result of an illness or injury, TMRS provides an occupational disability retirement regardless of whether the age or service requirements have been met. Employees are responsible for contacting TMRS to make the appropriate arrangements.

If an employee has exhausted all accrued leave benefits and is on unpaid leave status, the employee will not be able to contribute to TMRS. Employees are responsible for contacting TMRS to make the appropriate arrangements.

Social Security

The City of Stafford participates in the Federal Social Security Program with all benefits deriving therefrom.

6.05 EMPLOYEE ASSISTANCE PROGRAM

Recognizing that a variety of problems and issues can adversely affect an employee's health and job performance, the City offers an Employee Assistance Program (EAP), which provides free, confidential and professional assistance to help the employee and their immediate family members.

An employee or an employee's immediate family member may contact the EAP directly. The City is not advised of any self-referral. There is no charge to an employee or family member for the assessment and referral services provided by the EAP. If the EAP counselor believes that a participant needs further assistance, the counselor will refer the participant to an appropriate agency or individual for continuing care. Costs incurred for other treatment, which is not covered by the City's health benefits, shall be the employee's responsibility.

A supervisor working with Human Resources may refer an employee to the EAP if the employee's performance is considered unsatisfactory and the supervisor believes the services

provided by EAP could be beneficial to the employee. The City is only advised if the employee is or is not participating, as required by the supervisory referral.

6.06 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 City Council. If an employee does not complete a course that is paid for by the city, the City can require that an employee reimburse the city.

6.07 LONGEVITY

All full-time police and fire department employees are entitled to receive longevity pay of \$4 per month for each year of service in the department, after one year of service, not to exceed 25 years unless 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.

SECTION 7

LEAVE

7.01 HOLIDAYS

Employees shall receive twelve (12) paid holidays per year as designated by City Council. The City has designated the following days as official paid City holidays, to be observed by all regular full-time employees and subject to the provisions and limitations as described below. 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.

| |
|------------------------|
| New Year's Day |
| President's Day |
| Good Friday |
| Memorial Day |
| Independence Day |
| Labor Day |
| Thanksgiving Day |
| Day after Thanksgiving |
| Christmas Eve |
| Christmas Day |
| *(2) Personal Holidays |

A. Holiday leave shall be earned on the following basis:

1. Employees Regularly Scheduled to Work 8 hours per day
 - New employee through career: 12 days per year.
 - Employees may carryover 2 days from the preceding calendar year until March 31 of the following year.
2. Stafford Police Department Officers Regularly Scheduled for 12 Hour Shifts (7K employees)
 - New employee through career: 12 hours/holiday (144 hours/year)
 - Employees may carryover 36 hours from the preceding calendar year until June 30 of the following year.
3. Stafford Fire Department Officers Regularly Scheduled for 24 Hour Shifts (7K employees)
 - 288 hours front loaded if employee begins employment between January 1 to June 30. (12 days/year)
 - 144 hours front loaded if employee begins employment begin July 1 to December 31.
 - Employees may carryover 48 hours from the preceding calendar year until June 30 of the following year.

B. Administration of Holidays:

1. 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 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.

2. Time off at a later date shall be arranged for those employees who are required to work on official City holidays. 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 the time specified in accordance with subsection A listed above or lost.
3. Official holidays occurring during a vacation shall not be charged to vacation leave.
4. An employee who has accumulated holiday pay shall be paid for same in the next appropriate pay period.
5. Department Heads may restrict observance of any designated holiday in order to provide necessary municipal services to the public.
6. Regular full-time employees will be paid at their base rate for hours equal to one workday for each holiday.
7. Employees on an unpaid Leave of Absence or in a leave without pay status will not receive holiday pay.

7.02 VACATION LEAVE

Vacation leave time is a benefit given in order for an employee to have time off without loss of regular income to rest and relax from his or her assigned duties. Employees shall be encouraged to use their vacation time each year. Only full-time permanent employees may earn vacation leave.

A. Vacation leave shall be earned on the following basis:

1. Employees Regularly Scheduled to work 8 hours per day.
 - New employee through one year: 6.67 hours/month
 - One year through nine years: 6.67 hours/month (10 days/year)
 - Ten years through nineteen years: 10 hours/month (15 days/year)
 - Twenty years or more: 13.33 hours/month (20 days/year)
2. Stafford Police Department Officers Regularly Scheduled for 12 Hour Shifts (7K employees)
 - New employee through one year: 10 hours/month
 - One year through nine years: 10 hours/month (10 days/year)
 - Ten years through nineteen years: 15 hours/month (15 days/year)
 - Twenty years or more: 20 hours/month (20 days/year)
3. Stafford Fire Department Officers Regularly Scheduled for 24 Hour Shifts (7K employees)
 - New employee through one year: 20 hours/month
 - One year through nine years: 20 hours/month (10 days/year)
 - Ten years through nineteen years: 30 hours/month (15 days/year)
 - Twenty years or more: 40 hours/month (20 days/year)

B. Maximum Accrual:

The maximum number of vacation leave hours an employee that is regularly scheduled to work may not exceed:

1. Employees Regularly Scheduled to work 8 hours per day
 - Two (2) times the maximum number of vacation leave hours the employee may earn during the year of accrual.
2. Stafford Police Department Officers Regularly Scheduled for 12 Hour Shifts (7K employees)
 - One and one third (1-1/3) times the maximum number of vacation leave hours the employee may earn during the year of accrual.
3. Stafford Fire Department Officers Regularly Scheduled for 24 Hour Shifts (7K employees)
 - Two-thirds (2/3) of the maximum number of vacation leave hours the employee may earn during the year of accrual.

C. Administration:

1. In Time-Without-Pay Status or Approved Leave

Leave shall not be accrued for any time in which an employee is in time-without-pay status with the exception of Sick Leave in accordance with Sections 7.01 and 7.03.
2. Anniversary Date

An employee's anniversary date of employment shall be recorded as the anniversary date for the purpose of vacation accrual.
3. 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.
4. Minimum

Vacation leave may be taken in increments of 15- minute intervals, if approved by the requesting employee's supervisor.
5. 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.
6. Supervisor approval shall be obtained before vacation leave time is taken. Before granting vacation leave, the supervisor shall be responsible for verifying that the employee has earned the number of days requested.
7. Vacation leave shall be charged only for time during which the employee would ordinarily have worked.
8. Newly hired employees shall not be allowed to take vacation during their six-month probationary period, unless such vacation is approved by the Department Head.
9. 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.

10. Vacation leave credits are not transferable between employees.
11. Employees being transferred, promoted, or demoted shall retain accrued vacation hours. Employees who move from regular full-time status to part-time status shall receive pay for their vacation accruals in accordance with Section 7.02, not to exceed one year of accrual.
12. Employees on a leave of absence, other than military leave or administrative leave without pay, are required to use accrued vacation hours as part of the leave.

D. Vacation Pay upon Separation

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 as follows:

1. Employees regularly scheduled to work 8 hours per day:
 - Maximum earned in 1-year
2. The maximum number of vacation leave hours a Stafford Police Officer (7K) that is regularly scheduled to work 12 hours per day:
 - 2/3 maximum earned in 1-year
3. The maximum number of vacation leave hours a Stafford Firefighter (7K) that is regularly scheduled to work 24 hours per day:
 - 1/3 maximum earned in 1-year

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.

7.03 SICK LEAVE

Sick leave is given in order that an employee may regain their health without loss of regular income 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 including doctor appointments 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.

A. Sick leave shall be earned on the following basis:

1. Employees Regularly Scheduled to Work 8 hours per day
 - New employee through career: 6.67 hours/month (10 days/year)

2. Stafford Police Department Officers Regularly Scheduled for 12 Hour Shifts (7K employees)
 - New employee through career: 10 hours/month (10 days/year)
3. Stafford Fire Department Officers Regularly Scheduled for 24 Hour Shifts (7K employees)
 - New employee through career: 20 hours/month (10 days/year)

B. Administration:

1. Method of Accumulation

Only full-time employees shall be entitled to earn sick leave. Sick leave shall be credited to the employee on the last day of the month.

2. Maximum Accrual

All full-time permanent employees may earn a maximum total of 10 days per year.

3. 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 or doctor visit.

4. 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 from the attending licensed physician, surgeon, dentist or other duly licensed and recognized medical person rendering assistance.

Supervisory personnel may require proof of illness at any time there is a reasonable belief that an employee is abusing sick leave time.

5. Exhaustion of Sick Leave

When an employee has used all of his or her accumulated sick leave, vacation leave, compensatory time or other accrued benefit time he or she will not be paid for those days absent from his or her job because of illness.

