

CITY OF LEANDER

PERSONNEL POLICY

Revised June 3, 2010

Article 1. Purpose

Section 1.01. Basic Objectives. The objective of this Personnel Policy is to facilitate efficient and economical service to the public and to provide for a fair and equitable system of personnel management. While these rules and policies include precise statements of policies and procedures, they are not intended to cover every conceivable personnel situation that may arise. These policies are subject to the City Charter and may be supplemented with administrative regulations in addition to the rules and policies set forth. For this reason, considerable latitude is given the City Manager for administration of these policies. It is expected that amendments and revisions affecting personnel policies will be made from time to time as necessary and desirable in the discretion of the City Manager, subject to approval by the City Council.

Section 1.02. Applicability. These rules shall apply to and govern all employees of the City of Leander, except to the extent, if any, inconsistent with State or federal law. Words used in the singular shall be construed to include the plural and words used in the masculine or feminine gender shall be construed to include both genders.

Article 2. General Provisions

Section 2.01. Code of Ethics. All employees shall strive to uphold the Constitution and laws of the United States, the State of Texas, and the Charter and ordinances of the City of Leander, and all employees shall also strive to be:

- (a) Honest and trustworthy in what they say and write and in all professional and employment relationships;
- (b) Dedicated to providing quality services by being cooperative and constructive, and by making the best and most efficient use of available resources;
- (c) Fair and considerate in the treatment of fellow employees and citizens, addressing concerns and needs with equity, granting no special favors;
- (d) Committed to accomplishing all tasks in a superior way, and abstaining from all job behavior that may tarnish the image of the City or public service;
- (e) Aware and recognize that public and political policy decisions are ultimately the responsibility of the City Council; and

- (f) Dedicated to service to improve the quality of life in the City of Leander.

This Code of Ethics requires hard work, courage, and difficult choices. However, employees and citizens will be better served by doing what is right rather than what is expedient.

Section 2.02. Political Activity. When on duty or in uniform, an employee of the City may not engage in any political activity relating to a campaign for any elective public office. No employee of the City shall, at anytime, make, solicit or receive any contribution to the campaign funds of any party, interest group or candidate for use in any city election; and no employee shall participate in any political activity or campaign for or with respect to any candidate in a City election.

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

- (a) makes a public political speech supporting or opposing a candidate;
- (b) distributes a card or other political literature relating to the campaign of a candidate;
- (c) wears a campaign button;
- (d) circulates or signs a petition for a candidate;
- (e) solicits votes for a candidate; or
- (f) solicits campaign contributions for a candidate.

When not on duty or in uniform, an employee of the City may engage in political activity for and with respect to political parties, candidates and elections for and with respect to governments and entities other than the City; provided that an employee may not under any circumstance use the fact of his/her City employment to solicit campaign contributions for a candidate other than from members of an employee organization to which that person belongs; and provided further that this provision shall not be interpreted to prevent any employee of the City from making private comments to friends, family and co-workers about or with respect to any candidate for office.

Section 2.03. Disclosure of Religious Affiliations. No question in any text in any application form or in any personnel proceeding, or of any appointing authority, is intended to or shall be so framed as to attempt to elicit information concerning religious affiliations of any applicant or employee. No appointment to, or removal from, a position with the City shall be affected or influenced in any manner by any religious opinion or affiliation. Employees may decline to respond to any inquiry regarding religious affiliation.

Section 2.04. Nepotism.

(a) No person related, within the second degree of affinity (marriage) or within the third degree of consanguinity (blood), to the Mayor or any member of the City Council or the City Manager shall be employed or appointed to any office, position or clerkship or other service of the City. This prohibition shall not apply, however, to any person who shall have been employed by the City prior to and at the time of election or appointment of the official related in the prohibited degree.

(b) Relatives and members of the immediate family shall not be appointed to serve in positions within the City unless specific written approval has been obtained from the City Manager. Department supervisors who believe any such appointment is justified may present to the City Manager the reason and needs which are the basis for requesting the appointment. The City Manager's written approval shall be required to make any such appointment official and the City Manager's decision shall be final.

Section 2.05. At Will Employer. All employees are hired for an indefinite period of time, and either the employee or the City is free to terminate the employment relationship at will, and at anytime, with or without cause.

Section 2.06. Financial Responsibility of Employees. Employees of the City are expected to maintain a good credit standing in the community and to pay obligations promptly. The City shall in no way serve as a collecting agency or arbitrator and employees shall make reasonable provision for the payment of personal debts, or take other appropriate action to assure such failure shall not interrupt, interfere with or be detrimental to the City services. Credit checks may be required for those applicants in offices of trust.

Section 2.07. Outside Employment. Occasional and part-time outside work will be allowed if approved in writing by the department head or City Manager on a case-by-case basis, and if the work does not constitute a conflict of interest, does not interfere with the employee's performance of duties with the City, and does not involve the use of City time or equipment. Each department will establish procedures for this approval process. Police officers may engage in approved outside employment utilizing issue uniform and personal equipment. Police officer's use of other equipment, such as vehicles, will be subject to contracting for services and shall be approved by the City Attorney and City Manager. Full-time employees approved to hold outside employment may not work more than twenty-four (24) hours of outside employment in any workweek and such employment shall not interrupt, interfere with or be detrimental to the performance of the employee's duties. Police officers may not work more than sixty-six (66) total hours (regular + outside) per week unless emergency circumstances are declared by the City Manager. Any injury occurring while engaged in outside employment shall be reported immediately in writing to the City Manager. An injury occurring while engaged in outside employment may reduce the benefits otherwise granted by these policies. Employees seeking outside employment must also provide City administration with an approved executed written waiver release from the outside employer.

Section 2.08. City-Owned Vehicles. All employees who drive City-owned vehicles in the performance of their duties are responsible for their proper operation. No City vehicle, equipment, or emergency vehicle is to be used for personal business. No employee shall operate a City vehicle unless the employee shall have a valid drivers license appropriate for that vehicle; and any employee required to operate any motor vehicle as part of his/her job duties shall immediately notify the City Manager, in writing, in the event the employee's drivers license expires, lapses or is suspended. Periodic examination of driving records may be required, and an annual copy of each employee's Drivers License will be kept in their personnel file. No smoking in City vehicles as per Ordinance No. 01-003-00. In case of accident, employees must notify City Manager immediately if any accident damage occurs. City vehicles must have a permanent City seal/City identification and City Department except vehicles used for Police Department as unmarked vehicles. Usage of any shared vehicle, on a temporary basis, shall be tracked on the vehicle log indicating the date, time in, time out, destination, purpose, and mileage in and mileage out. Department heads are responsible for the log of any vehicles in their division. This does not include public safety "fleet" vehicles as assigned, but does include usage of any public safety "administration" vehicles not assigned. Any citizen ride outs in city vehicles require prior city manager approval. The form is included in appendix 6 and requires a specific reason for the ride out request. No prior approval is required for citizen academy ride outs for fire or police department academy training, which will be limited to defined training purposes.

Section 2.09. Driver Insurability. Employees whose positions require the operation of a motor vehicle are expected to obey all traffic laws and avoid accidents at all times, even when driving their own vehicles during non-working hours. Failure by such employees to maintain a satisfactory driving record shall be deemed a violation of this policy and shall subject the employee to dismissal. Employees whose employment duties include the operation of a City vehicle and whose license is suspended shall immediately inform the employee's department head and the City Manager of such suspension. Offenses that are almost certain to result in action affecting employment include:

- (a) a conviction for driving under the influence of alcohol or drugs; and
- (b) a City employee operating a City vehicle while his/her license is suspended.

Section 2.10. Employment Conditions. Subject to budgetary decisions and the discretion of the City Manager, continued employment with the City shall be contingent upon the employee's compliance with the provisions of these rules. Within thirty (30) days after the adoption of these rules and at the time of employment of each new employee, a copy of these rules shall be furnished to each employee.

Section 2.11. Equal Employment Opportunity Policy. Discrimination against any person in recruitment, examination, appointment, training, promotion, discipline, separation, or any other aspect of personnel administration, because of political or religious opinions or affiliations, or because of race, color, national origin, age, sex, marital status, or other non-merit factors is

prohibited. In those instances, if any, in which specific age, sex, or physical or mental requirements constitute a necessary occupational qualification for proper and efficient administration, appropriate consideration of such factors is permitted. Any applicant for employment and any employee who feels he/she has been discriminated against may process a grievance in accordance with Article 9.

Section 2.12. Fitness Requirements. It shall be the responsibility of each employee to maintain the minimum standard of fitness required for performing the individual's job. The immediate supervisor may require an employee to submit to an examination by a City-approved physician when it appears that the physical or mental condition of an employee may prohibit, or materially interfere with, the employee from adequately performing the employee's job duties, or may constitute or result in a hazard to themselves, fellow employees, citizens or property. The employee will be required, as a condition of continued employment, to authorize the physician to disclose the results of the examination to the appropriate City officials. The employee shall be granted administrative leave for the time required for such an examination, which shall be conducted without expense to the employee and shall be for the sole purpose of determining the employee's condition relative to the requirements of the employee's job. The examining physician shall make a recommendation as to whether the employee should be continued in the job and be considered for leave time in which to improve the employee's condition, or be transferred or otherwise not be continued in the present position. A recommendation that an employee be required to submit to a physical or mental examination at the expense of the City must be approved by the department head and the City Manager.

Section 2.13. Gifts. An employee shall not accept any gift, gratuity or benefit from any person, contractor or vendor having contact with, doing business with, seeking to do business with, or that has within the immediate preceding twelve (12) calendar months done business with the City; provided that this section shall not be interpreted to include any pen, pencil, calendar, cap or similarly valued item distributed by any such company for advertising purposes. Refer to Ordinance No. 01-009-00 Ethics Ordinance.

Section 2.14. City Property. No employee may take, acquire or purchase any property of the City, of any nature or kind whatsoever, for himself or any other person.

Section 2.15. Amendment and Revision of Rules. Recommendations for amendment and revision of these rules may be made by the City Manager to the City Council for its approval. These rules and any subsequent amendments thereto may be amended from time to time in the discretion of the City Manager; provided only that no such amendment shall be effective until approved by the City Council.

Section 2.16. Violations of Policy. Any employee who violates any personnel policy of the City of Leander may be subject to disciplinary measures up to and including termination. No employee shall have a right to disciplinary actions that are progressive. Consideration may be given to the individual circumstances when determining the disciplinary actions to be taken.

Article 3. Organization and Administration

Section 3.01. Organization of Personnel.

(a) **The City Council.** The compensation of all appointive officers and employees is provided by the City Council through the budget process.

(b) **The City Manager.** The City Manager will advise the City Council on personnel matters and recommend changes in the personnel policies, rules and regulations, the compensation rates of appointive officers and other City employees, and any other changes which the City Manager may deem necessary or expedient.

The City Manager is responsible for the administration of the personnel program of the City and, with the prior approval of the City Council, the City Manager may appoint a Human Resources Director to assist in the administration of such program. The City Manager may establish policies for the day to day management of the City which are not inconsistent with this Policy Manual and may discipline any employee of the City up to and including termination. No classification of employees or changes in employee pay or pay category may be made without the written approval of the City Manager. The City Manager may in writing authorize department heads to appoint and remove all employees of their respective departments.

(c) **Human Resources Director.** The Human Resources Director, herein the HR Director, may represent the City Manager with regard to routine administration of all phases of these rules and policies. Absent a HR Director being appointed:

- (i) all references herein to the HR Director shall be references to the City Manager;
- (ii) the duties of the HR Office shall be performed by the department head of the department for which the applicable employee position is budgeted; and
- (iii) the City Manager may designate officers and employees of the City to perform any act or function provided herein to be performed by the HR Director or the HR Office.

(d) **Department Heads.** Department heads are expected to effectively supervise their employees and to maintain proper working relationships and to ensure employee compliance with this manual and all other policies or procedures of the City. To that end, department heads

- (i) may adopt and enforce departmental regulations that are not inconsistent with these rules and regulations;
- (ii) shall report on the efficiency of their subordinates and notify the HR Director of changes in the duties of the employees, in order that the City's classification plan may be maintained;
- (iii) will recommend to the City Manager merit increases for their employees;
- (iv) department heads shall set the example for all subordinates on behavior and compliance with the policies and procedures of the City and be subject to discipline by the

City Manager for such actions as failure to comply with the policies, rules and procedures including failure to adequately supervise personnel in the department such department head supervises;

(v) department heads shall report all disciplinary matters to the HR Director and coordinate discipline of employees with the HR Director; and

(vi) have the power of appointment and removal in their departments, including the power to appoint foremen and supervisors subject to the written approval of the City Manager. The appointment of new employees by department heads will be made only from eligible applicants referred to them by the HR Director with exceptions as noted under Section 4.02. Transfers and reclassifications should be consummated only after consideration of information contained in the individual's file and approval of the City Manager.

Section 3.02. Policy on Implementation & Administration of Personnel Policies.

(a) **Implementation.** The City Manager and HR Director and, as directed by the City Manager, each Department Head shall administer and implement the personnel policies of the City of Leander.

(b) **Deviations From Policies.**

(i) Subject to the right of the affected employee to appeal to the City Manager, the department heads may deviate from these policies with respect to the assignment, discipline or termination of any employee when, in the judgment of the City Manager, such deviation is in the best interest of the City.

(ii) If circumstances make it advisable to deviate from any of the personnel policies, the department head responsible for overseeing the department involved may provide a written report to be filed with the HR Director. The report should provide:

(1) Details of the action taken which deviated from the existing policy;

(2) A description of the circumstances resulting in the recommendation to a deviation from the existing policy; and

(3) A statement of why the deviation was in the best interest of the City and/or other parties involved.

(iii) Amendments of the Personnel Policy Manual need to be approved by the City Council.

Section 3.03. Policy on Dissemination of Personnel Policies.

(a) **Master Personnel Policy Manual.** A Master Personnel Policy Manual, which contains the original of all personnel policies in effect for the City of Leander, shall be maintained in the office of the HR Director.

(b) **Personnel Policy Coordinator.**

- (i) The HR Director, in addition to the duties identified herein, shall serve as the City's Personnel Policy Coordinator.
- (ii) The duties of the Personnel Policy Coordinator shall include:
 - (1) Maintaining the Master Personnel Policy Manual and updating the manual whenever a change, addition or deletion is made in the City's personnel policies;
 - (2) Providing each department head with copies of new or changed policies and information when policies are deleted so that the department head will be able to update the department's copy of the Personnel Policy Manual when a change, addition or deletion is made;
 - (3) Coordinating recommendations for additions, deletions and changes in personnel policies;
 - (4) Developing and implementing a system for notifying all City employees whenever a change, addition or deletion is made in the City's personnel policies; and
 - (5) Conducting an annual review of all personnel policies to determine if they are consistent with actual practices and in compliance with legislation relating to the personnel function and the relationship between the employer and employee.
- (iii) If amendments to this policy are advisable and recommended by the City Manager, they will be forwarded to the City Council for approval.

(c) **Dissemination.** Each department head shall:

- (i) Cause each employee to receive a copy of the Personnel Policy Manual and to sign an acknowledgment indicating such receipt;
- (ii) Inform each employee that he or she should be responsible for being familiar with the policies;
- (iii) Take active steps to see that each employee has the opportunity to become knowledgeable on the policies; provided, however, the responsibility for being and remaining knowledgeable about these policies shall be the duty and obligation of the employee.

(d) **Access To Policy Manuals.** All employees are responsible for becoming familiar with the Personnel Policy Manual. Employees have the right to review the Master Personnel Policy Manual or the copy of the Personnel Policy Manual found in their departments, during the normal workday or at other times approved by the HR Director or the employee's department head.

Article 4. Applications and Conditions of Employment

Section 4.01. Basis of Employment. All initial employment with the City shall be based on job related qualifications, including but not limited to, knowledge, skills, ability, physical fitness and required licenses, as determined under the authority of the City Manager based upon:

- (a) Education, training and work experience as reflected by the application form, plus other documentary evidence as to certification, registration, licenses, etc.
- (b) Job related written and/or performance tests.
- (c) Job related physical examination and drug screening test.
- (d) Background check for conviction of crimes involving moral turpitude and (in connection with jobs involving the operation of motor vehicles) moving traffic violations. Any arrest and conviction for offenses, Class B misdemeanors and above, regardless of a conviction, will eliminate a candidate for employment unless specifically approved by the City Manager. A new background check will be performed on any promoted employee or internal change in department, and random background checks may be performed by the HR Director. Public safety employees will be subject to background checks governed by administrative law of the licensing agency.
- (e) Mandatory reference checks made by the HR Department and/or the department head of the department concerned.
- (f) Specific positions may have additional basis of employment standards defined in the job description and application criteria posted by the department head.

Section 4.02. Recruitment. The HR Director is responsible for recruitment of all regular full-time, part-time, temporary and seasonal employees, and maintenance of all applications. Recruitment occurs through personal contact, through employment agencies, and/or by way of advertising. The HR Director or those designated by the HR Director will conduct the initial recruiting. All applications will be referred to the appropriate department supervisor for screening interviews and possible employment. Absent a HR Director, the department head of the department for which the vacancy exists, or, in specific instances, another officer of the City designated by the City Manager, shall be responsible for recruitment. The police department is responsible for coordinating its recruiting with HR.

Section 4.03. Requests for Personnel. When the department head submits a request to the HR Department for persons to fill vacancies, such requests shall include the title of the position to be filled, contemplated initial salary or wages, desired training and/or experience qualifications as per the job description and such other pertinent information as may be needed to enable the HR Department to most satisfactorily find the personnel being sought by the department. Requests for personnel should be made a reasonable period of time in advance of actual need.

Section 4.04. Applicant Preference. Other qualifications being equal among applicants, departments will give hiring preference to persons currently employed by the City.

Section 4.05. Residence. All employees required as part of the employee's duties to be on call will be expected to reside within a reasonable response time of the office as defined by the Department Head and as approved by the City Manager.

Section 4.06. Announcements. Except as otherwise provided for specific positions by departmental policy approved by council, such as for the Police Department, or as provided from time to time by a waiver issued by the City Manager, all positions will be open to current city employees and should be posted for at least fourteen (14) days. If a shorter publication period is requested, written justification should be included with the requisition and must be approved by the City Manager. Positions will be posted in one or more area newspapers and applications will be accepted from applicants both within and outside of the city organization. Internal Posting Only options may be provided for at the discretion of the City Manager. Positions that are approved for internal posting only will not be advertised in the newspaper, unless the position is not filled by a then current employee of the City. (Internal posting notices will be posted at City Hall.)

Section 4.07. Application and Selection Procedures. All persons seeking initial employment or re-employment will be required to complete, sign and file an application with the HR Department, except for public safety applicants, who will provide the application to the appropriate recruiter. Application forms will be secured from and returned to the HR Office prior to the posted deadline. Referrals will be made from the City's applicant database. Suitable and eligible candidates will be selected according to the requirements the department places on the requisition; which will include education, skills, experience, and duties, etc. All full-time applicants must have a high school diploma or equivalent. Candidates will be required to complete typing, data entry, aptitude physical and/or psychological testing as applicable. Interviewers must complete and return interview forms after the interviews. No formal job offers are to be made at the time of the interview. If the interviewer determines that a candidate is acceptable, the HR Office will then check references, driving records, complete a background check on the applicant, etc. and, subject to such information being found satisfactory, extend a preliminary job offer and schedule the candidate for a pre-employment physical examination and drug screening, if required. Public safety positions are subject to department background checks, as required by administrative law. Clerical positions shall normally be exempted from pre-employment physical examination requirements. Copy of driving record shall be required for those employees who operate City vehicles. (Records will be returned to employee upon termination of employment.)

Section 4.08. Appointments. No formal job offers are to be extended prior to completion of the entire recruitment process without the approval of the City Manager. The final employment of any applicant may be subject to such applicant passing a physical exam (except for office personnel) and drug screening if required. The interview board shall notify the HR Director of the preferred candidate and the date the interview board would like to have the candidate begin employment. The selection shall be reported to the City Manager for approval. The HR Director shall schedule an appointment with the preferred candidate for enrollment and orientation. If no candidate possessing the minimum qualifications is located or approved, the budgeted position may be filled by a lesser

qualified person at a lower job classification.

Section 4.09. Physical Standards.

(a) **Medical Examinations.** Any and all new and former employees may be subject to undergoing a prescribed medical and physical examination (except for office personnel) to be made by some officially designated medical authority. Those positions specifically identified and designated by the HR Director as positions requiring medical and physical examinations shall undergo a prescribed medical and physical examination to be made by the officially designated medical authority. The purpose of the examination will be the determination and certification of physical fitness and ability to perform the duties of the position to which appointment is being considered. Such examinations are to be made as near the effective date of employment as possible. The HR Office has the responsibility of making appointments and arrangements for obtaining the examination, and matters concerning the initiation and completion of the requirements should be taken up with the HR Office. TCLEOSE administrative law requires specific medical and psychological examinations for sworn officers, which will be scheduled by the police department in accordance with those laws.

(b) **Exceptions.** Physical standards and requirements will vary somewhat in accordance with the duties and working conditions as generally set forth in the specifications for various positions and also as to anticipated length of employment. The HR Director will advise the examining medical officer regarding any special or unusual requirements of this nature. The opinion and recommendation of the examining medical officer will determine the acceptability of any person for employment, to perform the required duties of the position. The examining medical officer will complete and forward to the HR Director the prescribed form indicating specific recommendations. Any discrimination on the basis of disability is prohibited. All applicable ADA (Americans With Disabilities Act) guidelines will apply.

(c) **Fire and Police.** Performance exams will be required for police officers and firefighters as stated in the Police and Fire Policy Manuals.

Section 4.10. Age Requirements. Within statutory limits and the restrictions of State or Federal law, minors may be considered for employment in positions of a non-hazardous nature. In all instances, the parents of such minors shall be required to execute a waiver and release form provided by the HR Director. Any related questions which cannot be satisfactorily solved by the HR Director will be referred to the City Attorney, whose ruling shall be final. The employment of any person less than eighteen (18) years of age, in a full-time position, shall require the review and approval of the City Manager.

Section 4.11. Standards of Conduct. Employees of the City are the "Good Will Ambassadors" of the City, and such status involves a degree of duty and obligation regarding public and private conduct above and beyond other classes of employment. City employees should at all times promote

the good will and favorable attitude of the public toward the City Administration and its program and policies.

Section 4.12. Types of Positions.

Regular Full-Time Employee. Regular full-time employees are those employees that have completed the evaluation and training period, and that meet the other requirements of this section. Police Officers shall be considered regular full-time employees if the position is budgeted for eighty (80) or more hours per two week period for fifty-two (52) weeks per year. Firefighters employed by the City shall be considered regular full-time employees if the position held is budgeted for one hundred six (106) or more hours per fourteen (14) day work cycle for fifty-two (52) weeks per year. (Therein after referred to as 24/48 hour Fire Department Employees.) Regular full-time employees may be considered exempt or non-exempt. Exempt employees shall have the same meaning as provided in the Fair Labor Standards Act. Non-exempt employees are generally paid by the hour, and are eligible for overtime compensation. Employees in regular full-time positions shall be eligible to participate in group insurance programs and be paid for holidays, and accrue vacation and sick leave.

(a) **Part-time Employee.** A part-time employee is an employee serving in a position that is budgeted for, or regularly scheduled to work no more than thirty-two (32) hours per week, fifty-two (52) weeks per year. Police and Fire personnel working less than the normal cycle are considered part-time employees. Part-time employees are not eligible for benefits.

Part-time employees shall not be eligible for vacation leave, sick leave, holidays, or be able to participate in any benefit program, including group insurance programs and other special benefit programs, unless specifically provided for in these policies, or required by State or Federal Law.

(b) **Temporary Employee.** A temporary employee is a part-time or full-time employee that is appointed for a specific period of time, with an anticipated date of termination indicated at time of appointment. Temporary employees are not eligible for benefits.

Temporary employees shall not be eligible for vacation leave, sick leave, holidays, or be able to participate in any benefit program, including group insurance programs and other special benefit programs, unless specifically provided for in these policies, or required by State or Federal Law.

(c) **Evaluation and Training Employee.** An Evaluation and Training employee is a newly hired, newly reassigned or newly re-hired employee in the first six months of employment. All such employees shall be subject to a six-month evaluation and training period, or longer if extended. All employees shall be subject to being placed on probationary status for disciplinary reasons for a term to be determined in writing at the time the probationary status is instituted. Employees may be discharged with or without cause for any reason during the evaluation and training period or anytime thereafter.

Section 4.13. Disqualification for Employment. The HR Director or the department head of the applicable department may reject any application, which indicates on its face that the applicant does not possess the minimum qualifications required for the position if:

- (a) the applicant does not meet the experience and/or education requirements of the job description for the position to which the applicant seeks appointment;
- (b) the applicant appears to have made false statements in the application or in the examination or appears to have practiced or attempted to practice deception or fraud in connection with such application;
- (c) the applicant tests positive for drug use;
- (d) the position is one requiring more than 20 hours per week and the applicant is receiving pension benefits under a retirement plan of the City;
- (e) the applicant refuses to participate in a retirement system or social security program required by this policy; or
- (f) for any other grounds set forth in these policies, rules and regulations.

Section 4.14. Drug Screening. The City may perform pre-employment, post-accident, and reasonable cause drug screening of all employees in positions that mandate such screening. Random drug testing is also performed with respect to certain employees.

Article 5. Attendance and Leave

Section 5.01. Vacation Leave. Vacation leave is earned by regular full-time employees according to the schedule set forth in paragraph (a) below. No vacation or other annual leave will be earned by temporary or part-time employees.

(a) Regular full-time employees shall be eligible for vacation leave as scheduled with the approval of the department head or, as applicable, City Manager, to the extent of leave accrued and credited to the employee. Part-time employees shall not be eligible for vacation leave. An Evaluation and Training employee shall accrue vacation but shall, upon the satisfactory completion of evaluation and training, be credited with vacation leave for each month of employment. However, an Evaluation and Training employee may not take vacation leave until the evaluation and training period is over without Department Head approval. Vacation leave shall thereafter accrue as follows:

Vacation leave for all full-time Department Heads shall accrue vacation leave as follows:

- | | |
|-------|---|
| 1-9 | years service – 15.0 days per year (4.6154 hours bi-weekly) |
| 10-14 | years service – 18.0 days per year (5.5385 hours bi-weekly) |
| 15+ | years service – 21.0 days per year (6.4615 hours bi-weekly) |

Vacation leave for all regular full-time employees shall accrue vacation leave as follows:

1 - 4	years service - 12.0 days per year (3.6923 hours bi-weekly)
5 - 9	years service - 15.0 days per year (4.6154 hours bi-weekly)
10 - 14	years service - 18.0 days per year (5.5385 hours bi-weekly)
15+	years service - 21.0 days per year (6.4615 hours bi-weekly)

Vacation leave for all 24/48 hour Fire Department employees shall accrue vacation leave as follows:

1 - 4	years service - 144.0 hours per year or 6.0 shifts per year (5.5385 hours bi-weekly)
5 - 9	years service - 180.0 hours per year or 7.5 shifts per year (6.9231 hours bi-weekly)
10 - 14	years service - 216.0 hours per year or 9.0 shifts per year (8.3077 hours bi-weekly)
15 +	years service - 252.0 hours per year or 10.5 shifts per year (9.6923 hours bi-weekly)

(b) It shall be the duty of the respective department head to monitor vacation schedules to ensure that an adequate work force is available. All requests for vacation will be made a minimum of 10 days in advance, except in cases of an emergency, by the employee completing and delivering a leave form to the employee's department head, who will sign the form if the leave is approved. If the form is not complete, is not submitted in a timely manner, or the employee does not have the requested time, the form will be returned to the employee, or to the supervisor who will notify the employee.

(c) No employee shall carry forward as of December 31st of each calendar year, vacation leave in excess of the total sum of annual vacation time awarded annually to the individual as determined by the employee's years of service indicated in (a) above without written approval from the City Manager.

(d) Except as specifically provided for evaluation and training employees, vacation leave shall be credited to regular full-time employees on a pro-rata basis each bi-weekly pay period.

(e) All Evaluation and Training employees shall accrue vacation during the period of evaluation and training that will be credited to the employee upon successful completion of evaluation and training. Any employee resigning or being terminated during an evaluation and training period shall not be eligible for payment for the vacation time accrued during the evaluation and training period. During the evaluation and training period, no employee in training may use any vacation time until successful completion of evaluation and training without department head approval.

(f) In the event that an employee resigns, dies or is terminated after the satisfactory completion of evaluation and training, accrued vacation time up to the maximum permitted in (c) above will be paid to the employee or the employee's designated survivor.

(g) Employees on leave for more than fifteen (15) working days for an occupational injury or for any other reason except vacation will not accrue vacation time or sick time while away from work. Once the employee is released by their physician to return to work and the employee resumes full-time duties, the accrual will resume as provided in (a) above based on the employee's years of full-time service.

Section 5.02. Hours of Work. All offices of the City, except those for which special regulations are established, shall be kept open continuously from 8:00 a.m. until 5:00 p.m. Monday through Friday.

Section 5.03. Workweek.

(a) All full-time employees will work over thirty-two (32) hours per week; provided that all full-time Police Officers will work eighty (80) hours per fourteen (14) day work cycle, and full-time Fire Fighters will work one hundred six (106) hours within a fourteen (14) day work cycle, except in circumstances where a different schedule is required or management directs otherwise, and all regular full-time employees shall accrue all employee benefits as described herein. The City Manager and designated employees will be subject to 24 hour call.

(b) Except as specifically directed by the City Manager from time to time for the accomplishment of City business, all offices and departments of the City will be closed on Saturday and Sunday except the Police Department, Fire Department, portions of the Water and Sewer departments and the Golf Course which must remain operating to continue service. Employees necessary to operate departments not closed on Saturday and Sunday will be chosen by the department head.

(c) Part-time employees will only receive pay for the time actually worked, which time must be verified by the appropriate department head. Part-time employees are not eligible for retirement, group insurance, or other similar benefits, including vacation, sick leave and holiday benefits.

(d) Temporary employees will only receive pay for the time actually worked, which time must be verified by the appropriate department head. Temporary employees are not eligible for vacation, sick leave, retirement, group insurance, holiday pay, or other similar benefits.

Section 5.04. Overtime and Compensatory Time. When necessary, in order to maintain the proper City services, employees may be required to work overtime. Non-exempt employees may receive overtime, or if an agreement is arrived at between the department head and the employee before the performance of work, the employee may accrue compensatory time. All non-exempt employees required to work overtime shall be compensated at one and one-half times their regular rate of pay. Information on all forms of overtime is to be turned over to the Finance Department at the end of each pay period. The form is to be signed by the employee and the department head before paychecks are distributed. When pre-approved by supervisors, compensatory time will be accrued at a rate of one and one-half hours per hour worked, unless otherwise specified, and must be

taken during the next pay period after it was earned unless approved by the City Manager.

- (a) All compensatory/overtime must be pre-approved by supervisors and will be allowed when deemed absolutely necessary to finish a project. Compensatory/overtime will only be paid after the employee has worked forty (40) hours in that work week, or if the employee is a non-exempt police officer who worked in excess of eighty (80) hours in a bi-weekly period, or those who are eligible under FLSA.
- (b) When ordered for the maintenance of essential City functions, compensatory/overtime shall be allocated as equitably as possible among all non-exempt employees qualified to do the work.
- (c) Supervisors will initial all compensatory/overtime on the employee's time sheet.
- (d) Department heads are charged with authorizing the use of compensatory/overtime and likewise with assuring non-abuse of overtime or compensatory time and the inadvertent use of such by non-exempt employees.
- (e) Exempt employees shall not be eligible for compensatory/overtime; provided that the City Manager may grant limited compensatory time as appropriate in instances where an exempt employee has been required to work excessive hours over an extended period of time.
- (f) An employee shall be permitted to use compensatory time within a reasonable period after making the request, if doing so does not unduly disrupt the operations of the employer, and all compensatory time must be taken during the next pay period after it was earned unless approved by the City Manager.