6. Abuse of Sick Leave

Claiming of sick leave benefits on a frequent basis may constitute grounds 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.

7. 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.

8. Sick leave may be taken in increments of not less than 15- minute increments.

9. Employees must call his/her immediate supervisor when unable to report for work within two (2) hours of regular reporting time on day of absence.

10. Sick Leave continues to accrue during non-paid leave.
11. After an employee's accumulated sick leave has been exhausted, sick leave shall be charged against vacation, compensatory time or any other accrued time.
12. Sick leave time shall not be used for attending funerals.
13. Sick Leave Pay Upon Termination
When a person's employment is terminated, whether voluntarily or involuntarily, including retirement, such person shall receive payment for a maximum of 240-hours of accumulated sick leave at the base salary in effect on the date of such termination.

7.04 DONATING SICK LEAVE

The purpose of this rule is to provide guidelines to establish a program that allows employees to donate sick leave accruals to fellow employees who have exhausted all paid leave and due to a catastrophic illness or injury.

For purposes of this rule, definitions are:

- A "catastrophic illness or injury" is defined as a life-threatening injury or illness of an employee, which totally incapacitates the employee from work as verified by a licensed physician and forces the employee to exhaust all leave time earned by that employee, resulting in the loss of compensation. Chronic illnesses or injuries, such as cancer or major surgery, which result in intermittent absences from work and which are long-term in nature and require long recuperation periods, may be considered catastrophic.
- "Employee" is defined as a full-time employee who is eligible for group benefits.
- A "licensed physician" means a practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his/her license in treating the employee or family member.

Procedures for purposes of this rule are as follows:

- A. Donated hours will be paid at the rate for the absent employee.
- B. Donated hours will be processed each individual pay period.
- C. An absent employee will only accrue sick hours while receiving donated hours.
- D. Donated Sick Leave is to be used in the event of **catastrophic** illness or injury by full-time employees by allowing employees with sick leave balances of at least eighty (80) hours to donate accrued sick leave and no more than fifty (50) percent of their accrued sick leave to any employee in a calendar year.
- E. All employees wishing to receive donated sick leave must make a request to the Director of Human Resources in writing. Candidates must be full-time employees and must have already exhausted all of their own accrued paid leave, including sick leave, vacation leave and compensatory time. If an employee is physically incapable of making the request, a family member may make the request to the Director of Human Resources on behalf of the employee.

- F. The Director of Human Resources will make the request for donated sick leave via the City's email system for citywide notification of an employee's request for donated sick leave. The employee shall remain anonymous and in accordance with HIPAA guidelines.
- G. The Director of Human Resources will accept donations for the request and then direct payroll to apply the appropriate number of sick leave hours to be added to the applicant's sick leave accrual balance on a per pay period basis as needed.
- H. Sick Leave donors must submit a **Donation Request Form** and forward it to the Human Resources Department. Human Resources will direct payroll to deduct the appropriate number of donated hours by employees from their sick leave accrual balances.
- I. Restrictions on permissible uses of sick leave apply to the use of Donated Sick Leave. In no case may Donated Sick Leave be used in conjunction with a Workers' Compensation claim. Also, the employee is ineligible for donated sick if receiving disability benefits from the group insurance program or the City's self-funded short-term disability program.
- J. Sick leave donation, once made, shall not be reversed or rescinded. Any sick leave donated to an employee shall be treated as belonging in the sick leave account of the recipient employee.
- K. If an employee does not agree with the decision of the Director of Human Resources, the employee may appeal to the Mayor. The Mayor's decision will be final.
- L. The maximum number of voluntarily donated days that a single employee may receive through the Sick Leave Bank is equivalent to thirty (30) days per incident. If no hours are voluntarily donated to support the employee's request, the employee will not be eligible to receive hours through the sick leave bank. An employee shall not be eligible to accrue any leave while utilizing sick leave bank hours with the exception of sick leave.
- M. Sick leave bank activation requests shall not be retroactive.

7.05 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 business that 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.

- A. Personal business days shall **not** be accrued.
- B. Personal business shall not be used as notice time when terminating employment.
- C. Personal business days will not be counted as hours worked for the purpose of determining overtime.

7.06 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 approved by the Department Head; circumstances must warrant the approval of up to two (2) days. The Mayor must approve personal emergency leave of more than two (2) days.

7.07 ABSENCES WITHOUT PAY

An employee is allowed no more than five (5) days of non-FMLA unpaid absences per calendar year without approval by the Mayor. An absence without pay can only be taken if the employee has no vacation, compensatory or any other eligible accruals 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 Department Head must then submit this request to Human Resources and Mayor for consideration and approval.

7.08 LEAVE OF ABSENCE

A leave of absence is defined as more than five (5) days off without pay and must be approved by the Mayor. A leave of absence may be granted when the benefit does not outweigh any detriment to the City. The notice shall designate the leave dates requested. Neither pay nor vacation, sick or any other accrued 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 paid by the employee.

Leave of absence during probation

Successful completion of the probationary period requires six (6) months of continuous active service. Employees who receive a leave of absence during the probationary period will have the probationary period extended so that the six (6) month evaluation is satisfied.

7.09 UNAUTHORIZED ABSENCES

Unauthorized absences shall be so marked on the time sheet. An employee shall not be paid for any unauthorized absence. Excessive unauthorized 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 excuse and without notifying his/her supervisor, the City shall assume he/she has resigned and the personnel record shall be closed.

7.10 WELLNESS LEAVE

The purpose of Employee Wellness Leave is to promote a culture and environment that supports the value of individual well-being; by taking preventative measures regarding employee's overall physical health.

Full-time employees will be allowed up to four (4) consecutive hours of paid time off to complete an annual physical or wellness exam within a calendar year.

- A. Employees must request the time off in advance via the **Wellness Leave Form**
- B. Employees utilizing wellness leave time shall be required to obtain and present a written statement from an attending licensed physician stating that the employee

completed a physical or wellness exam in their office on said date.

- C. Employees may choose to turn in the required documentation directly to Human Resources or to their supervisor.

7.11 FAMILY AND MEDICAL LEAVE

For definitions used in this Section, the following terms shall have the meanings set forth below:

- '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.
- 'FMLA' shall mean the Family and Medical Leave Act of 1993, as amended.
- '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.
- '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.
- 'Reduced leave schedule' shall mean a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.
- '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.
- '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.
- 'Spouse' shall mean a husband or wife, including same sex partner.
- 'Twelve-month period' shall mean a 'rolling' twelve-month period measured backwards, from the date an employee uses any FMLA leave.

A. REASONS

1. Birth and care of a newborn child of the employee;
2. Placement with the employee of a son or daughter for adoption or foster care;
3. To care for a spouse, son, daughter, or parent with a serious health condition;
4. To take medical leave when the employee is unable to work because of a serious health condition
5. 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;

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

B. ELIGIBILITY

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

1. 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.

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, 2019; and 4 weeks beginning June 1, 2019; and 4 weeks beginning December 1, 2019; the employee would not be entitled to any additional leave until February 1, 2020. Employee would be entitled to 4 weeks leave on February 1, 2020. Employee would be entitled to an additional 4 weeks on June 1, 2020, 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

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

2. PAID LEAVE

All accrued leave balances shall be exhausted when on FMLA leave.

3. CERTIFICATION REQUIRED

An employee requesting FMLA leave, or if leave is determined by Human Resources 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 Human Resources Department and must be properly completed by the employee and health care provider or social caseworker. Designation of FMLA can be retroactively made, if the reason an employee was out qualifies.

4. REPORTING WHILE ON FMLA LEAVE

While on FMLA leave, the employee shall report to or contact their immediate supervisor each Monday if an estimated return to work date is not determined by their licensed physician; regarding their intention to return to work. If an estimated return to work date has been provided the employee shall contact their supervisor starting four weeks prior to their return date regarding their intention to return to work.

This contact shall be documented by the supervisor. In the event an official holiday falls on Monday, the employee shall report on Tuesday.

5. CONTINUATION OF BENEFITS/LIMITATIONS

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.

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.

Outside employment

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/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.

Maternity

- a. For those employees that qualify, Pregnancy/Maternity Leave shall be granted in accordance with all the rules and regulations of the Family Medical Leave Act (FMLA).
- b. 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.

- c. If pregnancy prevents an employee from properly performing her duties, the City may invoke the provisions of these rules concerning separation for incapacity or may take appropriate administrative measures including reasonable accommodation in compliance with the policy.
- d. 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.
- e. Leave will be charged against all accrued leave banks.

6. Spouses employed by the City

If both spouses are employed by the City, and each wishes to take leave for the birth of a child, adoption or placement of a child for foster care, or to care for a parent (but not parent-in-law) with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave.

If both spouses are employed by the City, and each wishes to take leave to care for a covered ill or injured service member, the husband and wife may only take a combined total of 26 weeks of leave.

This limitation does not apply to leave for either the husband's or wife's own serious health condition or the serious health condition of a child.

7. Restoration to position

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 they held when the leave began.

Denial of restoration to position

The City may deny the return to work of an employee from FMLA leave if:

- a. The employee fails to submit any required fitness-for-duty certification;
- b. The employee is no longer qualified for the job and no reasonable accommodation can be made;
- c. The employee fraudulently obtained leave;
- d. The employee violated the outside employment policy or violated any policy or law while on leave; or
- e. The employee unequivocally states his/her intent not to return to work.

7.12 WORKER'S COMPENSATION INJURY LEAVE

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 Human Resources as soon as possible after an accident causing injury. The Worker's Compensation standard form must be filled out and submitted to the Human Resources Department within 24 hours of any accident causing injury. Worker's Compensation will be paid in accordance with the Worker's Compensation Act.

Prescribed below shall be the procedures for administering 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 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.
- D. 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.
- E. 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 Human Resources immediately and notify their supervisor.
- F. It is the responsibility of the employee to report to Human Resources at least once per week, and shall be responsible for compliance with their medical care and treatment. Employees shall also report once per week as prescribed by their supervisor regarding return to work status, if physically able to do so.
- G. 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.
- H. If an injured employee receives a partial or light duty medical release statement from his or her doctor and can be arranged/approved by the Department Head, the employee may be placed on light duty until a full medical release is obtained. The light duty work shall comply with the medical release statement that indicates all limitations which are being placed on the employee. Human Resources shall supply the job description to the physician. An employee may be required to work in a different department and perform duties not contained within his or her current classification.

Worker's Compensation 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 (worker's compensation benefit payments plus the City paid work-

related injured salary supplement, less withholding) shall not exceed the employee's net monthly pay. If an employee is overpaid, the employee is responsible for repayment to the City. Failure to do so may result in disciplinary action, forfeiture of salary continuation, or both.

- B. The City will pay the injured salary supplement for a maximum of 90 days after the date of a work-related injury. At the conclusion of such ninety (90) day period, the employee may begin to use his or her accrued leave, which shall be used to provide the difference between the employee's regular pay and that portion of the salary paid by worker's compensation insurance. If the employee chooses not to use his or her accrued leave balances, or if there is no accrued balance, the employee will receive only that amount provided by worker's compensation.
- C. Employees are still responsible for their monthly portion of benefits coverage. An employee can choose to pay the City directly or if the employee has accrued paid leave, they can choose to have benefit deductions taken from their accruals. Employees must work with Human Resources and Finance/Payroll to coordinate efforts.
- D. Follow-up appointments for the purpose of work-related injuries shall not be counted towards hours worked for calculating overtime.
- E. Employees will be allowed two (2) hours of paid time off for work-related injury follow-up appointments. If an employee needs longer than two (2) hours, it shall be charged to accrual leave balances.
- F. If an employee chooses not use accruals after the 90-day salary supplement ends or is in a time without pay status from the city, sick leave will be the only accruals in these situations.
- G. If the worker's compensation injury meets the criteria for a serious health condition, injury leave will run concurrently with FMLA leave.
- H. If an injured employee is absent from work for more than seven (7) calendar days as a result of such injury, worker's compensation insurance benefits shall be provided in accordance with the Worker's Compensation Act.
- I. Supervisors of employees who are on work-related injury leave are responsible for working closely with Human Resources and Finance/Payroll to ensure that time off is properly charged and that proper pay is made for the duration of the leave.

7.13 MILITARY LEAVE

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 fifteen (15) days in a federal fiscal year.

At a minimum, an employee must have enough time after leaving the employment position to travel safely to the uniformed service site and arrive fit to perform the service. Depending on the specific circumstances, including the duration of service, the amount of notice received,

and the location of the service, additional time to rest, or to arrange affairs and report to duty, may be necessitated by reason of service in the uniformed services. The following examples help to explain the issue of the period of time between leaving civilian employment and beginning of service in the uniformed services:

- Although USSERA does not specify how much time a Service member can take off, it is reasonable to apply the same timelines used for returning to work. However, each individual's situation is unique in nature and should be considered on a case-by-case basis.

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.

This policy establishes the rules and procedures that apply to that are required to take military leave and who present official induction orders (draft notice) to enter the United States Armed Forces.

- A. Employees must provide advance notice, including written copies of military orders documenting the requirement to take military leave, to their immediate departmental supervisor.
- B. The employee may use any accrued leave after exhausting the fifteen (15) days of supplemental military leave pay. Thereafter, military leave will be unpaid.
- C. Other benefits (i.e., vacation and sick leave) will continue to accrue during the fifteen (15) workdays of paid military leave.
- D. Holiday pay will be granted (paid) during the expenditure of the annual fifteen (15) workdays of paid military leave. Holiday pay will be paid at straight time.
- E. Employees will only be paid for workdays missed as a result of military leave. For example, if an employee works a standard five-day workweek Monday through Friday, the employee will only be paid for days they are scheduled to work but are absent due to a military leave obligation.
- F. Federal law allows, but does not require, an employee to use accrued benefit leave while on military active leave.
- G. Upon the end of the leave, the employee will, upon request, be reinstated to the position or similar position the employee held prior to taking active military leave.
- H. Other benefits (i.e., vacation and sick leave) will not accrue during non-paid military leave. Employees will not be eligible for holiday pay during non-paid military leave.

- I. Health Insurance. Employees may elect to continue dependent health insurance coverage as allowed by Federal law governed by COBRA for up to 18 months from the date the leave begins. Employees will receive health insurance automatically on the day they return to the City as a full-time regular employee, but must complete the required medical insurance forms to reinstate coverage.
- J. TMRS Retirement Benefits. Employees who take military active leave may apply to the Texas Municipal Retirement System (TMRS) for service credits for the time they were on leave if the employee:
 - Returns to work within 90 days of the end of leave;
 - Receives an honorable discharge;
 - Completes an application and forms required by TMRS;
 - Within 5 years of the end of the leave, deposits the money that would have been deducted from the employee's salary had the employee not been on leave.

Return from Military Active Leave

Employees returning from military active leave must provide written copies of their separation or deactivation orders to the City as follows:

- A. Less than 31 days of leave - at the beginning of the next regularly scheduled work period on the first full day after release, taking into account safe travel home plus eight-hour rest period.
- B. More than 30 days but less than 181 days of leave – application for re-employment must be submitted within 14 days from their release from service.
- C. More than 180 days of leave - application for re-employment must be submitted within 90 days from their release from service.

Reemployment

The City in accordance with the following USERRA guidelines will reemploy employees that:

- A. Served for a period of five years or less (unless their service fits into one of the excused categories defined in USERRA);
- B. Are discharged under honorable conditions; and
- C. Reapply in a timely manner.

7.14 BEREAVEMENT LEAVE

Hours off work may be granted for the death of certain family members and/or friends. Some bereavement hours may be paid and some hours may be granted without pay.

- A. An employee is allowed absences with pay for three (3) 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 (1) 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 may be granted with the approval of the Supervisor.
- E. Documentation may be requested at the discretion of the Department Head.

7.15 LEGAL DUTY

Employees summoned for jury duty will be allowed the necessary time; time out shall be appropriately recorded on the employee timesheet and documentation placed in the employee personnel file.

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 appearing in a City capacity, the employee's absence is excused.

7.16 PANDEMIC EVENT LEAVE POLICY

During the occurrence of a pandemic event, the City of Stafford must balance a variety of objectives when determining how best to decrease the spread of the pandemic causative agent and reduce the impact on the workplace. For this to be accomplished, the City will require all employees with the pandemic causative agent like symptoms to stay at home and away from the workplace. In the event the pandemic episodes severity increases resulting in school dismissals, child care program closure, etc. it will permit an employee time away from work to provide care for their children and/or other ill immediate family members when necessary.

The following policy will take immediate effect if/when the City of Stafford determines that a pandemic or a potential pandemic is eminent and will remain in effect until the City of Stafford determines that a pandemic or potential pandemic is no longer a threat to the organization or its employees. Employees who are found to be in violation of any part of the following policy may be subject to disciplinary action. No part of the policy will be effective to the extent it conflicts with: (1) federal or state law or (2) other employment contracts.