Section 5.05. Standby Pay. Positions eligible for standby pay, if any, and the amount of standby pay shall be identified in the annual City budget. Employees serving in positions eligible for standby pay must reside within a reasonable response time of the City Hall, as determined by the department policy, and have an activated telephone in their residence.

Section 5.06. Attendance. Employees shall be in attendance at their work in accordance with the rules and schedule regarding hours of work, holidays and leaves established by their supervisor from time to time. If an employee has an unexpected absence, the employee shall call or notify his/her supervisor within the hour prior to when the employee is to report to work. Failure to notify the supervisor may result in disciplinary action. Excessive tardiness, neglect of duties, or unauthorized absences will be grounds for dismissal. If the immediate supervisor is not available to report the unexpected absence, the employee shall report to the HR Director, or designee, directly. Public safety employees shall report to the next person in the chain of command if their immediate supervisor is not available. All department heads shall report all expected absences for training, vacation and other planned leave as soon as known but not later than two weeks prior to such leave, unless good cause exists for less notice. All department heads shall report to the City Manager any sick leave to

be taken as soon as such is known. The department head shall ensure adequate supervision of the department in the absence of the department head. If no other supervisor exists for the department, the City Manager, or designee, shall supervise the attendance of the department in the department head's absence and designate a supervisor of such department. All department heads shall keep daily attendance records of employees and all absences shall be reported on a leave form and turned in with the department time sheets each pay period. Department heads shall report personal vacation time and sick time each pay period to the HR Director. Department heads shall be responsible for keeping true and accurate attendance records for each employee and ensuring each employee's attendance in compliance with this policy manual. The Finance Director may check time sheets for any department for accuracy.

Section 5.07. Holidays. The City will observe the following holiday schedule.

New Year's Day	Labor Day
President's Day	Columbus Day
Friday before Easter	Thanksgiving Day
Memorial Day	Friday after Thanksgiving
4th of July	Christmas Eve
MLK Day	Christmas Day
Veteran's Day	

Each employee must choose one "Floating Holiday" per year, but this day may not be taken in conjunction with any other City Holiday or scheduled Vacation day for the employee and is subject to Department Head approval. The City Council may add, change, or delete the official holidays. The following provisions shall apply to holidays:

- (a) As many employees as reasonably possible in the discretion of the City Manager shall be given each holiday off consistent with the maintenance of essential municipal functions.
- (b) Regular full-time employees shall be entitled to a paid/credited holiday equal to eight (8) hours of such employee's regular rate of pay. No hours worked will be reflected on the employee's time sheets for holidays for which the employee is paid and does not work. Non-exempt Police Officers working eighty (80) hours bi-weekly will be paid/credited holiday equal to eight (8) hours or twelve (12) hours (depending on scheduled shift assignment for that day) of such employee's regular rate of pay. Fire Department employees working the 24/48 hour shift shall be entitled to a paid/credited holiday equal to twelve (12) hours at such employee's regular rate of pay. Credited compensatory time must be taken within the next pay period after it was earned unless approved by the City Manager. Holiday leave time taken will not be included in the calculation of overtime.
- (c) In the event any regular full-time employee of the City, except firefighters and Police Officers (above), is required to work on a City holiday, regardless of whether the employee was scheduled or not to work, such employee shall be credited with holiday compensatory time of eight (8) hours and be paid for the actual hours worked. Such compensatory time must be taken within the next pay

period after it was earned unless approved by the City Manager. Employer may be allowed to either credit holiday compensation time of eight (8) hours or pay holiday compensation time of eight (8) hours when an employee is required to work on a holiday. Holiday leave time taken will not be included in the calculation of overtime.

(d) For all employees regularly scheduled to work Monday through Friday, if a holiday falls on Sunday, the holiday will be observed the following Monday. If a holiday falls on a Saturday, the holiday will be observed the preceding Friday. For all other employees working a seven-day a week flexible schedule, the holiday shall be observed on the day upon which it falls.

(e) Temporary, part-time, and seasonal employees may be given holidays off without pay.

(f) An employee absent without leave on the workday immediately preceding or immediately following a holiday shall forfeit pay for the holiday and the other days off without leave, and may be subject to disciplinary action.

(g) Holidays falling within an employee's approved vacation period or within a period of absence approved for sick leave shall not be charged against the vacation or sick leave.

(h) An employee desiring to observe a religious holiday other than a listed City holiday, may, with the advance approval of the City Manager or department head, be given time off without pay or may use accrued vacation leave.

(i) No holiday pay/credit will be granted for an employee who is out on an occupational injury.

Section 5.08. Sick Leave.

(a) **Definition and Accrual Rates.** Sick leave is defined as fully compensable absence from work arising from any illness, sickness, off the job accidental injury, or on the job injury as defined or allowed by Section 11 of this Article. All regular full-time employees shall accrue 8 hours of sick leave for each month of service or twelve (12) working days per twelve (12) calendar months of employment, up to the maximum number of hours permitted by this Section. Sick leave credit will commence with the first full month of employment. Temporary and part-time employees shall not accrue sick leave. All 24/48 hour Fire Department employees shall accrue 12 hours of sick leave for each month of service or one-hundred forty-four (144) hours (six (6) working days for firefighters) per twelve (12) months of employment, up to the maximum hours permitted by this Section.

(b) **Maximum Sick Leave Accrual.** Unused sick leave time may be accumulated up to a maximum of 480 hours. Employees off work for more than fifteen (15) working days for an illness, injury, or occupational injury will not accrue sick leave while away from work. Once the employee is released by their physician to return to work and the employee resumes full-time duties, the accrual will resume as provided in (a) above.

(c) **Proper Use of Sick Leave.** Sick leave shall not be considered as a right which an employee may use at the employee's discretion, but shall be allowed only in case of necessity and actual sickness or disability of the employee, the employee's spouse, or a dependent child, mother or father of the employee or the employee's spouse, or other legal dependent of the employee or the employee's spouse; provided that the HR Director may authorize the use of sick leave in appropriate circumstances in which a non-dependent child, mother, father, or a spouse's child, mother or father require medical procedures or temporary care.

Employees who consistently use their sick leave as it is earned or who fail to accumulate sick leave may be required to submit a doctor's statement in support of illness. Failure to present same, if requested by department head, may result in such absence being recorded as "leave without pay" and may subject the employee to adverse action under Article 8. Minor ailments which would not affect the safety or health of the employee or other persons or property while performing job duties do not qualify an employee for sick leave.

(d) **Reporting Sick Leave Absences.** In order to receive compensation while on sick leave, an employee shall notify the employee's immediate supervisor within the hour prior to the time set for the employee to begin the employee's daily duties. If the employee is unable to contact his/her supervisor, the employee shall notify the supervisor's designee. Failure to give such notification, except in emergency or unusual circumstances, will cause an employee's absence to be charged as "leave without pay", and shall subject the employee to disciplinary action.

(e) **Evidence of Illness.** An employee claiming absence due to illness or injury for three (3) days or more is required to produce a doctor's statement supporting the time of absence, and a release from the doctor in writing when able to return to work. Fire Department employees must provide a doctor's statement supporting the time of absence, and a release from the doctor in writing on the 2nd twenty-four (24) hour shift. Failure to provide such a doctor's statement may result in disciplinary action.

(f) **Accrued Sick Leave.** Employees shall have the right to sell back a portion of accrued sick leave. All employees must indicate in writing the number of hours of sick leave that the employee is requesting compensation. Each employee must complete the Sell Back request form distributed by payroll in the month of December each year.

A maximum of twenty-four (24) hours may be purchased back by the city each year, after the first year of employment, with the following provisions:

(i) To be eligible for the full twenty-four (24) hours, the employee may not have used any sick time during the calendar year.

(ii) Any employee using any sick time during the calendar year may sell back twenty-four (24) less the amount of sick time taken. Example, if eight hours are taken, only sixteen (16) hours may be sold back.

(iii) Any department head may exempt an employee from section (ii) for infectious illness when in the best interest of the department.

(g) **Unused Sick Leave.** No cash payment for unused sick leave shall be made upon termination of employment, except as specifically provided as follows:

(i) an employee that terminates employment for any reason other than death, or being granted a retirement or disability allowance by the Texas Municipal Retirement System ("TMRS") or the Social Security Administration ("SSA"), shall not be paid for unused sick leave;

(ii) an employee having at least 10 years of service with the City who is granted a retirement or a disability allowance by TMRS or SSA, or who dies, is entitled to a partial payment for up to 480 hours of unused sick leave accrued to such employee. The partial payment to the employee or the employee's beneficiary shall be as follows:

(1) an amount equal to thirty percent (30%) of the value of such accrued, unused sick leave will be paid for 10 years of service; and

(2) the amount to be paid for such unused sick leave shall increase by 2% for each year of service as an employee of the City, if any, in excess of 10 years.

Section 5.09. Military Leave. Military leave with pay shall not exceed fifteen (15) days during any calendar year and will be granted to regular full-time employees of the City who attend regular annual military training duty, and meet the requirements listed below. This leave must be scheduled with the department head and City Manager, and shall be granted without loss of time or efficiency rating. Supporting documents and leave orders should be furnished to the department supervisor prior to taking leave. Such documents shall be placed with the timesheets. During the period of military duty, employees will receive a portion of wages in addition to their military pay to equal their current salary.

(a) **Leave Credit.** No credit for vacation leave or sick leave shall accrue during military leave that extends for more than 15 days in any one year. The employee's health, dental, and life insurance provided by the City at the time the military leave is taken will remain in effect during the time on leave for up to twelve (12) calendar weeks.

(b) **Military Leave Allowance.** Military leave will be permitted as required by §431.005, Tex. Gov., which provides in part as follows:

(i) All officers and employees of the State of Texas and of any county or political subdivision thereof, including municipalities, who shall be members of the State Military Forces, or members of any of the Reserve Components of the Armed Forces, shall be entitled to leave of absence from their respective duties without loss of time or efficiency rating or vacation time or salary on all days during which they shall be engaged in authorized training or duty ordered or authorized by proper authority, for not to exceed fifteen (15) days in any one calendar year."

(ii) Members of the State Military forces, or members of any of the reserve

components of the Armed Forces who are in the employ of the State of Texas, who are ordered to duty by proper authority shall, when relieved from duty, be restored to the position held by them when ordered to duty.”

(c) **Retirement System Credits.** Employees who leave their deposits with the retirement system while on military leave shall retain their membership in the retirement system. The rules and regulations of the retirement system and federal law shall be applicable and control.

(d) **Reinstatement Upon Return from Military Leave.** All employees who have been granted a military leave of absence, and who apply for reinstatement with the City not later than thirty (30) days after being discharged or separated from the Armed Forces, will be re-employed in the same position or a position of like seniority and status at the then current rate of pay; provided that such employee is physically and mentally qualified for reinstatement. If, upon termination of such leave of absence, an employee is physically or mentally incapacitated and not qualified to perform the duties of the position held at the time of commencement of such absence, the employee shall be eligible for placement in such other position for which the employee may qualify. In the event two or more employees have occupied the same position and have been called into service, the first employee occupying and leaving such position after the effective date of this policy shall have first priority on reinstatement, the second person occupying and leaving such position shall have second priority, etc.

Section 5.10. Maternity and Emergency Leave.

(a) **Maternity Leave.** An employee shall be entitled to non-compensable maternity leave. An employee may be required to begin maternity leave at any point during the period of pregnancy if her physical condition unreasonably impairs her ability to perform the essential duties of her position. Such employee will be entitled to resume work following the termination of pregnancy when she is able to perform her job duties without danger to her health. This policy does not exclude an employee from receiving paid leave as provided for in the Family Medical Leave Act (See: Article 5, Section 5.17), during a period of pregnancy, recuperation or care.

(b) **Emergency Leave.** All regular full-time employees may be granted emergency leave with pay for a period not to exceed five (5) days, two (2) 24-hour shifts for 24/48 hour Fire Department employees, or four (4) days for police officers working a twelve (12) hour shift in case of death of a husband, wife, father, mother, son, daughter, brother, sister, grandchild or grandparent of the employee or employee's spouse. Part-time and temporary employees may be granted leave of absence without pay in such cases. Time extensions may be granted with department head approval, or City Manager approval.

Section 5.11. Injuries.

(a) **General.** Leave resulting from or necessitated by any cause, including injury and/or illness,

shall not exceed 180 consecutive calendar days. Leave for more than 180 consecutive calendar days constitutes an unusual hardship on the City and may result in termination of employment. The City will have the right to follow the usual procedure to fill any position previously held by an employee that has been on leave for more than 180 days. All accidents and injuries must be reported on the form provided in Appendix 2.

(b) **Injury On the Job** (Leave and Compensation). Injury leave is defined as compensable absence from work arising from an on the job accidental injury. When an employee is injured on the job, such injury shall be immediately reported to the employee's supervisor, who shall take the steps the supervisor feels necessary to secure proper first aid or other treatment for the injured employee. The employee shall also complete an accident report and forward copies to the HR Director within twenty-four (24) hours of the accident. The department head shall, to the extent the department head is aware of the injury, be further responsible for causing the report to be promptly completed and delivered to the HR Director.

An employee injured on the job shall be granted injury leave, without pay except as listed below, for the period of time the employee is unable to perform the duties of the job. A doctor's statement that the employee is unable to return to work shall be required for an employee to receive injury leave. The continuation of injury leave so granted shall be in the discretion of the City and, subject to these policies and applicable law, may be terminated at any time. No employee injured on the job who is unable to return to work after fifteen (15) days shall accrue vacation leave or sick leave during the time away from work. While the employee is off work, and when physically able to do so, the employee shall make routine trips to visit with the HR Director on a weekly basis. These visits are to be scheduled through the HR Director. The employee is responsible for getting to and from any follow-up doctor visits until a release from their physician is granted. Once the employee is released by their physician to return to work and actually returns to work, the employee will begin accruing vacation leave and sick leave as determined by the employee's years of service.

Any employee so injured on the job shall be covered by and entitled to the benefits provided under the Texas Worker's Compensation Act. Such employee's fitness and duty to return to work shall be determined under the provisions of the Worker's Compensation Act. During the period of such injury leave, the employee's compensation will be made up from:

- (A) the weekly benefits payable under the Worker's Compensation Act;
- (B) the disability benefits, if any, payable under the City group health and accident insurance program; and
- (C) sick leave pay, from sick leave accrued prior to the injury, if any, in an amount that when combined with other benefit payments may equal but shall not exceed the employee's regular salary.

An employee shall forfeit all rights to injury leave, as distinguished from the employee's rights under the Worker's Compensation Act, if the employee:

- (A) is found to be working on a self employed basis or for any other employer during such period of leave, either part-time or full-time, for financial gain,
- (B) resigns from City employment,
- (C) is discharged, retires or dies,
- (D) fails or refuses to comply with or follow, or disregards or violates the treating physician's instructions regarding treatment and/or rehabilitation of the injury,
- (E) refuses to perform light, partial or part-time duty when offered by the department head and which does not require the employee to perform activities which are restricted by the treating physician,
- (F) falsifies or misrepresents his/her physical condition or capacity,
- (G) refuses to return to duty on the working day the employee has been released to duty by the treating physician,
- (H) fails to submit an acceptable physician's statement when requested by the employee's supervisor. A written release from the treating physician shall be required before the injured employee shall be allowed to return to work for either light duty or regular duties.