- A. This policy shall become activated when a pandemic event is declared by the City of Stafford Mayor.
- B. The City of Stafford in the event of a pandemic such as influenza has determined in an effort to enable employees to stay home when ill, to care for an ill family member and/or dependent, or their children's schools or childcare programs close, or dismiss as a result of the pandemic will permit eligible employees to realize a negative sick leave accrual balance under the following conditions.

- C. To be eligible the employee shall fall into the following employee classification(s): Full-time employees, exempt and non-exempt, who work a minimum of forty (40) hours per week on a regular basis.
- D. If the leave qualifies as FMLA protected leave, the City of Stafford will require the employee to use paid sick leave, vacation leave or personal leave pursuant to its general policy for FMLA leave.
- E. Eligible employees will be permitted to accrue up to eighty (80) hours of negative sick leave in the event a local pandemic emergency is declared by the Mayor. This negative sick leave balance will be considered a salary advance and require the employee to reimburse the City either through future accruals or cash payment.
- F. Before an employee shall be allowed to enter into a negative sick leave balance they shall have exhausted all accrual balances of sick, vacation, personal holiday/holiday, and personal leave in addition to any compensatory time available to the employee. Donated time will not be allowed to be utilized to satisfy the negative accrual nor used in conjunction with negative sick leave accruals.
- G. To obtain negative sick time accruals an employee must be eligible and request in writing or email to be allowed to accrue negative sick leave. Before negative sick leave accruals can be obtained the request must have the approval by the employee's Department Director and Human Resources.
- H. When the pandemic event is declared, it will continue until the Mayor of the City of Stafford determines that the pandemic or potential pandemic is no longer a threat to the City or its employees.
- I. The employee's negative sick leave accrual shall be settled by applying all earned benefit accruals vacation, sick, personal holiday, holiday accruals against the negative balance until the balance is satisfied.
- J. If an employee's employment is terminated prior to satisfying the negative sick accrual, a deduction shall be made from the employee's final check, to the extent allowed by law, to cover the value remaining of those funds that were advanced to the employee or the employee shall make a cash payment to the City for the balance remaining. The signature of the employee evidencing receipt of this policy shall serve as permission for the City to make said deduction, without the need for a separate agreement.
- K. During a pandemic, the City of Stafford may suspend return to work and fitness for duty policies that require a doctor's note or certification from a health care provider before employees may return to work.
- L. In the event of a pandemic, the City of Stafford reserves the right to adjust its leave policies, provided such adjustment is not prohibited by any pre-existing employment contract.
- M. An employee who is not ill with the pandemic causative agent may not take leave, or refuse to work, simply to avoid possible exposure to the pandemic causative agent in the workplace. Employees who may have a disability that creates an increased risk associated with exposure to pandemic causative agent are encouraged to notify Human Resources in order to seek an accommodation under the City of Stafford's

Accommodation Policy.

- N. Any employee who fails to follow the requirements of this policy and/or falsifies any information or documentation related to their own or another's potentially life-threatening, contagious illness will be subject to disciplinary action in accordance with the City of Stafford's policies and procedures up to and including termination.
- O. Nothing in this policy shall prevent a supervisor with Department Director and Human Resources approval from allowing an employee to work from home, without the use of any sick or pandemic event leave.

7.17 BENEFITS AND ACCRUALS

An employee shall be required to continue to pay the current premium contributions for any elected group health benefit. Once all accrued leave is exhausted and the employee begins leave without pay, unless other arrangements have been made, the City will begin to bill the employee for any portion of benefits premiums that are ordinarily the employee's responsibility. Billing is done on a monthly basis with premiums due on the first of the month and past due on the last day of the month. Human Resources shall provide one invoice to the employee at the beginning of the Leave Without Pay with the total amount due monthly.

During any in -time without pay absence, an employee shall not accrue leave. The employee shall only accrue sick leave while on leave without pay.

SECTION 8

CONDUCT

8.01 ATTENDANCE

Employees shall be required to be at their places of work in accordance with these rules and departmental regulations. All departments shall maintain accurate daily attendance records.

Regular full-time personnel are expected to work an average of forty (40) hours per week or 2,080 hours per year.

8.02 EMERGENCY CONDITIONS OR SEVERE WEATHER EVENTS

The citizens of Stafford depend on City employees before, during and after an emergency or disaster to provide or restore essential public services for the health, safety and quality of life for our community. In the event of a wide scale emergency that could impact our community, **all employees must be ready to assist in managing the crisis and will be considered essential personnel for the continuity of governmental operations until they are specifically relieved by the Department Head or his or her designee.**

Once a State of Emergency or Disaster is declared, employees who are absent, employees who leave early and employees who do not report to work after the Mayor determines it is safe to return to work will be required to complete and submit to their Department Head, Essential Personnel Absence documentation. Departmental Operating Procedures spell out specific details for employees to follow during an emergency situation. Employees will be paid in accordance with Section 5.20.

Employees who are absent without the appropriate authorization are subject to the appropriate disciplinary action, up to and including termination.

8.03 EXCUSED ABSENCE

Excused absences are defined as those which are outlined in this section and approved by the Department Head. Examples of excused absences are paid sick, vacation, holiday, emergency, injury leave, and leave under FMLA.

To be eligible for an excused absence of sick or emergency leave, employees must contact their supervisor no later than two hours (2) before the start of their regularly scheduled starting time, unless superseded by departmental rules or excused by the Department Head due to extreme circumstances. Other excusable leaves of absence shall be pre-approved by the Department Head according to department regulations.

8.04 UNEXCUSED ABSENCE

Unexcused absence may be defined as follows. This list is not intended to be all inclusive:

- A. Tardiness;
- B. Unverified sick time;
- C. Unauthorized time off; or

D. Failure to call supervisor within two (2) hours as outlined in Section 8.02.

8.05 WORK STANDARDS

It is the duty of each employee to maintain high standards of productivity, cooperation, efficiency, and economy in his/her work for the City. Department Heads shall organize and direct the work of their departments to achieve these objectives.

If work habits, attitude, production, and/or personal conduct of an employee fall below appropriate standards, supervisors should point out the deficiencies at the time they are observed. Counseling and warning the employee in sufficient time for improvement shall ordinarily precede formal disciplinary action, but nothing can and shall prevent immediate formal action as provided elsewhere in these policies whenever the interest of the City requires it.

8.06 POLITICAL ACTIVITY

An employee may not endorse a political affiliation and/or candidate for federal, state or local public office while on-duty or permit the display of the City logo or the use of any City equipment or property in support of such candidates. As an employee, you cannot seek or hold an elective office for the City of Stafford.

Upon announcement of intention to seek or assume such office, you must submit your resignation.

An employee may not engage in political activity relating to a campaign for an elective public office or a proposition to be voted on by the public while in City uniform, on-duty, or while representing or acting on behalf of the City. For purposes of this policy, political activity includes but is not limited to:

- A. Using or granting permission to use his or her job title for political activity.
- B. Making a speech to a group or gathering supporting or opposing a candidate or proposition.
- C. Distributing information relating to the campaign of a political affiliation and/or candidate or a proposition.
- D. Wearing a campaign button while in uniform.
- E. Circulating or signing a petition for a political affiliation and/or candidate or proposition.
- F. Soliciting votes for a political affiliation and/or candidate or proposition.
- G. Using City equipment to promote a political affiliation and/or candidate or proposition.
- H. Soliciting campaign contributions for a political affiliation and/or candidate or for or against a proposition.
- I. Any activity supporting or opposing a political affiliation and/or candidate or proposition expressed in a manner, time or location that may reasonably cause a member of the public to believe such support or position represents a position of the City.

Any activity supporting or opposing a political affiliation and/or, candidate or proposition expressed in a manner, time or location that disrupts or interferes with the operations or effectiveness of City operations.

8.07 ACCEPTANCE OF GIFTS AND CONFLICTS OF INTERESTS

City employees may accept gifts in compliance with Federal and State laws and this policy. The purpose of laws and policies governing gifts to public employees is to regulate attempts to influence the employees to use their authority or discretion to the advantage of the person making the gift.

It is a crime for a public employee to agree to make a decision in return for a payment or receipt of some other benefit. Employees may not accept gifts, favors, services or promises of future employment that could relate to, or influence the performance of the employee's official duties. Employees may not use their position to gain special privileges or benefits and are to avoid participating financially in any business enterprise, which might influence their official decisions and judgments. Employees may not hold any position with any business enterprise or governmental unit, which would conflict with the proper performance of the employee's duties or responsibilities. Employees, employee's spouse and minor children are prohibited from soliciting or receiving gifts in any amount unless a specific statutory exception applies.