(c) **Non Job Related Injury** (Leave and Compensation). An employee injured or becoming ill off the job shall have the resulting absence from work, if any, charged against the employee's accumulated sick leave at a rate of one full hour for each full working hour's absence. During the period of such absence from work the employee's compensation will be made from:

- (i) the benefits payable under the city group health and accident insurance program, if any;
- (ii) any compensation which may be received as a result of employment by an outside insured employer, if any, provided that if such compensation is wages for time worked, the continuing compensation of the employee by the city will be subject to the HR Director's approval; and
- (iii) payment from the City so as to make the total income equal to (but never in excess) of the employee's regular salary. Such payments by the City under (b)(C) above, shall be made only for such sick leave time as the employee may have accumulated to the employee's credit.

After the expiration of the employee's sick leave time all compensation payment by the City will cease and the employee will draw compensation benefits only from (A) and (B) above at the rates and in the amounts prescribed by the applicable insurance policies involved. Leave beyond this shall be addressed under the Family Medical Leave Act (See: Article 5, Section 5.17). Leave beyond the allowable time addressed under the Family Medical Leave Act (12 weeks) may result in termination of employment.

(d) **Accidents Involving Motorized Equipment.** If an employee is injured while operating motorized City equipment or if an auto accident in which the employee is injured occurs while the employee is on duty, a motor vehicle accident report form, as provided by the State, may be prepared

by the City's Police Department. The HR Director and department head shall be immediately notified and the department head shall respond to the scene of the accident. If able to do so, it shall be the employee's duty to notify the department head. It is the department head's responsibility to notify the HR Director. A copy of the Police Department's accident report, and, to the extent possible given the employee's injuries, an accident report completed by the employee and the department head, shall be filed with the HR Office within 24 hours. All employees involved in accidents while operating city owned motorized equipment, consisting of damage greater than fifty dollars (\$50), between the hours of 8 am and 5 pm, Monday through Friday, must immediately be brought to the HR Department to be taken by HR designee to have a test in compliance with Appendix 1. After hours, in a situation when the employee must return to work which requires motorized equipment, a supervisor must take the employee for an immediate test. The supervisor will instruct the facility to call the HR department with the results of the test before the employee is allowed to return to work. The HR department will be on call 24/7. In all other after hours incidents, the employee must be taken off all motorized equipment until the test can be conducted the next business day. The supervisor should notify HR at the beginning of the next business day of the accident. In any case where an employee is taken for medical treatment, the release form will authorize release of test data.

Section 5.12. Professional Leave with Pay. Department heads may grant employees special leave with pay and actual expenses to attend professional conferences, conventions or short courses or to visit other cities in the interest of the City, as authorized by the City Manager. The City Manager shall also determine whether or not an employee attending any such training will use a city vehicle, or be reimbursed for mileage for use of a personal vehicle.

Section 5.13. Leave to Attend Voting, Jury Duty, Court Subpoenas. All employees will be allowed time off (with pay if regular full-time employee) to attend the civic duties of voting in elections, serving as members of jury panels, or appearing before any tribunal by virtue of subpoena or summons resulting from their city employment. All employees receiving a call to jury duty must promptly notify their supervisor. Regular full-time employees on jury duty shall be excused from duty without loss of pay. Should jury duty fall within a scheduled vacation period, the vacation period may be extended by a corresponding number of days, or the employee may schedule that number of days at another time. All employees who are requested to testify by the City, or who are subpoenaed as witnesses for the City or as a result of their employment with the City, shall appear in court, without loss of pay. Employees appearing in any matter unrelated to their City employment, or appearing voluntarily as an adversary witness against the City, shall not receive wages for answering a subpoena or testifying in court. Employees attending any administrative or judicial proceeding for personal business may use any vacation accrued to their credit for such purpose.

Section 5.14. Leave of Absence. Department heads may grant leaves of absence without pay to any employee, with the approval of the City Manager, not to exceed thirty (30) days in duration. Requests for such leave shall be in writing and submitted well in advance of the date the employee will commence such leave. Leaves of absence without pay may be granted for any legitimate

purpose; however, employees will be obligated to show that the granting of such leave will not materially affect productivity of the Department. Leaves of absence without pay in no case shall exceed thirty days, except as allowed under the Family Medical Leave Act or similar federal and state laws.

Section 5.15. Absence Without Leave. No employee may absent himself from duty for a day or any part of a day without permission of the employee's department head. Any such absence will be without pay and will subject the employee to disciplinary action.

Section 5.16. Physical Incapacity To Perform Assigned Work. Once it is determined by the department head or the department head's designee, based on the assessment of a licensed medical doctor, that an employee is not able to perform the required physical duties or tasks of the present position (regardless of whether the incapacity is due to on the job injuries, off the job injuries, or illness), then that employee will not be returned to full duty with the City until a medical doctor states in writing that the employee is able to perform all the required physical tasks or duties of the position. Wherever possible, the City may provide light or modified duty to an employee who has been released by a physician to return to work in a limited capacity.

Under this policy, light duty is construed to mean a temporary modification of the employee's regular duties on a full or part-time basis or assignment within the department or within another City department to a funded position which is compatible with the employee's current physical capabilities as determined by the employee's treating physician. The department head may identify and determine the availability of light duty positions within the department.

Once an employee has exhausted all sick leave, vacation leave, or injury leave granted under the previous sections of this chapter, additional leave may be addressed under the Family Medical Leave Act (See: Article 5, Section 5.17). After any additional leave authorized by FMLA is exhausted employment may be terminated; provided the employee may retain the City's health insurance if the employee notifies the Personnel Director and pays the rate as established by the City as required by the Consolidated Omnibus Budget Reconciliation Act ("COBRA"). Such coverage shall be limited to the minimum lengths of time established by COBRA.

Section 5.17. Family and Medical Leave.

a) **Definitions.** For the purposes of this policy, the following definitions will apply:

- (i) "Health care provider" means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery, as appropriate, by the state in which the doctor practices; or any other person determined by the U.S. Secretary of Labor to be capable of providing health care services.
- (ii) "Parent" means the biological parent of any employee or an individual who stood in loco parentis to an employee when the employee was a minor.

- (iii) "Reduced schedule leave" means a leave of absence schedule whereby an employee's hours per work week or hours per work day are reduced below the employee's usual number of hours per work week or work day.
- (iv) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either:
 - (1) inpatient care in a hospital, hospice, or residential care facility; or
 - (2) continuing treatment by a health care provider.
- (v) "Son or daughter" or "child" means a biological, adopted, or foster child, a step child, a legal ward, or a child of a person standing in loco parentis who is under eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.

(b) **Eligibility.** In order to be entitled to family or medical leave under this policy, an employee must have worked for the City, as of the day leave commences, for a total of at least one year, and must have worked at least 1,250 hours during the twelve (12) month period preceding the leave. Each department head must notify the HR Department immediately when an employee goes out on FMLA leave, and the HR Department shall keep up with the employee's time while out on FMLA.

Provided the eligibility requirements set forth above are met, an employee will be entitled to leave, including unpaid leave, up to a maximum of twelve (12) weeks of leave during any twelve (12) month period, for one or more of the following:

- (i) Because of the birth of a child of the employee and in order to care for such child;
- (ii) Because of the placement of a child with the employee for adoption or foster care;
- (iii) In order to care for the spouse, a child, or a parent of the employee if such spouse, child, or parent has a serious health condition; or;
- (iv) Because of the employee's own serious health condition that makes the employee unable to perform the functions of the employee's position.

Entitlement to leave for the birth of a child or for the placement of a child with the employee for adoption or foster care expires twelve (12) months after such birth or placement with the employee.

(c) **Leave Options.** An employee may, at the employee's option, first charge leave authorized under this section to accrued vacation leave, or, if the leave time qualifies for sick leave, to accrued sick leave, or to a combination of accrued sick and vacation leave. If the employee elects to charge leave time authorized by this section to accrued vacation or sick leave, the employee may obtain unpaid leave for the balance of any eligible leave requirements; provided that except with the written approval of the City Manager no employee shall be entitled to more than 12 weeks of leave, whether vacation, sick, unpaid or a combination of such leave time, during any consecutive 12 calendar months.

(d) **Spouses Employed By the City.** If both husband and wife are employed by the City and both are otherwise eligible for leave under this policy, the husband and wife will be restricted to a combined total of twelve (12) weeks of leave during any twelve (12) month period as to leaves taken

for the care of a new child (whether through birth, adoption, or placement for foster care), or for the care of a parent with a serious health condition. Leave entitlement for spouses who are both employed by the City is not aggregated for leaves necessitated by the serious health condition of a spouse, child, or for the employee's own serious health condition.

(e) **Foreseeable Leave. Obligations of Employee.** Where the necessity for leave is foreseeable due to the expected birth or placement of a child, the employee must provide the City with no less than thirty days advance notice of the intent to take leave, except that if the date of the birth or placement requires leave to begin within less than thirty (30) days, the employee must provide as much advance notice as is practicable. As to leaves due to a serious health condition of the employee or the employee's spouse, child, or parent, where the necessity for leave is foreseeable based on planned medical treatment, the employee must:

- (i) Make a reasonable effort to schedule the treatment so as not to unduly disrupt city operations (subject to the health care provider's approval); and
- (ii) Must provide no less than thirty (30) days advance notice of the intent to take leave, except where the date of treatment requires that the leave be within less than thirty days, in which case the employee must provide as much advance notice as is practicable.

(f) **Reduced Schedule Leave.** A leave of absence due to the serious health condition of the employee or the employee's spouse, child, or parent can be taken on an intermittent or reduced schedule basis, if and when intermittent or reduced schedule leave is determined to be medically necessary by the health care provider. Leave for the birth or placement of a child, however, cannot be taken intermittently or on a reduced schedule basis without the specific agreement of both the employee and the City.

Where leave is taken on an intermittent or reduced schedule basis, the total amount of leave to which the employee is entitled under this policy will be reduced only to the extent of the leave actually taken by the employee on the intermittent or reduced schedule basis, i.e. the twelve (12) weeks total leave time for which the employee is eligible will not be reduced beyond the total number of hours of leave actually taken by the employee. Where intermittent or reduced schedule leave is taken, the City may require the employee to transfer temporarily to an available alternative position for which the employee is qualified, offering equivalent pay and benefits, and which will accommodate recurring periods of leave better than the employee's regular position.

(g) **Certification of Necessity for Medical Leave.** In order to obtain a leave necessitated by a serious health condition (whether of the employee or of the employee's spouse, child, or parent), the employee must provide the City, in a timely manner, with written certification from the health care provider which states:

- (i) the date on which the serious health condition commenced;
- (ii) the probable duration of the condition;

(iii) the appropriate medical facts known to the health care provider regarding the condition.

(h) **Interpretation and Application of This Section.** This Article and section shall be interpreted and applied by the City in a manner consistent with the Family and Medical Leave Act, 42 USCA § 2601. et. seq. In the event of a conflict between any provision of this section and such Act, the terms and provisions of the Act shall govern and control.

Section 5.18. Accrual of Leave While on Extended Leave.

Employees on leave or otherwise off work for more than 15 consecutive business days will not accrue vacation or sick leave while on leave or away from work, unless approved otherwise in writing by the City Manager.

Article 6. Wages and Salary

Section 6.01. Application of Rates. All employees occupying a position that is exempt from the overtime pay requirements shall be paid a semi-monthly, bi-weekly or monthly salary or wage within the range currently set for that position's class under the pay plan approved by the City Council. All employees must participate in direct deposit of their paycheck directly into their personal bank account. If an employee begins service in the middle of a pay period, the employee will be paid at the equivalent hourly rate for the total hours worked during that pay period. It shall be the responsibility of the HR Director to maintain an approved classification plan which, to the extent feasible, accurately classifies every regular position in the City service. Toward that end the City Manager may make surveys of whole departments, of occupational groups located in various departments, or may audit individual positions. Such classification reviews may be initiated by the City Manager independently. However, it is the responsibility of the department heads to request such reviews when it comes to their attention that one or more positions under their jurisdiction are improperly classified. An employee may request a review of his or her position by pursuing the regular grievance procedures outlined elsewhere in these policies. All requests for classification review must be responded to with reasonable promptness by the City Manager.

Section 6.02. Pay Rates for New Employees. Pay rates for new employees will normally be at the minimum hourly, semi-monthly, bi-monthly or monthly step in the salary range established for the position which the employee is occupying. Department heads, with the approval of the City Manager, may pay a new employee a beginning rate above the minimum established in that range if the new employee's abilities, experience and training justify such action.

Section 6.03. Performance Based Pay Increases. Pay increases for employees shall not be automatic but shall be based on performance and to reward employees for ability and efficiency in performing their duties. Length of service is not considered a valid basis for requesting performance based pay increases since longevity or service pay is designed to compensate employees for their years of service. Performance based pay increases may be granted only by the City Manager on

recommendation of the department head.

Section 6.04. Total Rate of Pay. No employee shall be paid, and no salary advancement shall be made, which would compensate an employee at a higher rate than the maximum or highest step established in the salary range and compensation plan to which that employee's position has been assigned. However, any employee receiving a salary rate in excess of the employee's maximum step in the employee's salary range on the effective date of the adoption of these rules shall continue to receive that rate unless such rate is reduced as otherwise provided in these rules. An employee whose job was downgraded by reclassification or reorganization through no fault of the employee, may continue to receive his or her former rate of pay upon approval by the City Manager until a rate on the new salary range equals or surpasses the old rate. If the exception is not granted by the City Manager, the employee shall be compensated within the guidelines of the compensation plan approved.

Section 6.05. Part-time, Temporary and Seasonal Rates. An employee who works regularly at less than the established work day or work week shall be paid by the hour or at a salary proportional to the amount of time worked. The hourly, semi-monthly, bi-weekly or monthly rates for part-time, temporary or seasonal employees shall be established by the department head and the HR Director after giving due consideration to the ranges and pay rates in effect for similar positions in the current pay plan. Part-time, temporary, and seasonal employees shall not receive retirement benefits, health, dental or life insurance, vacation leave, sick leave, holiday pay or military leave pay.

Section 6.06. Pay Rates for New Positions. Whenever a new position is created the HR Director shall, with the department head, study the duties and responsibilities of the new position and in light of the existing positions and pay rates in the Performance Based Compensation Plan, submit to the City Manager a recommendation for the proper hourly, semi-monthly, bi-weekly or monthly pay range for the new position.

Section 6.07. Termination Pay. All employees who terminate employment with the City shall receive all pay which may be due, subject to the following qualifications and exceptions:

(a) Only regular full-time employees who have satisfactorily completed their probationary period prior to termination will be paid for accrued vacation leave up to 168 hours and if an employee terminates before the end of a pay period, the employee will be paid for the total hours actually worked through the employee's termination date at his/her calculated hourly rate; and

(b) Provided that payment for accrued vacation may be denied, or reduced, if the termination of the employee results from wrongful actions or misconduct of the employee; and provided further that any such payment for accrued vacation may be credited by the City to any sums or amounts the employee owes the City, or to damages resulting from malicious, intentional or grossly negligent action of the employee with respect to property or assets of the City.

Section 6.08. Longevity Pay. All regular full-time employees employed for 1 year or more shall be eligible for additional compensation at a rate of five dollars (\$5.00) per month for each full year of continuous service with the City up to a maximum of twenty-five (25) years. This pay will be awarded annually, as a lump sum and a separate check, the pay period immediately prior to the Thanksgiving Holidays each year and only regular full-time employees who are in an active pay status on November 1st will receive this benefit.

Section 6.09. Performance Appraisal System. The purpose of the system is to improve employee productivity, to provide better communications between supervisors and those they supervise, to identify needs for training or other remedial actions among the workers, to provide the cultivation of skills and abilities, and to further the City service as a good place to work.

(a) Evaluations shall be used as aides in recommending employees for performance pay increases, in considering dismissal and/or other disciplinary actions based on job performance, in attempting to avoid any influence of personal bias or prejudice in offering promotions to employees, and in other personnel matters.

(b) Evaluations shall be performed by the immediate supervisor of the employee being evaluated but the evaluations may be reviewed and revised by department heads or the City Manager before becoming final. Evaluations of supervisory employees shall take into account the skill and judgment shown by such supervisors in the rating of those responsible to them.