Benefit means any economic gain or economic advantage to an officer or employee or to a relative of an officer or employee, but does not include:

- A. Political contributions made and reported in accordance with law.
- B. Awards publicly presented in recognition of public service.
- C. Gifts or other tokens of recognition presented by representatives of governmental bodies or political subdivisions who are acting in their official capacities.
- D. Commercially reasonable loans made in the ordinary course of the lender's business.
- E. Complimentary copies of trade publications.
- F. Reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearances or ceremonies related to official City business, if furnished by the sponsor of such public event; or in connection with speaking engagements, teaching or rendering other public assistance to an organization or another governmental entity.
- G. Any economic gain or economic advantage conferred by any one person or organization if the economic value totals less than \$50.00.

The City Secretary may accept gifts to the City and issue acknowledgements on behalf of the City, subject to restrictions set forth in the City's Code of Ordinances.

8.08 SOLICITATION

Solicitation of funds or anything of value for any purpose whatsoever shall not be permitted of or by City employees on the job only with approval of the Department Head. Employees may not be required to make any contribution or be penalized in any way in connection with his/her employment based on the response to a solicitation.

8.10 OUTSIDE EMPLOYMENT

An employee shall not engage in outside employment, including self-employment, where such activity would constitute a conflict of interest or would adversely affect the employee's performance in the City service or cast a bad reflection upon the City.

Outside employment must be reported to the Department Head and Human Resources Department. If an employee's outside employment interferes with the effective performance of assigned City duties, the employee shall be required to terminate the outside employment or to resign from the City service. Use of City vehicles for outside employment outside the City limits is strictly prohibited, and use of City vehicles for outside employment within the City limits shall be prohibited except when specifically authorized by the Department Head, and then only when necessary for preservation of public safety. Employment at the City of Stafford is considered to be an employee's primary employment. Scheduling of outside employment shall not interfere or conflict with an employee's work schedule or call-back status at any time. The City shall not be responsible to accommodate due to outside employment.

8.11 COMPLIANCE WITH ETHICAL STANDARDS

All employees shall comply in all respects with such ethical standards as may be established from time to time by state or federal law, City Charter, City Drug and Alcohol Policy, City Ethics Policy, or other ordinances or resolutions of the City Council.

8.12 APPROPRIATE APPEARANCE

The personal appearance and grooming of our employees play an important role in the perception that the public and customers have of the City of Stafford. Employees are expected to maintain minimum standards of dress, grooming and personal hygiene appropriate for the position and job duties and as necessary to protect the safety of the public and/or other employees.

This policy establishes the foundation for the City's dress code policy. In order to maintain a positive public image and to assist employees in determining what is appropriate, the following guidelines are established:

- A. Each employee, taking into consideration their position, shall maintain a professional, appropriate and business-like appearance when representing the City.
- B. Casual Fridays are permitted, which includes the wearing of clean and untorn jeans. Employees whose position requires them to wear a City approved uniform may not wear jeans on casual Fridays. **Note:** In all cases, employee's attire is expected to be appropriate for daily activities, meetings or public functions and Casual Fridays may be discontinued or cancelled if these rules are not strictly followed.

C. Prohibited:

1. Revealing, suggestive, sheer, see-through tops, blouses, or sweaters (unless worn over another shirt).
2. No shirt that allows a bare midriff.
3. T-shirts with advertisements, political messages, or slogans (unless provided by the City for a specific City/Public event).
4. Revealing, sheer, see-through skirts, pants, shorts, etc.
5. Jeans. Pants made of a heavy denim or jean material. (Exception: Field Personnel and Casual Fridays). Supervisors may make exceptions to the dress code for certain special projects that may require employees to "dress down".
6. Overalls and shorts (Department Heads may make exceptions for uniformed seasonal wear).
7. Sweats and wind suits.
8. Hats of any sort unless provided as part of an official City uniform.
9. Hair color and hairstyles worn in a manner that create a safety hazard or distraction, brightly colored hair, including facial hair.

8.13 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.

8.14 NEPOTISM

Beginning May 2, 2021, an applicant **may not** be hired as an employee if that department already employs a person who is a "family member" of the applicant as defined below. A "family member" for the purposes of this policy means a person who has one (1) of the following relationships to an employee in the department:

1. Husband, wife, son, son-in-law, stepson, daughter, daughter-in-law, stepdaughter, father, stepfather, father-in-law, mother, mother-in-law, stepmother, brother, brother-in-law, sister, sister-in-law, grandfather, grandmother, grandson, granddaughter, niece, nephew, aunt, uncle and/or former family members (sometimes referred to as an "ex"); or
2. Non-married co-habitants in a romantic relationship.

If an employee becomes a family member of another employee who works in the same department, such employee may not be promoted within the department.

The City may not appoint to any office, position, clerkship, or service to the City any applicant who is related to a, a Department Head, the Mayor or a member of City Council within the second degree of affinity, (a relationship created by marriage and within the first and second degree includes: spouse, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandparent-in-law, grandchild-in-law, uncles and aunts by marriage), or within the third degree by consanguinity (a relationship created by birth and within the first and second degree includes: grandparents, parents, brothers, sisters, children, grandchildren, aunts and uncles and within the third degree includes: nieces and nephews, great-grandfather, great-grandmother, great-grandson, great-grand-daughter).

This policy section is not applicable to seasonal employees ie. Lifeguards.

8.15 WORKPLACE RELATIONSHIPS

Department Heads shall not engage in any romantic relationship with any city employee. Managers and supervisors are prohibited from engaging in a dating, romantic and/or sexual relationship with subordinates. Managers and supervisors are expected to conduct themselves in a professional manner and to discuss any concerns about potential violations of this policy with Human Resources. Romantic, sexual or dating relationships with co-worker peers are discouraged, but, if such a relationship develops during employment, the City requires that the employees involved will act in a professional and businesslike manner at all times within the workplace.

8.16 MEDIA CONTACTS

Employees are not authorized to make statements on behalf of the City, unless directed to do so by the Mayor. Even under a supervisor's direction, no employee, unless he/she is an authorized liaison, should address the media on behalf of the City concerning litigation, legal opinions or City personnel matters. If an employee receives a media inquiry, the employee should respond that he/she must relay the request to a supervisor and that he/she does not have the authority to respond on behalf of the City to that type of inquiry. An employee must report any media inquiry received and response provided to the responsible Department Head.

8.17 SOCIAL MEDIA

All official use by the City social media sites or services is considered an extension of the City's information, communications networks, and acceptable use of Technology Policy. All City use of social media must be approved by the Mayor or his/her designee and be in compliance with all applicable policies and procedures.

Use of social media must comply with applicable federal, state, and City ordinances, regulations, and policies, as well as proper business etiquette. This includes adherence to established laws and policies regarding copyright, records retention, releases of public information, the First Amendment, privacy laws and information security policies established by the City of Stafford. Wherever possible, links to more information should direct users back to the City's official website for more information, forms, documents or online services necessary to conduct business with the City.

Employees using social media for City business purposes or in representing the City via the City's social media outlets must conduct themselves at all times as representatives of the City of Stafford and in accordance with the City's values. The City of Stafford reserves the right to remove any messages or postings for any reason, including those that are disrespectful,

distasteful, obscene, and/or in violation of copyright, trademark right, or other intellectual property rights of any third party.

For the purpose of this policy, social media consists of various online technology tools that enable people to communicate via the Internet to share information and resources including text, audio, video, images, podcasts, and other multimedia communications and may include but is not limited to: event posting, texting, photo-sharing, wall postings, video sharing, blogging, Facebook, Instagram, Snapchat, microblogging, Twitter, LinkedIn, YouTube, and similar platforms.

In online social networks, the lines between public and private, personal and professional may be blurred. When a City employee self-identifies as a City employee, he/she is creating a perception about the City. Even when choosing to identify as a citizen, a City employee should consider whether there are any identifiable information attributable to the City and whether the information posted was made possible through the individual's position with the City. Complete disassociation is not always possible. For this reason, content posted online relating to the City, which includes matters representing the City or in which the City's interest is identified, must be consistent with the City's values and professional standards and may not contain discriminatory remarks, harassment, threats of violence, or similar inappropriate or unlawful conduct. Further, employees may not use social media at any time to divulge confidential or private information learned through working at the City whether such information concerns other employees, citizens, City officials, or City business.

Violations of this policy may lead to disciplinary action up to and including termination.

8.18 DRUG / ALCOHOL POLICY

All City employees must adhere to the City of Stafford Drug and Alcohol Policy.

SECTION 9

DISCIPLINARY ACTIONS

9.01 PURPOSE

The City of Stafford encourages the use and application of progressive discipline whenever practical. Accordingly, mild disciplinary action may be taken when an employee first has problems with attendance, work performance, or conduct that is disruptive or inappropriate in nature. If the employee fails to correct the problem or develops other problems, more severe disciplinary action shall be taken. Using progressive discipline in such a manner maximizes an employee's opportunity to correct problems.

By providing for the possible use of progressive discipline, however, the City in no way has waived or altered the "At-Will" nature of employment with the City, nor does it preclude or prohibit the City from exercising its right to impose severe discipline, including immediate termination of an employee, whenever such action is deemed appropriate without the prior use of progressive discipline. While in most cases the disciplinary action taken will depend upon the degree of severity of the offense(s), the disciplinary record of the employee, and the seriousness of the consequences of the offense(s), there are certain offenses, which will result in severe disciplinary action regardless of the disciplinary record of the employee.

The purpose of standard disciplinary procedures is to make it easier to be consistent by applying similar penalties for similar offenses. However, Department Heads and immediate supervisors have the discretion to take all relevant circumstances into account when taking disciplinary action.

9.02 BASIS FOR DISCIPLINE

The specific descriptions following each general heading are examples of that type of conduct and are not intended to be all-inclusive. Offenses constituting grounds for counseling, disciplinary action, up to and including termination, include, but shall not be limited to the following:

- A. Unsatisfactory Attendance
 - 1. Unauthorized absences
 - 2. Abuse of leave
 - 3. Tardiness

- B. Unsatisfactory Performance
 - 1. Inability or unwillingness to satisfactorily perform assigned work.
 - 2. Failing to perform duties at an acceptable level.

- C. Indifference Toward Work
 - 1. Inefficiency, negligence, loafing, carelessness, leaving work without permission, excessive use of City time for performing personal business during work hours, abuse of eating or rest periods, sleeping (other than designated times for Fire Shift personnel) or otherwise being inattentive during work hours, interfering with the work of others, mistreatment of the public or other employees.
 - 2. Negligently causing damage to City property.
 - 3. Failure to meet or maintain specified conditions of employment, such as failure to obtain or maintain a license or certificate required as a condition for performing a job.

4. Misusing or failing to use delegated authority in performance of duties.

D. Dereliction of Duty

1. Failure to observe and follow the policies of the city and/or employee's department procedures, rules or orders.
2. Failure of an employee to take appropriate action when a violation of policies, rules or regulations comes to his/her attention, regardless of the violator's assignment or position in the City.
3. Failure to promptly report or deliver to a Supervisor any property found by, confiscated by, or relinquished to an employee of the City without undue delay.
4. Damage, negligent use of or abuse to City vehicles, equipment and/or property. Failure to promptly report vehicle and equipment damage whether caused by the employee or not, and/or the failure to report accidents whereby the operator is involved in an accident or strikes an object (for example curbs, boulders or other objects) regardless of whether or not any noticeable damage results.

E. Insubordination

Willful failure or refusal by an employee to perform assigned work or to fully comply with lawful instructions or orders from a supervisor or other appropriate manager. Insubordination may also include the use of abrasive language and displaying hostility in response to supervision and/or the refusal to submit to corrective action or performance improvement as required by a supervisor. The following procedures apply in the event that an employee questions an order given by a supervisor.

1. If an employee believes that the instruction or order is improper, the employee should obey the order or instruction and question the order later in a responsible manner.
2. If an employee believes an instruction or order, if followed, would result in personal injury or damage to City equipment, he or she should notify the supervisor who issued the order, or if necessary, another supervisor.
3. If an employee believes an instruction or order is illegal, he or she should immediately notify a supervisor above the supervisor issuing the instruction or order.

F. Violation of Safety Rules

1. Improper removal of safety guards (ie. fire extinguishers); failure to use safety equipment; failure to follow safety practices rules, which includes failure or refusal to participate in required post-accident drug and/or alcohol testing; failure to report an on-the-job injury, vehicle accident, or unsafe condition on the day of the occurrence; smoking in prohibited areas.
2. Unsafe driving practices, which result in more than two at-fault-accidents by an employee in a given calendar year.

G. Dishonesty/Fraud

Fraud generally involves a willful or deliberate act with the intention of obtaining unauthorized benefits such as money or property, by deception or other unethical means. Dishonest or fraudulent activities include, but are not limited to:

1. Misuse or misappropriation of City property, funds, securities, supplies, furniture, fixtures, equipment, or any other asset or unauthorized charges against the City's accounts including credit card accounts.
2. Forgery or falsifying or altering City documents (i.e. checks, time sheets, contractor agreements, purchase orders, etc.).

3. Authorizing or receiving payments for goods not received or services not performed.
4. Unauthorized use or misuse of City property, equipment, materials or records.
5. Improprieties in handling or reporting of money transactions.
6. Authorizing or receiving payments for hours not worked with the exception of those allowed under City policy.
7. Theft, destruction or removal of any asset or inappropriate use of records.
8. Embezzlement.
9. Seeking or accepting anything of material value from vendors, consultants, or contractors doing business with the City in violation of the City's policy. Exception: gifts provided in accordance with the values allowed by Texas law.
10. Any computer related activity involving the alteration, destruction, forgery, sale or manipulation or misappropriation/misuse of data for fraudulent purposes.
11. Any misrepresentation or falsification that is relied upon by, or is detriment to the City; cheating; lying to any City official or member of City Management, including the employee's immediate supervisor.
12. Falsely reporting illness or injury, or otherwise attempting to deceive any official of the City as to a health or medical condition. Falsifying origin of personal injury to collect workers' compensation. Misuse of a paid leave of absence.
13. Any violation of federal, state or local laws related to dishonest activities or fraud.

H. Disturbance

1. Participation by an employee in a disturbance occurring on City property or while on duty; fighting on City property; possession of dangerous weapons, improper possession of firearms, explosives on City property without permission.
2. Entering City property for unauthorized reasons.
3. Use of abusive, profane, or threatening language; horseplay; deliberately causing injury to fellow employees.
4. Harassment of other City employees or citizens; discourtesy to citizens; creating dissension or discord among employees, or between employees and citizens.
5. Using confidential information in ways that may be detrimental to the City or to another employee.

I. Misuse of City Equipment or Services

1. Careless, negligent or improper use of property or equipment.
2. Abuse, misuse, deliberate destruction, abandonment, or damaging of property, tools, facilities, or equipment belonging to other employees, citizens or the City.

J. Sabotage

Deliberate damage or destruction of City equipment or property; advocacy of, or participation in unlawful trespass or seizure of City property; encouraging, communicating or engaging in slowdowns, sit-ins, strikes or any other activity in an effort to limit or restrict City employees from working.

K. Misconduct

1. The violation of any federal or state law, rule, regulation or city ordinance while on duty, or the violation of any federal or state law, rule, regulation, or city ordinance while off-duty, including a criminal act, that may have an adverse impact upon the City or on the public confidence in the integrity of City government, or on the relationship of the employee and other employees or acts which reflect poorly upon the City's image.
2. Theft of, aiding, or encouraging the theft of cash, City property, or equipment.
3. Operating or conducting illegal activity on the job or on City property.

4. Any criminal offense shall be cause for disciplinary action up to and including termination.

9.03 TYPES OF DISCIPLINARY ACTIONS

All or a combination of the following disciplinary measures may be taken by supervisors. Supervisors will evaluate each situation and take the appropriate level of discipline. The nature of the infraction may warrant skipping steps in the process.

A. Counseling

The supervisor should document and verbally advise the employee of their unsatisfactory performance or conduct and recommend areas for improvement.

B. Reprimand

Reprimands are written memos to employees given for unsatisfactory performance, for policy, procedural, or conduct violations or in instances where counseling has already been given and the violation has occurred again or where unsatisfactory performance has continued.

When a written reprimand is given, it is to be administered in a timely manner. The employee concerned is to be informed directly of the conduct, the rule it violates, the action being taken, the terms and conditions of that action, the consequences of that action, and consequences of future violations.

Supervisors shall provide the employee with a copy of the reprimand. Originals of all reprimands shall be sent to Human Resources for inclusion in the employee's personnel file.

C. Suspension or Involuntary Demotion

A suspension without pay or a demotion may be administered in situations where reprimands have already been given for previous infractions or lack of performance, or in situations that are serious enough to warrant this level of discipline without prior discipline.

Suspension of exempt employees must be in compliance with FLSA regulations.

D. Termination

Termination may be the culmination of a progressive discipline or performance improvement process. Alternatively, it may occur as the first disciplinary measure undertaken if the situation warrants it.