(c) An evaluation of all employees should be completed at least once each year; provided that a delay in the evaluations, or the approval of an evaluation, shall not be a violation of this policy.

(d) An evaluation of an employee may also be conducted at any other time at the option of the employee's supervisor(s); such specific evaluations are appropriate if the employee is being considered for promotion, is in need of remedial action, or is to be warned of, or subjected to, possible disciplinary action.

Article 7. Employment Verification and Termination

Section 7.01. Resignation. An employee who wishes to leave the employment of the City should give at least two (2) weeks notice to the employee's supervisor before the effective date of the resignation. Such notice shall be in writing and shall state the reasons for such resignation. Any employee who fails to give the City two (2) weeks notice shall not be eligible for rehire by the City without the City Manager's approval. The department supervisor shall immediately notify the HR Director and City Manager of such resignation and indicate the reasons therefore, and whether the employee's services have been satisfactory. In no case shall an employee be allowed to take vacation leave, sick leave or holiday leave during the last two (2) weeks of employment unless approved by the City Manager and the department head.

Section 7.02. Retirement. All regular full-time employees are required to become members of the Texas Municipal Retirement System (TMRS). Enrollment shall be accomplished in accordance with the TMRS guidelines. Members contribute a percentage of their gross salary (7%, Effective October 1, 2002) each pay period toward retirement. The employee's and the City's percentage of contribution to TMRS is determined from time to time based on the City's level of participation in TMRS.

TMRS provides eligible employees with retirement benefits. The City has a 5 year vesting plan with retirement at or after age 60, or at any age after 20 years of participation in the TMRS plan. Accidental death and disability benefits are also incorporated into this retirement plan should an employee become qualified for disability benefits prior to retirement. Funds contributed by the employee may only be withdrawn upon retirement or resignation. Only the employee's contributions plus interest is refunded when an employee resigns or retires and elects to withdraw his/her contribution. Details of the retirement plan are outlined in the TMRS handbook available from the HR Office.

The TMRS participates in the proportionate retirement program provided for by state law. Proportionate retirement permits a member of TMRS and certain other pension plans to receive benefits based on years of membership with two or several participating plans, e.g. Counties, the State and certain cities that are not TMRS members. Prior service credit will be granted to employees for service performed for specific, various public entities, with the submission of proper paperwork in order to qualify an employee for benefits and a separate benefit from each entity.

Section 7.03. Termination Interview. The employee's termination interview and final pay check will be received from the HR Director.

Section 7.04. Requests for Employment Verification. Information regarding the employment of all current and former City employees shall be verified upon written request made to the HR Director. The designated representative of the Police Department and Fire Department in charge of providing information to the State for Peace Officer licensing and Fire Department licensing shall be permitted to provide all relevant information to that agency concerning Police Officers and Fire Fighters that is required by the State. In the absence of a written request signed by the current or former employee, the HR Director shall be authorized to verify only the following information:

- (a) The date the employee began employment with the City;
- (b) The date the employee ended employment with the City;
- (c) The employee's salary when beginning employment with the City and such salary when employment with the City ended;
- (d) The positions held while employed by the City;

(e) The department(s) to which the employee was assigned while employed by the City; and

(f) As permitted under the Labor Code Chapter 103, the HR Director may respond to requests from a prospective employer seeking information on a prospective employee concerning job performance of a former or current employee of the City by providing information on job performance that the HR Director reasonably believes to be true.

No person other than the HR Director, the City Manager or their designee shall be authorized to act on behalf of the City with respect to the verification of employment information.

Article 8. Adverse Action

Section 8.01. Adverse Actions. The City may deny or reject any application, appointment or promotion, or suspend, demote or remove any employee, at any time that the City Manager or the City Manager's designee determines that such action will promote the efficiency of the City's service.

(a) **General.** In determining whether its action with respect to any applicant or employee will promote the efficiency of service, the City shall consider the following:

(i) Whether the prior history and conduct of the individual evidences that the individual may reasonably be expected to interfere with or prevent effective performance in the position applied for or employed in;

(ii) Whether the prior history and conduct of the individual evidences that the individual may reasonably be expected to interfere with or prevent effective performance by the employing department or co-workers of the co-worker's respective duties and responsibilities;

(iii) Whether the prior history, conduct, work related experience or performance of the individual evidences that the individual may not reasonably be expected to perform the job duties at an acceptable level of performance.

(b) **Specific Factors.** Among the factors which may be used in making a determination as to any applicant or employee, in addition to those set forth in paragraph (a) of this section, any of the following may be considered as a basis for adverse action:

(i) **Prior Employment.** Delinquency, misconduct or poor working relationships in prior or current employment;

(ii) **Improper Conduct.** Criminal, dishonest, infamous or notoriously disgraceful conduct, specifically including:

(1) **Dishonesty.** Stealing or taking employer property or other employees' property without proper authorization; misuse of employer or other employees' funds or property; cheating; forging or willfully falsifying reports,

records, or documents, misuse of leave of absence; or any other false action detrimental to the employer or fellow employees.

(2) Disturbance. Fighting; using profane, abusive or threatening language; horseplay; causing injury to fellow employees through deliberate action or gross negligence; spreading false reports; or otherwise disrupting harmonious relationships between employees.

(3) Sabotage. Deliberate damage or destruction of City equipment or property; altering, removing or destroying City records; advocacy of or participating in unlawful trespass or seizure of City property; encouraging or engaging in slow-downs, sit-ins, strikes or any other concerted effort to limit or restrict employees from working.

(4) Misconduct. Any criminal offense or other misconduct which could have an adverse effect on the employer, or on the confidence of the public in the integrity of the City government, or on the relationship of the employee and other employees; or repeated convictions during service on misdemeanor charges such as speeding, reckless driving, or accidents involving injuries to persons or damage to property or equipment.

(iii) Misleading Information. False statements or deception or fraud in applications, examination or representations made for appointment or promotion.

(iv) Abuse of Drugs or Alcohol. Reporting to work or being "on call" in unfit condition, being under the influence of intoxicants or under the influence of controlled substances or dangerous drugs, including marijuana, narcotics, or drugs of any kind; or drinking intoxicants or taking into the body of an unlawful controlled substance or dangerous drug, including marijuana or a dangerous drug, during working hours, or possessing intoxicants or unlawfully possessing controlled substances, including marijuana, narcotics, or dangerous drugs, on City property or in City vehicles.

(v) Statutory. Any statutory disqualification which makes the individual unfit for the job or failure to meet and maintain requirements of the individual's job description.

(vi) Unsatisfactory Attendance. Excessive or unauthorized absence and/or tardiness.

(vii) Incompetence. Inability or unwillingness to perform assigned work satisfactorily.

(viii) Indifference toward Work. Failure to remain at work, inefficiency, loafing, carelessness, performing personal business during working hours, abuse of eating and/or rest periods, sleeping or being inattentive during working hours, interfering with work of others, mistreatment of the public or other employees, or leaving work without permission.

(ix) Insubordination. Willful failure or refusal to perform assigned work or fully comply with instructions or orders as requested by the supervisor or other members of management. If the employee believes the instruction or order is improper, the employee should obey the order or instruction and file a grievance later. This does not apply to imminently dangerous situations. If the employee believes the instruction or order, if followed, would result in physical injury to himself or another employee, or damage to City equipment, the employee should request immediate verification by the next higher level of supervision.

(x) Violation of Safety Rules. Smoking in prohibited areas; improper removal of safety

guards, fire extinguisher's, or other equipment designed to protect employees; failure to use safety equipment or to follow safety rules; or failure to report an on-the-job injury, vehicle accident, or unsafe condition.

(xi) **Misuse of City Equipment or Services.** Using, possessing, taking or providing any City equipment, credentials, or services for other than official City business without proper authority.

(xii) **Conduct.** Conduct detrimental to the proper order, discipline and morale of city employees.

(xiii) **Political Activities.** No employee of the City shall, at anytime, make, receive or solicit contributions, or engage or become involved in any political activity or campaign, with respect to any candidate for City office. No employee shall, while on duty or in uniform, distribute cards, leaflets or other political advertising for any candidate for local, state or federal elective office; nor use or make reference to such employee's city employment for the purpose of soliciting funds or influencing the vote of any employee or citizen. Employees who are approached or contacted by candidates regarding any aspect of City operations should direct that individual to their supervisor. This provision does not prevent an employee from privately expressing opinions to family, friends, co-workers and acquaintances.

When not on duty or in uniform, an employee of the City may engage in political activity and campaigns for and with respect to any government or entity other than the City. Further, this subsection shall not be construed as being applicable to any campaign for office in any association or organization in which such employee is a member, or to the expression of frank opinions by any employee.

An employee who is considering becoming a candidate for any public office should be aware that an announcement for such office may constitute a resignation from the City service. An employee should advise the City Manager in writing prior to announcing for public office and any such employee may consult with the HR Director and/or the City Manager with respect to the position that may be taken by the City in the event of any such announcement.

(xiv) **Weapons.** The control of, or possession by, any employee of a handgun or other concealed weapon in a City vehicle or on any City property; provided that this subsection xiv shall not be applicable to certified licensed peace officers.

(c) **Additional Considerations.** In making determination under paragraph (a) of this section, the City shall consider the following additional factors to the extent that these factors are deemed pertinent in the individual case:

(i) The position for which the person is applying or in which the person is employed, including sensitivity;

(ii) The nature and seriousness of the conduct;

(iii) The circumstances surrounding the conduct;

- (iv) The recency of the conduct;
- (v) The age of the applicant or appointee at the time of the conduct;
- (vi) Contributing social or environmental conditions;
- (vii) The absence or presence of rehabilitation or efforts toward rehabilitation.

(d.) **Policy on Evaluation and Training Period.**

(i) Evaluation and Training Period. All new, reassigned, or re-hired employees shall be in an evaluation and training period for six months after being employed or reassigned; clarifying reassignment to be a significant difference in work duties. The evaluation and training period shall be used to closely observe and evaluate the work and fitness of employees and to encourage adjustment to their jobs. Only those employees who satisfactorily meet performance standards during the evaluation and training period shall be retained.

(ii) Completion of Evaluation and Training Period - New Employees. All new employees will be evaluated at least every three months during the six-month evaluation and training period. At the conclusion of the six-month period, all new employees will be evaluated by their supervisor. New public safety employee's training and evaluation periods will conform to the department's field training and evaluation policies. All new employees who have successfully completed the six (6) month evaluation and training period shall be removed from evaluation and training status and will be eligible for all benefits and privileges of employment enjoyed by other regular city employees. All new employees failing to successfully complete the six-month evaluation and training status shall not be eligible for employment with the City. Evaluation and training status may be continued upon agreement of the employee and the supervisor for additional three month periods. These employees may be pre-emptorily discharged for any misconduct, with or without notice to correct the misconduct. Employees discharged while on probation may appeal as provided in Article 9.

(iii) Promoted Employees.

(1) All promoted employees shall be required to complete a six month evaluation and training period [as in (ii) above] in the new position before the same promotion is considered to be fully approved.

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

(iv) Demoted Employees. Any employee being demoted as a result of a disciplinary action shall be subject to a 6 month probationary period in their new position.

(v) Disciplinary Probation. Any employee may be placed on disciplinary probation. The supervisor may, with the approval of the City Manager, place any employee under the supervisor's management on disciplinary probation. The employee shall be notified in writing that the employee is being placed on disciplinary probation and the minimum term that such probation shall last. Employee's not successfully completing disciplinary probation

or failing to comply with the standards established for employees of the City may be terminated or demoted without further notice.

(vi) **Extension of Probation or Evaluation and Training Period.** All employees serving on probationary status or in the evaluation and training period shall be subject to having such status extended for increments of three (3) months. Upon written recommendation of the department head such periods can be extended if approved by the City Manager in writing. Failure to successfully complete a probationary or evaluation and training period shall be indicated in writing, including the duration of the extension and the improvements required, and provided to the employee.

(vii) **Failure of Probation or Evaluation and Training Period.** A probationary employee or evaluation and training employee may be separated or transferred at any time during the period when his or her fitness and/or quality of work are judged to be insufficient to merit continuation in the position. A newly-promoted employee shall be returned to his or her former type of position upon failure of probation or evaluation and training period if such position is available but shall not be disqualified from consideration for later advancement or rehire.

(viii) **Appeal.** Employees wishing to appeal failure of probation may follow the regular appeals procedure in Article 9.

(e) **Demotion.** If the adverse action is a demotion, it may be within the same salary range or to a position with a lower salary range, but in either case will be accompanied by at least some reduction in pay for the employee involved. No employee may be demoted to a position for which the employee does not possess the necessary minimum qualifications.

(f) **Suspension.** A suspension shall be with or without pay and shall not exceed thirty (30) calendar days except when based upon unusual circumstances or conditions and shall be approved in writing by the City Manager. The City Manager shall approve all suspensions without pay. Employees may be suspended with or without pay for disciplinary reasons. No employee is entitled to suspension prior to termination.

(g) **Notice.** A supervisor may, with the approval of the department head, decide to demote, suspend or dismiss an employee. In such event, the employee should be promptly served with written notice and informed that the employee has the right to a hearing on the matter through the Grievance Procedure. If circumstances prevent the prompt presentation of such written notice, such employee should be instructed by the department head or supervisor to appear at the supervisor's office the next work day (or as soon thereafter as practicable) to receive the written notice and, if so desired by the employee, to initiate the appeal procedure. Any written disciplinary action should set forth:

- (i) examples of conduct, incidents, actions, or failures to act, that resulted in the discipline;
- (ii) the discipline to be imposed,

- (iii) the effective dates, and
- (iv) if the action is not a dismissal, the likely effect if the employee continues to perform, or to fail to perform, in the manner that resulted in the disciplinary action.

The written disciplinary action shall be filed with the City Manager and a copy shall be delivered to the employee, or mailed to the employee's last known address by certified mail, return receipt requested. A copy shall be placed in the employee's personnel folder.

Section 8.02. Lay Off. The City Manager may lay off an employee as a result of changes in duties or organization, or lack of work or funds. Where possible, a two-week written notice of lay-off shall be given prior to the effective date of the lay-off and no other notice will be necessary.

Section 8.03. Alcohol Misuse and Controlled Substance (Drug) Plan. Intoxication, the possession or consumption of alcoholic beverages, or the possession or consumption of any unlawful controlled substance or drug without a prescription therefore issued by a physician or dentist, while on duty, is strictly prohibited and violators will be subject to disciplinary action, up to and including discharge. Employees shall notify their superior if the employee is taking any prescribed drugs that could affect their job safety or performance.

Drug and alcohol testing may be conducted prior to employment, after all occupational related accidents and for reasonable cause, and random drug testing will be applicable to all employees.

Section 8.04. Notice Provisions. Any notice or decision under the provisions of this Article shall be required to be in writing and shall be given by delivering same in person to the affected employee, or if said employee cannot be located after exercising reasonable diligence, the notice shall be by delivery of same to the last known address as is reflected and shown in the records of the HR Director. Such notice may be delivered by hand delivery or by deposit in the U. S. Mail addressed to the last known address, and such mailing shall be conclusive evidence of the receipt of such notice by the employee. Such notice shall be effective as of the time of its actual delivery to the employee or deposit in the U. S. Mail.

Article 9. Grievance Procedures

Section 9.01. General Guidelines. The City's Human Resource Department (HR) is charged with the oversight of the procedures herein stated and will be notified of all grievance actions not originating in HR. It is the City's goal to treat employees fairly in all respects. Employees who feel they have been subjected to unfair treatment or discrimination have the right to present grievances for consideration through simple and reasonable procedures as provided in, and subject to the exceptions of these policies.