SECTION 10
EMPLOYEE APPEALS

10.01 GROUNDS

An employee may appeal a suspension, involuntary demotion, or termination that results in a loss of employee compensation to the Mayor by submitting a request to appeal to Human Resources on or before 4:00 p.m. on the fifth business day following the date the employee receives the Disciplinary Action. The employee's right to appeal expires after 4:00 p.m. on the fifth business day following issuance of the disciplinary action. Employees do not have the right to appeal counseling or reprimands.

10.02 APPEAL PROCEDURES

Any Department Head who proposes to suspend an employee without pay, demote an employee, or terminate an employee, is required to give the employee notice of the proposed disciplinary action and an opportunity to respond before making a final decision.

The employee must appear when requested to give a verbal response to the proposed disciplinary action but he or she also may submit a written response. If the Department Head receives information from the employee that may affect the disciplinary action, the Department Head should consider the proposed discipline in light of such new information, conduct any investigation that is warranted, and then make a decision based on all of the information to impose the disciplinary action as originally planned, modify such discipline, or forgo any discipline.

Human Resources will coordinate with the Mayor to schedule a date to hear the appeal and give notice to the interested parties. Employees will not be paid for the time spent in such hearing.

Department Heads and appealing employees must follow procedures and timelines outlined by Human Resources for the Disciplinary Action Appeals process.

Employees may designate a person to represent them in the appeal or they may represent themselves. Any representative must be designated at the time the employee submits his or her request for an appeal by providing the full name, telephone number and address for such representative. If an employee fails to designate a representative at that time he/she submits an appeal, no such representative will be allowed to attend or participate in the appeal hearing.

The City may also choose to have legal representation at the hearing.

The Mayor shall render a decision within five(5) working days of the conclusion of the appeal hearing. The Mayor's decision is final and not subject to further appeals.

10.03 NOTIFICATION TO COUNCIL

The Director of Human Resources shall notify the Mayor and City Council of all disciplinary matters acted on by Department Heads where the decision includes a demotion, a suspension for more than five days (40 hours), or a dismissal.

10.04 WHAT IS NOT DISCIPLINE

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

10.05 APPLICABILITY

This section is not applicable to persons holding the following at-will positions: City Attorney who hold their positions at the pleasure of City Council, subject to the Charter; all Assistant City Attorneys; Municipal Court Judges who serve subject to the Charter and State law; Department Heads who serve at the pleasure of the Mayor and City Council subject to the Charter; part-time, seasonal and temporary employees; probationary employees; and all other positions for which the Charter or State law prescribes disciplinary or dismissal requirements different from those stated in this section.

SECTION 11

SEPARATION FROM EMPLOYMENT

11.01 RESIGNATION

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 Resources Department for the personnel file to separate in good standing. 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 Resources Department that the employee was dismissed, but if the employee is leaving in good standing, he or she shall be paid through the date of separation stated in the written notice. Property to be surrendered to a supervisor upon termination, whether voluntary or involuntary, shall include the following:

- Keys to City facilities;
- Keys to City vehicles;
- City Identification Badges;
- City equipment;
- Official City Uniforms.

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.

11.02 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 unless such action is prohibited under the Americans with Disabilities Act. 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 line of duty may be granted up to an additional 365 days by City Council.

11.03 LAYOFFS/FURLOUGHES

An employee may be laid off because of changes in duties of the organization or for lack of work or funds. Whenever possible, an employee laid off from one City department may apply for any vacancies that the employee is qualified for, in accordance with Section 2.02. Whenever possible, at least thirty (30) days notice shall be given to an employee prior to layoff.

Layoffs shall be carried out on the basis of demonstrated job performance with the most proficient employees being retained the longest period. Seniority within the city service may be used to determine the order of layoff among employees with substantially equivalent records of job performance. Layoffs shall not be considered disciplinary actions.

A furlough is defined as when an employee is placed on temporary, unpaid, and forced leave during which time an employee does not report for work and does not earn a wage. The employee retains their position during the furlough as well as benefits (benefit coverage is dependent on employee type and length of furlough). A furlough shall constitute a "leave of absence" as defined in Section 7.08. A furlough is not a layoff, non-renewal, or termination.

11.04 MEDICAL INCAPACITY

In accordance with the Americans With Disability Act, employees may be separated from City employment because of incapacity for medical reasons when the employee is no longer capable of performing the essential job functions of the position and cannot be reasonably accommodated. An employee who cannot return to work under the above conditions within thirty (30) calendar days following exhaustion of accrued sick, vacation, and family medical leave for any illness or injury shall be separated from the City's service unless further leave is granted by the Mayor and City Council.

The City has a business necessity for each of its budgeted positions and must ensure that City public service continues. If an employee cannot present an acceptable medical statement releasing them to perform all essential job functions of their present position, the employee can be replaced, provided no other reasonable accommodation can be made to such employee.

11.05 RETIREMENT

Eligible employees may be separated by retirement in accordance with the City's recognized retirement program, Texas Municipal Retirement System (TMRS) and other applicable programs referenced in Section 6.04.

11.06 EXIT INTERVIEWS

With the cooperation of the employee, an exit interview shall be conducted upon an employee's separation from City service regardless of length of service, position, or circumstances of separation.

The Human Resources Department shall be responsible for conducting all exit interviews. The Human Resources Department shall ensure, if possible, that each employee is interviewed prior to his/her separation from City employment. Results of exit interviews shall be recorded on forms prescribed by Human Resources.

SECTION 12
REINSTATEMENT

12.01 AFTER SEPARATION

A person who is separated, and is considered in good standing may reapply and successfully complete the Method of Filling Vacancies process as prescribed in Section 2.

12.02 AFTER LAYOFF / FURLOUGHS

A person who was laid off, including a temporary employee separated upon completion of duties, may be recalled to work at any time provided the person remains qualified to perform the duties of the position. If time period of absence exceeds thirty (30) days, the employee will be required to submit to a medical examination and drug/alcohol screening.

12.03 VETERANS

Notwithstanding any other provision contained herein to the contrary, employees who leave the City service to enter into duty with the Armed Forces of the United States shall be eligible for reinstatement in accordance with applicable State and Federal laws.

12.04 REINSTATEMENT FOLLOWING SEPARATION FOR INCAPACITY

An employee unable to be reasonably accommodated and who has been separated for medical incapacity may be reinstated within 180 days following separation provided:

- A. The reason for the incapacity has been corrected or eliminated;
- B. The person's previous position or similar position is available;
- C. The person remains otherwise qualified to perform the essential functions of that position; and
- D. The person successfully completes a medical examination and drug/alcohol screening.

SECTION 13

PERSONNEL FILES

13.01 PERSONNEL FILES

Human Resources shall maintain the official personnel files for all City employees. Employees have the right to review information in their Personnel File. Any employee who requests to view their personnel file shall do so in Human Resources with Human Resources personnel present. Human Resources shall limit the availability of personal information to those officials with a clear need to know. In response to requests by agencies or individuals outside City government, the Human Resources Department will release only that employment history information which is public record, that is required by law to be released, or which, if released will not violate the employee's right to privacy.

Documents in an employee's personnel file should be documents that the employee has seen and or signed.

Confidentiality of Medical Information

Federal law requires the City maintain all employee medical information in separate, confidential files. Therefore, in addition to a personnel file, the City maintains a separate medical file for each employee.

Information that may be provided to the City by an employee's health care provider, and maintained in the confidential medical file, includes but is not limited to:

- A note to justify an absence
- A note to request a leave
- A note to verify the employee's ability to return to work
- Medical records to support a claim for sick pay or disability benefits
- Insurance records
- Workers' compensation records

It is important that employees understand that the records are confidential but that the confidentiality may be waived when the employee provides medical information to his/her supervisor. When an employee voluntarily provides medical information to his/her supervisor, the supervisor is expected to share the information only on an "as needed" basis to their Department Head.

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their co-workers' medical information. Employees are expected to use discretion and judgment when dealing with such information, and are to refrain from passing along information, gossip, rumors, or anything else that may constitute an invasion of a co-worker's privacy or breach of confidence.

All employees are entitled to have personal and medical information kept private. Under no circumstances shall a City employee disclose Protected Health Information (PHI) regarding another City employee.

Unauthorized disclosure of PHI may constitute a crime and shall subject an employee to immediate disciplinary action up to and including termination. Any employee who believes that the City is not complying with requirements of medical record privacy may submit a written complaint to the Director of Human Resources. The complaint must contain a detailed

description and an explanation of the circumstances surrounding the complaint.

Complaints may also be filed with the Secretary of the U.S. Department of Health and Human Services. No retribution or negative action shall be taken or tolerated because an employee files a complaint with the Director of Human Resources or the Department of Health and Human Services.

Employee Records Retention

Employee records will be kept in accordance with the Texas State Library and Archives Commission.

SECTION 14

SAFETY

14.01 USE OF VEHICLES AND EQUIPMENT

Private Vehicles

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.

City employees using personal vehicles for City business must maintain a valid Texas Driver's License and appropriate levels of insurance and comply with the City of Stafford Operation, Assignment, and Vehicle Policy.

Mileage Reimbursement

In the event it is necessary for an employee to use his/her personal car for City business, he/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.

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 is destroyed or damaged as a result thereof, 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. Improper and/or unsafe operation of vehicles or equipment is justification for disciplinary action.

No personal or political use of any City property, materials, supplies, tools, or equipment is permitted.

Any employee who operates a city vehicle or equipment shall notify his/her supervisor and Human Resources immediately if his or her driver's license is suspended for any reason.

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.

14.02 CITY VEHICLE POLICY

A. Intent of Policy

1. To insure City property is used for City service purposes.
2. Will apply to personnel currently using vehicles "after hours."
3. Upon recommendation of the department head, and approval of City Council, other employees may be assigned the use of a City-owned vehicle, based on the mission or assignment of the individual involved.

B. Use of Vehicles

Personnel will use the City vehicle to respond to normal work situations and during any emergency situation when the employee is off duty.

C. 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 the department head. City Council may authorize the use of City vehicles as a means of compensating employees.

D. 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.

E. City vehicles cannot be used by employees for their personal monetary gain.

F. No trips should be made outside of the Greater Houston area without the approval of the employee's immediate supervisor.

G. 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.

H. Employees cannot use City vehicles for recreational purposes, ie. attending sporting events, music events, etc.

I. 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.

J. All employees assigned a vehicle must live within a twenty (20) mile radius of the City of Stafford.

K. Employees using a City-owned vehicle must possess a valid Texas Driver's License appropriate for the type of City vehicle being operated.

L. City employees are allowed to transport immediate family members **only** in their city vehicle but must have their own valid proof of auto insurance and documentation that shall be provided to Human Resources annually or when that documentation expires.

M. 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.

N. Permanently assigned City-owned vehicles must be safely parked or stored at the employee's residence when not in use.

O. City-owned or city provided 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.

- P. Employees assigned vehicles will ensure that all required maintenance and inspection needs of the vehicle are adhered to as prescribed by the Department Head.

14.03 DRUG AND ALCOHOL-FREE WORKPLACE

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.

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 termination.

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 termination. 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 be sent for immediate drug and alcohol testing in accordance with the procedures set forth in this Policy.

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:

- Amphetamines/Methamphetamine (e.g., Speed, Crystal)
- Benzodiazepines (e.g., Valium, Librium, Oxazepam, Serax, Dalmane, Ativan)
- Barbiturates (e.g., Amobarbital, Butabarbital, Pentobarbital, Phenobarbital, Secobarbital)
- Cocaine
- Methadone
- Methaqualone (e.g., Quaalude)
- Opiates (e.g., Codeine, Heroin, Morphine, Hydromorphone, Hydrocodone)
- Phencyclidine (PCP)
- THC (Marijuana)
- Alcohol
- 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.

General Standards for Drug Testing

A. Pre-Employment Drug Screening

All applicants for employment by the City shall be required, as part of their post-offer 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 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.

B. 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:

1. a pattern of abnormal, unusual, or erratic behavior;
2. information provided by a reliable and credible source;
3. possession of drugs or direct observation of drug use;
4. 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.

C. 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 who was at-fault in the accident or if the employee's fault or lack thereof cannot reasonably be determined. An accident is defined as "an incident involving operational equipment or operation of 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's 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 upon notice from the City, 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:

1. 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.

2. If the employee has failed to submit to an alcohol test as instructed 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.
3. 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
- C. 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
- D. 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:

- A. 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.
- B. 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.
- C. 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 subject to 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 are 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.

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 Human Resources. Should Human Resources 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.

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.

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.

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.

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.

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.

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.

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 the Employee Assistance Program (EAP) 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.

Employee Assistance Program Referral

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

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.

14.04 WEAPONS CONTROL

The City strives to provide a safe and secure working environment for its employees. This policy is designed to help prevent incidents of violence from occurring in the workplace and to provide for the appropriate response when and if such incidents do occur.

Weapons on City premises

Definitions: The following words and phrases, when used in this section, shall have the following meanings:

- **Building.** A combination of any materials, whether portable or fixed, having a roof to form a structure affording shelter for persons, animals, or property.
- **City Premises.** A building or any portion thereof, as well as, all personal and real property or any portion thereof, owned, leased, occupied or in any manner controlled by the City including, but not limited to, offices, parks and vehicles. A City-owned vehicle does not include a personal vehicle of an employee who receives a vehicle allowance from the City.
- **Concealed Handgun.** A handgun, the presence of which is not openly discernible to the ordinary observation of a reasonable person.
- **Handgun.** Any firearm that is designed, made, or adapted to be fired with one hand.
- **License Holder.** A person licensed to carry a handgun under V.T.C.A., Government Code Ch. 411, Subch. H.
- **Long Gun.** Any rifle, shotgun, or automatic weapon. It is unlawful for any person to possess a long gun in any City building. Notices shall be posted on all city buildings.

- City Property. For purposes of this policy, City property includes but is not limited to owned or leased vehicles, buildings and facilities, entrances, exits, break areas, parking lots and surrounding areas, recreation centers, swimming pools, and parks.
- Documentation. When appropriate, threats and incidents of violence will be documented. Documentation will be maintained by the Human Resources Department and/or the Police Department.
- Policy Violations. Violations of this policy may lead to disciplinary action, up to and including termination of employment. Policy violations may also result in arrest and prosecution.

A City employee who holds a valid license under V.T.C.A., Government Code Ch. 411, Subch. H (Handgun Licensing Law) is allowed to:

- A. Carry a concealed handgun in compliance with all applicable state and federal laws, on city premises; or
- B. Possess a handgun concealed in a locked and secured compartment or container.

A City employee who is not a peace officer, who holds a valid license under V.T.C.A., Government Code Ch. 411, Subch. H (Handgun Licensing Law), is prohibited from openly carrying a handgun on City premises while acting within the scope of the employee's duties. Violation of this section constitutes a misdemeanor and is punishable by a fine of up to \$500.00 per violation. Said cases shall be originally filed in the Municipal Court of the City of Stafford.

The City retains the right to search for firearms or other weapons on City property. A properly licensed employee may store his handgun in his locked vehicle in a City parking lot.

14.05 THREATS OF VIOLENCE

The City has a Zero Tolerance regarding harassment, intimidation, threats, threatening behavior, violent behavior or acts of violence between employees or such action between an employee and another person that arises from or is in any manner connected to the employee's employment with the City, whether the conduct occurs on duty or off duty, is prohibited.

City's Response to Threats or Acts of Violence

The City will attempt to respond appropriately to any person who threatens use of force or violence or threatens an unlawful act, exhibits threatening behavior, or engages in violent acts. The City's response will normally be coordinated by the Human Resources Department, and where applicable, the City's Police Department or other appropriate law enforcement agencies. The Human Resources Department will evaluate the severity of the situation and the need for additional resources (e.g., law enforcement, Emergency Medical Services) to minimize risk and further violence, and will work with the appropriate Department Director(s) in an effort to ensure that appropriate administrative actions are taken. If such conduct occurs on City property, the offending person will typically be removed from the premises pending the outcome of an investigation. The City may also suspend and/or terminate the employment relationship, reassign job duties, mandate counseling with a psychologist or other mental health care provider of the City's choosing, initiate criminal prosecution of the person or persons involved, and/or other actions as determined by the City to be appropriate under the circumstances.

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

Mandatory Reporting

Each City employee must immediately notify his/her supervisor, Department Director, the Human Resources Department and/or the Police Department of any act of violence or of any threat involving a City employee that the employee has witnessed, received, or has been told that another person has witnessed or received. Even without an actual threat, each City employee must also report any behavior that the employee regards as threatening or violent when that behavior is job-related or might be carried out on City property, a City-controlled site or City job site, or when that behavior is in any manner connected to City employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the target of the threatening behavior. A supervisor who is made aware of such a threat or other conduct must immediately notify his/her Department Director and the Human Resources Department.

Protective Orders

Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas must immediately provide to the Human Resources Department and the City's Police Department a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. City employees must immediately advise their Department Director and the Human Resources Department of any protective or restraining order issued against them.

Confidentiality

To the extent possible, while accomplishing the purposes of this policy, the City will respect the privacy of reporting employees and will treat information and reports confidentially. Such information will be released or distributed only to appropriate law enforcement personnel, City management, and others on a need-to-know basis and as may otherwise be required by law.

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