A grievance is defined as those work issues and or conditions that: cause employee(s) unnecessary stress, or are improper, or are unjust/unfair, and such issues/conditions afford or merit reason for

seeking relief. A formal grievance is intended to identify those issues and conditions giving rise to the grievance and through procedures resolve, mitigate, or dismiss the issue or condition in a fair and impartial manner. Any employee may present grievances under the procedures outlined below and should be free from restraint, coercion or reprisal as a result.

Instances where grievances reveal wrong doing or violations of law, formal policy or procedure a grievance may be moved to a complaint for formal personnel action. Other than appeals for involuntary termination, grievances should not address adverse personnel action. The procedures herein are intended to achieve closure by using recognized investigative or arbitative processes. If the grievance concerns issues between individuals, supervisors may conduct 'face-to-face' meetings when deemed necessary to attempt resolution at any of the following steps. Likewise, supervisors may formulate resolution plans between employees with follow-up provisions and time lines when appropriate. Grievances subject to Equal Employment Opportunity Commission (EEOC) issues will require notification of the City Attorney's for legal guidance and/or external investigation.

Section 9.02. Procedural Steps. Any employee may file a formal grievance.

- (a) The grievance shall be in legible writing, printing, or typing giving the following information:
- (i) Date, time, place and detailed description of the alleged action.
 - (ii) Specify the nature of the grievance.
 - (iii) Explain why the action is considered improper, unjust/unfair.
- (b) HR may extend the various time-periods specified for cause shown by any party. Steps in the grievance and appeal process shall be as follows:

- (i) Step One. A grievance by an employee must be presented to the immediate supervisor or HR within five (5) working days of the alleged action. The immediate supervisor or HR will notify the department head of the grievance within two (2) working days after the supervisor receives the grievance. Such immediate supervisor, or in the supervisor's absence his designee, has three (3) working days from the date of receipt of the grievance to respond to the grievant and seek a resolution or disposition. If a resolution or disposition is reached the supervisor shall submit a memorandum to HR with an explanation of the action. If the immediate supervisor recommends dismissal of the grievance, the grievance will automatically be moved to Step Two. If immediate supervisor is the department head, skip step 2.
- (ii) Step Two. If the grievance is not resolved between the employee and the immediate supervisor, the employee may request a hearing with the department head. The request for a department head hearing must be filed with the department head within two (2) working days of the earlier of the immediate supervisor's decision or the expiration of the three (3) day period for response provided in Step One. Unless extended in writing by the HR Director, the department head will schedule a hearing and respond to the grievance within five (5) working days of the date of the department head's receipt of the request for a department head hearing.

(iii) Step Three. City Manager. Employees shall have a further right of appeal from department heads to the City Manager provided such appeal is made in writing within five (5) working days of the department head's decision. The City Manager may modify, amend or deny any appeal without a hearing. If granted a hearing, the City Manager shall indicate the date and time that the hearing will be held. The City Manager's decision shall be final and not subject to further appeal.

(iv) Appeal Process for Termination. Employees who are involuntary terminated shall have a right of appeal to the City Manager provided such appeal is made in writing within five (5) working days of the date of termination. The City Manager may modify, amend or deny any appeal without a hearing. If granted a hearing, the City Manager shall indicate the date and time that the hearing will be held. The City Manager's decision shall be final and not subject to further appeal.

(v) HR will track grievances until a final disposition can be reached. Closed files will be maintained by HR in accordance with retention schedules.

Section 9.03. Grievances Without Basis. Grievances are given serious consideration by the City and are encouraged in all legitimate fact circumstances. Equally so, frivolous grievances are discouraged, as are repeated grievances regarding trivial matters. And, grievances that are based on evidence the grievant is found to have known to be false will result in disciplinary action.

Section 9.04. Complaints from Supervisors or Non-employees. A complaint is defined as a statement or writing that alleges an improper act or omission on the part of an employee of the City. Herein this article, complaints and grievances are not synonymous. All complaints concerning employees of the City received by the City shall be handled according to the policy of the City in force at such time as the complaint is filed for citizens complaints except police. Complaints concerning Police Department employees will be processed under General Manual, Section 2.3. Any adverse actions taken as a result of the complaint may be appealed in the same manner as provided in this Article. Sustained complaints will be noted in the affected employee's personnel file.

Section 9.05. Grievances Against the City Manager. Grievances against the City Manager regarding discrimination, sexual harassment, or violations of civil rights, may be made to the Mayor or the City Attorney. All other grievances will be first submitted to the City Manager. As, and when appropriate, such grievances will be reported to the City Council.

Section 9.06. City Manager Authority. Except only in those instances, if any, in which a grievance is filed against the City Manager pursuant to Section 9.05, or for violation of a state or federal law, the decisions and actions of the City Manager with respect to the employment, performance, promotion, discipline or termination of an employee shall be final and unappealable. The City Manager may, when he/she deems such action appropriate and in the best interests of the performance and efficiency of the City, waive or modify any process, procedure or schedule provided in this policy for or with respect to the employment, supervision,

promotion, discipline or termination of personnel in all instances where not inconsistent with the city charter.

Article 10. Benefits

Section 10.01. Retirement. All regular full-time employees are required to become members of the Texas Municipal Retirement System (TMRS). Enrollment shall be accomplished in accordance with the TMRS guidelines. See Section 7.02. Details of the retirement plan are outlined in the TMRS handbook.

Section 10.02. Uniforms. The City will provide certain employees with uniforms in order to assure a neat appearance, identify the worker as a municipal employee, and to protect the employee's personal clothing while performing the employee's job duties. Employees provided with uniforms must wear full uniforms. The cost of uniforms not returned upon separation from employment will be charged to the employee and, if such uniforms are not returned or the cost thereof paid, such fact shall be recorded in the employee's personnel file.

Section 10.03. Social Security. All employees of the City are covered under the Federal Insurance Contributions Act (FICA). This government insurance provides retirement, disability and death benefits. This insurance is financed by social security taxes which are paid through payroll deductions by the employee and matched by the City.

Section 10.04. Unemployment Compensation. All employees of the City are covered, as applicable, under the State unemployment compensation program. This program provides payments for unemployed workers in certain circumstances as provided by law. The City pays an unemployment tax on behalf of each employee to finance this benefit.

Section 10.05. Insurance. Life, health, and dental insurance are provided to all regular full-time employees through a group insurance policy. Life, health, and dental insurance are not provided to temporary, seasonal, or part-time employees. This insurance is provided by the City for the employee at no cost to the employee. At the employee's option and expense, dependent insurance coverage is also available. The City will contribute 30% of the supplemental dependant coverage for health and/or dental insurance as provided for in the City's operating budget. In addition to any benefits provided by State Law, Retiree's may continue their health benefits with certain limitations to retirees and their dependents who were covered under the health plan at the time of retirement and the City will contribute 30% to the retiree's total premium, as provided for in the City's operating budget (not eligible until October 2010). Coverage may be continued with certain limitations upon termination other than retirement provided the premiums are paid entirely by the employee. These limitations are consistent with the Consolidated Omnibus Budget Reconciliation Act (COBRA).

Section 10.06. Worker's Compensation Insurance. The City participates in Worker's Compensation Insurance coverage for employees. When an employee is injured on-the-job the employee must immediately report the injury to his/her supervisor.

Article 11. Safety

Section 11.01. General. These rules and procedures are subject to modification from time to time at the discretion of the City Council, or the City Manager waiving or varying these rules and procedures in a specific case or instance. Modifications will be considered as further opportunities are identified to provide for the safety and health of employees. Amendments are also considered as state, federal, or local safety laws and regulations change.

Section 11.02. Accident Review. The City Manager may designate an employee to investigate accidents, or the City Manager may appoint employees as members of an Accident Review Board. The primary function of any employee appointed for this purpose or the Board, if appointed, is to review all motor vehicle accidents and on the job injuries. The appointed employee or the Board consults with administrative personnel as well as department and division heads, supervisory personnel and other employees concerning the removal of hazardous conditions, disciplinary actions and other improvements to the overall safety program.

Section 11.03. Safety Awards. A safety award, in the amount approved by the City Council each year, shall be awarded to each employee who has been employed for at least one year as of October 1st of each year, and who has not had a preventable job injury or accident during the prior 365 days. ("Preventable" shall be determined by the City Manager.)

Article 12. Harassment

Section 12.01. Sexual Harassment Policy. All employees should be able to enjoy a work environment free from all forms of unlawful discrimination, including sexual harassment.

(a) Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is motivated in whole or in part by a person's gender that is not welcome and is personally offensive, or that lowers morale and that, therefore, interferes with an employee's work effectiveness.

(b) Sexual harassment is a form of misconduct that undermines the integrity of the employment relationship.

(i) No employee, either male or female, should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. A finding that an employee has committed any form of sexual harassment will result, at minimum, in a written warning being issued and placed in the employee's personnel file.

(ii) No employee or officer of the City shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development. A finding that an employee has committed

any such form of sexual harassment will result in severe disciplinary action up to and including transfer, demotion, suspension, or termination from employment.

(c) Sexual harassment occurs in many forms, including but not limited to, unwelcome physical contact, verbal abuse, leering, gestures, and more subtle advances and pressure inviting sexual activity. Such conduct includes instances in which:

- (i) Submission to the advances is made a term or condition for obtaining employment opportunities or avoiding adverse employment action;
- (ii) Submission to or rejection of the advances is used as the basis for making any employment decision; or
- (iii) Such conduct interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

(d) Sexual harassment of any type is strictly prohibited and will not be tolerated. If any employee feels they are being sexually harassed, they should promptly report such fact and advise the harasser that the conduct is offensive and that it must stop immediately. If any such unwelcome interest or conduct does not cease immediately upon demand by the employee, or if the employee is not comfortable confronting the harasser, the employee must report the matter to the employee's supervisor within twenty-four (24) hours. If such employee is unable or unwilling to speak with his/her supervisor about the alleged harassment, the conduct or incident must be reported directly to the next higher level of authority, the department head, the HR Director, or the City Manager. Upon any supervisor, department head or officer, receiving a report of alleged sexual harassment, the HR Director and all persons in the alleged offender's chain of command shall be advised of the report and appropriate action shall be promptly taken. The first action taken, in such event, shall include steps calculated to prevent recurrences of any such alleged incidents pending investigation and final resolution of the complaint. Each such report shall be investigated promptly and appropriate corrective action will be taken with the City Manager's concurrence.

(e) It will be the responsibility of the HR Director to inform department heads and supervisors of the policy concerning non-discrimination, equal employment opportunities and sexual harassment, the gravity of such behavior and the procedure to be employed in the event an allegation develops. The HR Director shall provide or cause the department heads and supervisors to receive training, with respect to recognizing and dealing with sexual harassment. Appendix 3 provides a sample form for reporting occurrences of sexual harassment.

(f) Each supervisor has a responsibility to communicate to employees that sexual harassment will not be tolerated and to make certain that employees are aware of this policy. This duty includes discussing this policy with all employees and assuring employees that employees are not to endure insulting, degrading or exploitative sexual treatment.

(g) Any employee who complains of sexual harassment in good faith will be protected against retaliation or reprisal for making the complaint. However, the City recognizes that false accusations of sexual harassment can have serious effects on innocent men and women, their reputation, and their families. False accusations of sexual harassment will result in severe disciplinary action up to and including termination.

Section 12.02 Other Forms of Harassment

Harassment is abusive, obscene or threatening conduct or communication that is intended to harass, annoy, alarm, torment, embarrass, or injure another person. While on duty or on Department premises, employees shall not use obscene or abusive language or offensive gestures in their communication with coworkers or members of the public. Employees shall not by oral, written, electronic or other means threaten or intimidate coworkers or members of the public; nor shall they physically endanger, intimidate, or injure them.

Article 13. Smoking Policy

Section 13.01. Smoking Policy. Smoking or other use of tobacco products is prohibited in all city occupied buildings except in designated areas. No smoking will be allowed in areas shared with other employees or which are accessible to the general public. There will be no smoking in City vehicles, or City buildings, as per Ordinance No. 01-003-00.

Article 14. Drug Abuse Policy

Section 14.01. Statement of Purpose. The City of Leander, Texas (the "City") maintains a firm commitment and effort to provide reliable service to its citizens, and a safe and healthy working environment for its employees and the community. While the vast majority of employees are not involved with illegal drugs or substance abuse, those who are involved in use, abuse, or trafficking, on or off the job, may have an adverse impact both on the health, safety and welfare of our citizens, the workplace and fellow employees; and may impair the City's ability and efforts to maintain a safe work environment that is free from the effects of drugs.

Section 14.02. Prohibitions. The following conduct by employees of the City is prohibited and will result in appropriate action by the City, up to and including termination of employment.

(a) The use, possession, manufacture, distribution, dispersion or sale of illegal drugs or drug paraphernalia on City premises, in City supplied vehicles, or during working hours; provided that the prohibition against possession shall not apply to paraphernalia or drugs held as evidence under authority of the Chief of Police;

(b) Unauthorized use, possession, manufacture, distribution, dispensation or sale of a controlled substance, dangerous drugs or alcohol on City premises or while on City business, in City supplied vehicles, or during working hours;

- (c) Storing in a locker, desk, automobile or other repository on City premises or property, any illegal drug, drug paraphernalia, controlled substance, or alcohol; provided that such prohibition shall not apply to the storage of any such substance in conjunction with the performance of public duties as authorized by the Chief of Police or the City Manager;
- (d) Having an unauthorized controlled substance or illegal drug in one's system while on City premises or City business, in City supplied vehicles, or during working hours or being under the influence of alcohol and not reporting such to the immediate supervisor or, absent such supervisor, to any available supervisor;
- (e) Switching or adulterating any urine sample submitted for testing;
- (f) Refusing to report for testing immediately upon notification to do so by any supervisor, or refusing to consent to testing or to submit a urine sample when requested by a supervisor or management;
- (g) Refusing to submit to an inspection when requested by any supervisor or management personnel;
- (h) Failure by an employee to notify the HR Director, or the City Manager of any arrest or conviction of such employee for, or with respect to, the illegal use, possession, control, sale or manufacture of any controlled substance, drug or alcohol, within five days after the arrest or conviction;
- (i) Failure to report to the supervisor the use of any drug, prescription, non-prescription medication, or alcohol, which may affect the employee's job performance or safety, e.g. alter the employee's behavior or diminish or impair the employee's physical or mental capabilities;
- (j) Refusing to sign a statement agreeing to abide by the City's drug abuse policy;
- (k) Refusal by an employee in a safety sensitive position or other position required to adhere to provisions of this policy, as determined by the City, to sign an acknowledgment that the employee will submit to random, reasonable cause, and post-accident testing for drugs, and so long as the employee remains in the position covered by this policy;
- (l) Refusal to complete a medical questionnaire and consent form prior to testing;
- (m) Refusal to complete the toxicology chain of custody form after submission of a urine specimen;

The City reserves the right to test employees for drug use and/or relieve any employee from their job duties, when, in the opinion of the City, the use of drugs, legal or illegal, or alcohol, may be affecting

the performance of the employee's job duties.

Section 14.03. Required Testing.

(a) **General.** The City shall have the right to require the following drug screening tests be done for all employees:

- (i) Pre-employment;
- (ii) Reasonable cause;
- (iii) Post Accident.

(b) **Random Testing.** Employees who serve in safety sensitive positions will be subject to random drug and alcohol tests.

(c) **Periodic Testing.** Designated drivers will be required to have biennial (periodic) testing as required by this policy and/or federal statutes and regulations.

The City Manager shall designate a drug abuse representative who will pre-establish the positions that are subject to random and periodic testing procedures. Employees serving in a position that subjects them to random and periodic testing will be notified. An example list of those positions is included in Appendix 1, Schedule 1.

Section 14.04. Required Testing. Prior to the City taking action based on any test result, all applicants and employees who test positive for drugs will have the opportunity to discuss and explain the test results with the medical review officer. A list of the drugs and the cutoff levels for testing purposes are shown in Appendix 1, Schedule 2.

(a) **Pre-employment.** The City requires that all newly hired employees be free of drug or alcohol abuse. Each offer of employment may be conditioned upon the passing of a urine test for drugs. The City may not hire any applicant who refuses to submit to, or fails to pass the pre-employment drug test.

(b) **Random.** A firm or consortium under contract with the City for such purpose, will determine by random generation which employees, among those subject to random testing, will be tested and the date on which each such employee will be tested. The representative will keep this information confidential and in a locked receptacle.

The firm or consortium shall ensure that the random selection process provides for the same odds to be tested for every eligible employee. If an employee scheduled to be randomly tested is not available for testing, the employee's name will be returned to the selection pool so that the employee remains subject to random testing according to the same odds as any other employee subject to testing.

On the day on which an employee is to be randomly tested, the designated drug abuse representative will contact the appropriate supervisor as to the employee(s) to be tested. The representative shall ensure that notification time is kept to the minimum possible to facilitate the intent of the testing process.

(c) **Reasonable Cause.** Whenever management personnel reasonably suspects that an employee's work performance or on the job behavior is affected any way by drugs or alcohol, the City may require the employee to submit a urine sample for testing. Supervisors will be trained to recognize the effects of drug or alcohol use and before a reasonable cause test is administered, two supervisors must substantiate and concur in the decision to test. Normally the two supervisors are in the employee's chain of command; however, if two supervisors from the same chain of command are not available, another supervisor may be consulted. At least one of the two supervisors must have received training for detecting drug use. Any supervisor of the employee may substantiate and concur in a decision to test, even though that supervisor has not observed behavior of the employee indicating drug or alcohol use. The two supervisors may concur by phone. A supervisor must drive the employee to the testing site. Provided, however, that, upon the recommendation of any supervisor or department head of the City with respect to any employee, the HR Director or the City Manager may authorize and/or direct that a drug and alcohol screening test be administered under this paragraph.

(d) **Post Accident.** Any employee whose performance either contributes to an accident which accounts for more than fifty dollars (\$50) in property damage or cannot be completely discounted as a contributing factor to an accident must be tested; provided that any employee in a safety sensitive position or other position required by federal regulations to be tested will be tested. An employee to be tested will be tested as soon as possible, if not immediately, after an accident. The HR Director or the employee's supervisor must take the employee for drug testing after the accident.

(e) **Biennial (Periodic) Testing.** An employee who is a covered driver, under 49 CFR Part 382, will be tested in accordance with 49 CFR Part 382 and Part 40 at least once every two years, commencing with the driver's first medical examination required after implementation of the drug testing program. Periodic testing may be discontinued if the exceptions in 49 CFR Part 382 are met.

Section 14.05. Discipline.

(a) **Violations.** If an employee tests positive for drug use, or violates any prohibition outlined in Section 2, the employee will be terminated except in extraordinary, mitigating circumstances as approved by the City Manager.

(b) **Failure To Test.** The failure to submit to required testing is prohibited and will result in immediate termination, except in the following circumstances:

(i) An employee in a position covered by this policy is randomly selected for testing and

is on previously approved leave.

(ii) A supervisor determines that, due to an existing emergency, it is not feasible for an employee to leave the worksite for testing. This determination must be confirmed by the designated drug abuse representative. In such cases, the employee will be required to report for testing as soon as the emergency permits.

(iii) If the employee is physically unable to provide a urine specimen on demand, the employee will be retained at the collection site while waiting for the specimen to be provided. If an employee, after a reasonable period of time, is still unable to provide the sample, he/she may return to the work location; however, he/she must be under constant supervision until he/she is able to be driven back to the collection site and provide the sample. If he/she continues to be unable to provide the sample, he/she will be required to see a physician, to determine if the inability to provide a sample is caused by a medical reason. If the employee does have a medical reason that would hinder the employee's ability to provide the sample, the employee name will be returned to the random pool, if he/she is in a position covered by this policy. If the employee is not in a position covered by this policy and has been medically certified as unable to provide a specimen on demand, he/she will not be considered to have refused to submit to testing. If no medical reason exists, the employee will be considered to have refused to submit to testing and will be terminated.

Section 14.06. Supervisory Training. The City will train its supervisors in:

(a) **Performance.** Identifying and documenting job performance and on-the-job behavior that might reflect personal problems.

(b) **Behavior.** Identifying specific, contemporaneous physical, behavioral and performance indicators of on-the-job use of drugs or alcohol, or impairment by drugs or alcohol.

(c) **Procedures.** Supervisor training shall include training regarding appropriate procedures for

(i) Drug testing and technology;

(ii) Conducting workplace inspections; and

(iii) Encouraging voluntary referrals to available resources for counseling and/or treatment.

Section 14.07. Medical Review Officer. The City (or the firm or consortium) will retain the services of a Medical Review Officer. The Medical Review Officer is a licensed physician knowledgeable in the medical use of prescription drugs and pharmacology and the toxicology of drug abuse. The Medical Review Officer has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test results together with such individual's medical history and any other relevant biomedical information.

The appropriately certified testing laboratory will communicate test results only to the Medical

Review Officer. The Medical Review Officer shall review and interpret all test results and examine alternate medical explanations for any positive test results. As part of such review, the Medical Review Officer shall notify the employee or applicant receiving positive test results and offer the individual the opportunity for an interview, and the opportunity to submit any medical records, prescription drugs or other information that might explain the positive test results.

The Medical Review Officer shall determine whether the positive test results are scientifically sufficient to establish the presence of the prohibited substance, drug use. If the Medical Review Officer has reason to question the accuracy or validity of a positive test result, the Medical Review Officer should review the laboratory's quality control data and other pertinent records.

The Medical Review Officer will report all test results to the designated drug abuse representative. The representative will inform the appropriate supervisor of the results, and appropriate action will be taken as outlined in this policy.

The employee who is notified of a positive result by the Medical Review Officer may make a written request for retesting within 60 days of receipt of the final test result from the Medical Review Officer. The original sample will be used for the retest. Retesting will be done by an N.I.D.A. certified laboratory at the expense of the employee, but the employee will be reimbursed by the City if the retest is negative. The decisions and findings of the Medical Review Officer shall be final and determinative.

The complete names and addresses of the City's Medical Review Officer and testing laboratory are provided in Schedule 5.

Section 14.08. Confidentiality and Record Keeping. The results of all urine tests will be treated as confidential. Each applicant or employee will be required to sign a statement at the time of testing to allow release of the results to the City. This information will only be known to the testing laboratory, the Medical Review Officer, the designated drug abuse representative, and other employees with the "need to know" such as appropriate officers, the HR Director and the employees' immediate supervisor. However, any governmental body may obtain the testing results as a part of an accident investigation, without the express written consent of the tested individual, provided the governmental body has legal authorization to secure such results. No drug test results will be released to a subsequent employer without the written consent of the employee.

All records pertaining to the Drug Testing Program will, as specified in 49 CFR Part 199.3, be maintained in a locked receptacle by the designated drug abuse representative. The list below shows the type of information to be maintained along with the minimum retention times:

(a) **Collection Process - Three Years.** Records demonstrating the collection process and its conformance to 49 CFR Part 199 shall be kept for three (3) years.

(b) **Positive Test Results - Five Years.** Records of employee drug test results that show employees failed a drug test, the type of test failed (e.g. post-accident) will be kept for five (5) years. These records include the following information:

- (i) Functions performed by employee;
- (ii) Prohibited drugs for which test results were positive;
- (iii) Disposition (e.g. termination, etc.); and
- (iv) Age of employee.

(c) **Negative Test Results - One Year.** Records of employees' drug test results that show employees passed a drug test will be kept for one (1) year.

(d) **Number Tested - Five Years.** Records of the number of employees tested by type of test shall be kept for five (5) years.

(e) **Supervisor Training - Three Years.** Records confirming supervisors have been trained shall be kept for three (3) years.

(f) **Employee Training Information - Three Years.** Records confirming drug use/abuse training information given to all employees shall be maintained for three (3) years.

Section 14.09. Contractors. Contractors shall abide by the regulations promulgated in 49 CFR Part 40, and 49 CFR Part 199. The City will require such actions to be part of all contracts, and will immediately terminate any contract if the contractor is found to not be in compliance with said regulations.

Section 14.10. Employee Assistance Program (EAP).

(a) Voluntary participation in a qualified drug or alcohol abuse program prior to a confirmed positive test result is encouraged. No disciplinary action will be brought as a result of an employee volunteering to participate in such a program, provided the employee volunteers, prior to committing an act or event which would subject the employee to disciplinary action and prior to the employee being requested to submit to a test. Employees who, prior to being requested to take a test, voluntarily identify themselves as drug or alcohol abusers and obtain counseling and rehabilitation through a qualified drug or alcohol abuse program shall not be disciplined for their drug and/or alcohol abuse if they thereafter refrain from violating the City's policy on drug and alcohol abuse. All employees, however, can be disciplined for any incident resulting from their violation of the City's policy on drug and alcohol policy.

(b) Upon a confirmed determination that an employee has been under the influence of drugs or alcohol in violation of the City's policy, notwithstanding disciplinary action, the City may refer the employee to one or more qualified drug or alcohol abuse programs at which the employee can obtain

assessment, counseling, and rehabilitation. Participation in a qualified abuse program is voluntary and no added or increased disciplinary action may be taken against an employee for failure to begin or complete an abuse program. Participation in any such abuse program shall be at the sole cost and expense of the employee and, if applicable, his or her health insurance.

(c) Disciplinary action based on a violation of this drug and alcohol policy is not suspended by an employee's participation in an abuse program after a confirmed determination the employee has been under the influence of drugs or alcohol while on duty. Disciplinary action, up to and including dismissal, may be taken against any employee with a confirmed positive test of being under the influence of alcohol or drugs while on duty.

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

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

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

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

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

Section 14.11. Coordination with Law Enforcement Agencies. The sale, use, purchase, transfer or possession of an illegal drug or drug paraphernalia is a violation of the law. The City will report information concerning possession, distribution, or use of any illegal drugs to law enforcement officials and will turn over to the custody of law enforcement officials any such substances found

during a search of an individual or property. Searches will only be conducted of individuals based on reasonable cause and only of their vehicles, lockers, desks, and closets when based on reasonable suspicion. The City will cooperate fully in the prosecution and/or conviction of any violation of the law.

Article 15. Internet and E-mail

Section 15.01. General Guidelines. This policy applies to any and all forms of use of the City computer systems and equipment and does not supersede or limit any state or federal laws, nor any other City policies regarding confidentiality, information dissemination, or standards of conduct. All use of the Internet with any City equipment (including but not limited to computers, telephone lines, modems, telephone numbers, etc.) must be in compliance with all applicable federal, state and local laws and the policies of the City. Individual users should be aware that the City has no control over and cannot be responsible for the content of information available on the Internet. Some employees may find information on the Internet that is offensive or otherwise objectionable. Any use of the City equipment or resources in violation of this policy or applicable departmental policies is grounds for disciplinary action.

- (a) The City's domain name and URL (Internet address or website) are the property of the City and may not be used by City employees for personal gain.
- (b) No unauthorized advertising or unauthorized links may be used on the City's website.
- (c) Employee Internet access must be authorized by the department head. A condition of authorization is that all Internet users must read and sign a copy of the internet policy. The HR Director will insure that a signed copy of the policy is on file in the employee's personnel file prior to granting such access.
- (d) Department heads should work with employees to determine the appropriateness of using the Internet for professional activities and career development.
- (e) Use of the Internet by City employees must be consistent with the City Personnel Policy regarding employee conduct and work conditions.
- (f) The Internet must be treated as a formal communications tool like telephone, radio, and video communications. Therefore, each individual user is responsible for complying with all relevant policies when using the City's resources for accessing the Internet.
- (g) Internet access must not be used for illegal, improper, or illicit purposes.
- (h) Employees need to keep in mind that all Internet usage can be recorded and stored along with the source and destination.

- (i) Use of City equipment or resources to intentionally post or share any racist, sexist, threatening, obscene or otherwise objectionable material is strictly prohibited and subjects the employee to disciplinary action.
- (j) Resources which are not clearly used for a City purpose shall not be accessed or downloaded.
- (k) Resources of any kind for which there is any fee must not be accessed or downloaded without prior approval of the department head.
 - (i) Employees shall not connect any personal equipment to the computer systems or computer systems telephone lines of the City without the prior approval of the City Manager.
- (l) City personnel shall not photograph or record, by any means, any official fire action or activity or any official police action or activity including but not limited to, vehicle or foot pursuits, use of force, collision or crime scenes except as is necessary in the official performance of their duties. Personnel shall not make any such recordings with their personally owned equipment for their personal use. All recordings of such activities made by personnel during the official performance of their duties shall be the property of the Leander Fire Department and/or Leander Police Department, as appropriate and the dissemination shall be in accordance with the Department's established procedures. Electronic equipment used in violation of this policy at police action or activity scenes would be considered evidence and subject to collection and processing as evidence.

Section 15.02. Privacy. Employees have no right to privacy with regard to Internet usage. Management has the ability and the right to view employees' usage patterns and take action to assure that City Internet resources are devoted to maintaining the highest levels of productivity. The Internet path record is the property of the City and therefore the taxpayers of the City. Such information is subject to the Texas Public Information Act and the laws applicable to State records retention. Each employee using the Internet shall identify him/herself honestly, accurately, and completely when providing such information.

Section 15.03. Safety and Security. The safety and security of the City computer systems and resources must be considered at all times when using the Internet.

- (a) Employees shall not share a password for any City account or with any unauthorized person nor obtain any other user password by any unauthorized means.
- (b) Employees must not intentionally use the Internet facilities to disable, impair, or overload performance of any computer system or network, or to circumvent any system intended to protect the privacy or security of another user, except as part of an official Police investigation.
- (c) Employees shall not intentionally create, install, or knowingly distribute a computer virus of

any kind on any municipal computer, regardless of whether any demonstrable harm results.

(d) Employees shall not copy, install, or use any software or data files in violation of applicable copyrights or license agreements.

(e) Employees shall report all computer virus outbreaks to the City Manager. The City Manager may designate a person to log all such outbreaks and the eradication method used by the departments. All departments shall be notified in the event of a virus outbreak. The City Manager may take whatever action is reasonably necessary to prevent the spread of a computer virus to other computers.

Section 15.04. Personal Use.

(a) At no time shall City equipment or resources be used for any personal monetary interests or gain.

(b) Employees may not use City equipment to access e-mail accounts or any other account requiring a password or code that was not established by the City for the employee's use.

(c) Employees shall not use City Internet accounts to subscribe to mailing lists or mail services for personal use and shall not participate in electronic discussion groups (i.e. list server, Usenet, news group, chat rooms) for personal purposes.

(d) Employees should be aware that when sending an e-mail message of a personal nature, there is always the danger of the employee's words being interpreted as official City policy or opinion. Therefore, when an employee sends an e-mail message from a City e-mail address that is of a personal nature, especially if the content of the e-mail could be interpreted as an official City statement, the employee must use the following disclaimer at the end of the message: *"This e-mail contains the thoughts and opinions of (employee name) and does not represent official city policy."*

(e) Employees shall not access non-work related information or otherwise "surf" the Internet for non-work related purposes.

Article 16. Travel Policy

Section 16.1 Per Diem. The per diem rate for extended travel (defined as involving at least one overnight stay) shall be approved by each department head in advance. All approved extended travel shall be paid per the Internal Revenue Service guidelines. In lieu of per diem rates, actual expenses may be approved by the City Manager. For same day travel, the actual receipt method must be used.

Section 16.2 Mode of Travel Department heads shall approve all travel, and if traveling by car, the employee shall be reimbursed at the current rate set by the Internal Revenue Service.

Article 17. Reservation of Management Discretion

Section 17.01. No Implied Limitations. Nothing in this personnel policy shall limit the City in exercising the functions and discretion of management under which the City hires new employees, directs the work force, schedules hours of work, disciplines, suspends, discharges, or requires employees to observe city rules and regulations. The City reserves the right to amend, modify, and delete provisions of this and all other policies of the City. This policy is intended to set forth general guidelines that will be applied in most circumstances, however nothing in this policy: (a) prevents the City Manager from waiving any provision in a specific instance, case or matter; or (b) alters an employee's at-will employment status.

Section 17.02. Reservation Of Rights. The City Council reserves the right to interpret, change, suspend, cancel or dispute, all or any part of this Policy, procedures or benefits discussed herein. Employees will be notified of any change. Although adherence to this Policy is considered a condition of continued employment, nothing in this Policy alters an employee's status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time for any or no reason, without notice, and the City retains the right to terminate any employee at any time, for any or no reason, with or without notice.

Section 17.03. Other Laws and Regulations. The provisions of this Policy shall apply in addition to, and shall be subordinated to any requirements imposed by applicable federal, state or local laws, regulations or judicial decisions. Should any section or part of this manual be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect.

APPENDIX 1

SCHEDULE 1

EXAMPLES OF SAFETY SENSITIVE POSITIONS

Employees whose duties include:

- (a) Performing leakage or electrical surveys;
- (b) Monitoring cathodic protection;
- (c) Welding or radiographing pipeline repairs;
- (d) Inspection and testing pressure limiting devices;
- (e) Classifying notices of leaks as emergencies;
- (f) Notifying fire, police and other appropriate public officials of pipeline emergencies, and coordinating actual responses during emergencies;
- (g) Marking pipelines in response to one-call system notice;
- (h) Monitoring odorization of gas;
- (i) Controlling gas or hazardous liquid flow or pressure in a pipeline;
- (j) Inserting plastic pipe into existing gas pipelines;
- (k) Performing operations, maintenance and emergency-response functions included in operation, maintenance and emergency manuals required by 49 CFR Parts 192, 193 or 195;
- (l) And other functions designated by the City to be covered by the drug abuse policy;
- (m) Responding to emergency situations. This includes police officers, firefighters and E.M.S. personnel;
- (n) Working on the electrical distribution or generation systems, either as linemen, groundmen, operators or mechanics;
- (o) Operate or drive motor vehicles or powered equipment;
- (p) Work in the proximity of motor vehicle powered equipment, machinery, or with potentially hazardous and dangerous tools or materials or areas (at heights or in confined spaces);
- (q) Making decisions or judgments in a managerial or code enforcement position which might impact the health, safety and welfare of City employees.

SCHEDULE 2

TESTING PROTOCOL

An immunoassay will be used for the initial test with the following cut-off levels:

SUBSTANCE	INITIAL TEST - CUT-OFF LEVELS (NG/ML)
Marijuana Metabolites	100
Cocaine Metabolites	300
Opiate (Codeine and Morphine)	300*
Phencyclidine (PCP)	25
Amphetamines	1000
Alcohol	0.04

* 25 NG/ML if immunoassay specific for free morphine.
All initially positive tests will be confirmed by gas chromatography/mass spectrometry (GC/MS).
The following cut-off levels apply for confirmation testing:

SUBSTANCE	CONFIRMATION TEST - CUT-OFF LEVELS (NG/ML)
Marijuana Metabolites (1)	15
Cocaine Metabolites (2)	150
Opiate (Codeine and Morphine)	300
Phencyclidine (PCP)	25
Amphetamines	500

- (1) Delta-9-Tetrahydrocannabinol-9-Carboxylic Acid
(2) Benzoylgonine.

SCHEDULE 3

"Incident" is defined as any of the following events:

- (a) With respect to employees to which such plan is applicable, an incident or event as provided for in the Pipeline Alcohol Misuse and Controlled Substance Plan.
- (b) With respect to employees to which such plan is applicable, an incident or event as provided for in the Motor Carrier Alcohol Misuse and Controlled Substance Plan.
- (c) An event involving property, electricity, a motor vehicle, powered machinery or equipment or hazardous substances which results in the following:
- (i) A death, or an injury or apparent injury resulting in any person taking time off from work or receiving any medical care or service;
 - (ii) Damage to any vehicle or property;
 - (iii) Damage to any machinery or equipment;
 - (iv) An event that is significant in the judgement of the City Manager, even though it does not meet any of the criteria above.

SCHEDULE 4

EMPLOYEE ASSISTANCE PROGRAM PROVIDERS

Employee Assistance Program Provider Information available in HR Office.

SCHEDULE 5

MEDICAL REVIEW OFFICERS

Medical Review Officer Information available in HR Office.

TESTING LABORATORY

Pro-Med Medical Care Center
13831 US Hwy 183 N.
Austin, TX 78750

Or,

As approved by the City Manager and filed with HR Director.

APPENDIX 2

ACCIDENT REPORT FORM FOR INJURIES/PROPERTY DAMAGE

Name of person involved in accident: _____

Home address: _____

Phone #: _____ Age: _____ Date of Birth: _____

Social Security #: _____ Date & Time of Accident _____

State cause and type of accident: _____

Name of injured person or property damaged: _____

Describe extent of injuries or damage: _____

ACTIONS TAKEN:

First Aid Given: _____ Ambulance Called: _____ Taken to Hospital:

Name of Hospital: _____

Name of Physician or person who gave first aid: _____

Address

Phone

Name of Person Notified for Injured Party: _____

Address

Phone

Relationship

Witnesses: Name

Address

Phone

Report Prepared By: _____

Name

Position

Division Head

APPENDIX 3

HARASSMENT COMPLAINT FORM

The City will make every effort to provide a work environment free from all forms of harassment. Harassment in the work place is illegal; it violates Title VII of the 1964 Civil rights Act and subjects employees to conditions and actions that have nothing to do with job performance or qualifications.

Name: _____ Date: _____

Department: _____ Supervisor: _____

Person(s) against whom harassment complaint is filed:

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

Name(s) of

witnesses: _____

Did the alleged Harassment include (indicate below):

___ Verbal harassment

___ Unwelcome advances

___ Abusive language

___ Threats of physical harm

___ Distribution of explicit material

___ Physical Harassment

___ Requests for sexual favors

___ Other (describe) _____

Please describe the conduct which caused you to file this complaint. Include dates and persons involved.

I believe an appropriate resolution of my complaint would be:

Signature of Employee: _____ Date of Complaint: _____

APPENDIX 4

Calculation of Hours of Work

When computing non-exempt employees' hours of work as provided in Article 5 of the Personnel Manual, the following definitions and methods of calculating hours of work shall apply:

Compensatory Time. One and one-half hours shall accrue for all hourly employees electing to accrue compensatory time in lieu of overtime pay for each hour of work in excess of regular time worked in a workweek or workweek cycle. No employee shall accrue compensatory time without an agreement in writing to accept compensatory time in lieu of overtime pay.

Vacation and Sick Leave for 24/48 hour Fire Department employees. The City recognizes that non-exempt full-time Firefighters assigned to suppression duties accrue vacation and sick leave at a higher rate than other City employees because of their fifty-six (56) hour average work week cycle to which they are normally assigned. When a Firefighter is assigned to a position with a forty (40) hour work schedule, the fire fighter will begin accruing vacation and medical leave at the same rate as other forty (40) hour per week City employees. When a Firefighter on a forty (40) hour work week returns to the regular fifty-six hour average work week cycle, vacation and sick leave will accrue in accordance with other fifty-six hour work week employees. This article excludes light duty assignments of less than ninety (90) calendar days.

Holiday Compensation. All full-time hourly employees shall be paid an amount equal to eight (8) hours of pay at the employee's regular rate of pay for regular time for each holiday recognized by the City. This time shall not be paid at overtime rate. Employees actually working the holiday shall receive eight (8) hours of compensatory time in lieu of holiday compensation. All 24/48 hour Fire Department employees shall be paid an amount equal to (12) hours of pay at the employee's regular rate of pay for regular time for each holiday recognized by the City regardless of whether they are actually working the holiday.

Holiday Pay. All employees actually working on a holiday recognized by the City, regardless of whether the employee is scheduled to work or not, shall receive holiday compensatory time, in lieu of holiday compensation, at the rate of eight (8) hours of compensatory time for each recognized holiday that the employee actually works. In addition to Holiday compensatory time of eight (8) hours, employees actually working a recognized City holiday shall be paid for each hour actually worked in the same manner the employee is paid on a non-holiday. Employees having already reached the maximum hours of regular time permitted for the workweek or workweek cycle during the hours of work on the holiday shall be paid overtime or accrue one and one-half hours of compensatory time, if previously agreed, for each hour actually worked beyond the employee's regular time for the workweek or workweek cycle on the holiday.

Regular full-time-employees shall be entitled to a paid/credited holiday equal to eight (8) hours of such employee's regular rate of pay. No hours worked will be reflected on the employee's time sheets for holidays for which the employee is paid and does not work. Non-exempt Police Officers working eighty-five (85) hours bi-weekly will be paid/credited holiday equal to eight and one half (8

1/2) hours or twelve (12) hours (depending on shift assignment) of such employee's regular rate of pay. Fire Department employees working the 24/48 hour shift shall be entitled to a paid/credited holiday equal to twelve (12) hours at such employee's regular rate of pay. Credited compensatory time must be taken within six (6) months of the holiday. Holiday leave time taken will not be included in the calculation of overtime.

Hours of Work. All of the time an employee is on duty at the employer's establishment or at a prescribed work place, as well as all time during which the employee is suffered or permitted to work for the employer shall constitute the hours of work. In calculating hours of work, such time shall not include the following utilized time periods during the workweek: vacation time, rest or meal periods as provided herein, sick time and any compensatory time utilized.

Lectures, Meetings and Training Programs. Approved attendance at lectures, meetings, training programs and similar activities shall be hours worked unless: it is outside normal hours, it is voluntary, not job related and no other work is currently performed.

On-Call Time. An employee who is required to remain on call on the employer's premises is working while "on call." An employee who is required to remain on call at home, or who is allowed to leave a message where he/she can be reached, is not working while on call.

Overtime. Time and one-half the regular rate of pay shall be paid to non-exempt employees for each hour of work in excess of regular time worked in a workweek or workweek cycle.

Part-time Accrual Rate. All part-time non-exempt employees shall not accrue holiday compensation, vacation, sick leave and other permitted benefits at a prorated share of the compensation similarly provided to full-time regular employees for the actual hours worked in a workweek or workweek cycle.

Regular Time. Forty (40) hours of actual work per workweek shall constitute regular time before a non-exempt employee is eligible for overtime or compensatory time. Police Officers who are regularly scheduled to work eighty (80) hours or more of work per two-week work week cycle shall be full-time regular employees; however, Police Officers must actually work eighty-five (85) hours of work per two-week work week cycle as regular time before a non-exempt Police Officer is eligible for overtime or compensatory time. All 24/48 hour Fire Department employees must work one hundred six (106) hours of work per fourteen (14) day work cycle as regular time before a 24/48 Firefighter is eligible for overtime or compensatory time. In calculating regular time, such time shall not include the following utilized time periods during the workweek: vacation time, rest or meal periods as provided herein, sick leave, compensatory time utilized and other periods of time not otherwise permitted to be included as actual hours of work.

14 Day Work Cycle. Fourteen (14) consecutive twenty-four (24) hour days, or a total of 336 hours, beginning at Saturday 07:00 am and ending four Saturdays later at 06:59 am. (Effective change 01/19/2006.)

Rest and Meal Periods. Rest periods of a duration of 20 minutes or less are hours of work. Any rest periods of longer duration are not counted as hours of work. Meal periods of greater than 20 minutes for which the employee is completely relieved from duty for the purpose of eating a regular meal are not counted as hours of work. Meal periods for which the employee is not relieved and is required to perform duties, whether active or inactive, while eating are hours of work.

Standby Compensation. On-call shifts for which compensation is not required to be paid may be deemed in advance in writing by the department head as standby shifts. All standby shifts shall be compensated at a rate permitted for such shifts, and hours on standby shall not be included in computing hours of work. Standby compensation must be properly authorized.

Travel Time.

(a) Home to Work Travel = an employee who travels from home before the regular workday and returns to his/her home at the end of the workday is engaged in ordinary home to work travel, which is not counted as hours of work.

(b) Home to Work on a Special Day Assignment in Another City = an employee who regularly works at a fixed location in one city is given a special one day assignment in another city and returns home the same day. The time spent in traveling to and returning from the other city is work time, except the time the employee would normally spend commuting to the regular work site.

(c) Travel to Work Sites = time spent by an employee in travel as part of his/her principal activity, such as travel from job site to job site during the workday, is counted as hours worked.

(d) Travel Away from the Community = travel that keeps an employee away from home overnight is travel away from the community. The time traveling is hours worked except when the employee travels outside of regular working hours as a passenger on an airplane, train, boat, bus or automobile.

Workday. The period between the time on any particular day when an employee commences his/her “principal activity” and the time on that day at which he/she ceases such principal activity or activities constitutes the employee’s workday. The workday may therefore be longer than the employee’s scheduled shift, hours, tour of duty, or production line time.

Workweek. Seven (7) consecutive twenty-four hour days, or a total of 168 hours, beginning at Saturday 12:01 a.m. and ending Saturday day at 12:00 a.m.

Workweek Cycle. Fourteen (14) consecutive twenty-four hour days, or a total of 336 hours, beginning at Saturday 12:01 a.m. and ending two Saturdays later at 12:00 a.m. Police Officers shall be the only employees subject to a workweek cycle.

Calculation of Pay

$$\text{Pay per Week/Cycle} = (\text{Regular Time} \times \text{hourly rate of pay}) + ((\text{sick} + \text{vacation} + \text{holiday compensation}) \times \text{hourly rate of pay}) +$$

(Hours of Overtime x (1.5 x hourly rate of pay))

Compensatory Time = (hours of work x 1.5)

Holiday Compensatory Time = (hours of work x 1)

Examples (a seven day workweek is presumed):

(a) Employee actually is at work 5 days for 8 hours each day. The employee has 40 hours of regular time.

Pay for week = (40 x hourly rate of pay)

(b) Employee actually is at work four days for 10 hours each day and is off one-day of the week as a recognized holiday. The employee has 40 hours of regular time and an additional 8 hours of regular time for holiday compensation.

Pay for week = (40 x hourly rate of pay) + (8 x hourly rate of pay)

(c) Employee is actually at work four days for 8 hours each day and one-day the employee works 4 hours and takes 4 hours sick time. The employee has 36 hours of regular time and 4 hours of sick leave.

Pay for week = (36 x hourly rate of pay) + (4 x hourly rate of pay)

(d) Employee actually is at work four days for 8 hours each day and works, scheduled or unscheduled, 6 hours another day that is a recognized City holiday. The employee has 32 hours of regular time and has 8 hours of regular time for holiday compensation and the employee is eligible for compensatory time for the hours actually worked at a rate of one hour per hour worked. Overtime is not permissible because the actual hours worked is 38 hours (32 hours worked and 6 hours worked on the holiday).

Pay for week = (32 x hourly rate of pay) + (6 x hourly rate of pay)

*(8 hours of compensatory is shown on the employee's records to be taken within 30 days)

(e) Employee actually is at work four days for 10 hours each day and works, scheduled or unscheduled, 6 hours another day that is a recognized City holiday. The employee has 40 hours of regular time. The employee has two options for compensation on the Holiday: (1) the employee may take 8 hours of holiday compensation and receive compensatory time for the hours actually worked at a rate of one and one-half hours per hour worked; or (2) the employee may take 8 hours of compensatory time for the holiday compensation and receive overtime for the hours actually worked on the holiday.

Option (1) Pay for week = (40 x hourly rate of pay) + (8 x hourly rate of pay)

*(6 x 1.5 = 12 hours of compensatory time is shown on the employee's records in lieu of holiday compensation to be taken within 30 days)

Option (2) Pay for week = (40 x hourly rate of pay) + (6 x (1.5 x hourly rate of pay))

* (8 hours of compensatory time is shown on the employee's records in lieu of holiday compensation to be taken within 30 days)

(f) Employee actually is at work 5 days for 10 hours each day. The employee has 40 hours of regular time and 10 hours at overtime pay, or, if previously agreed in writing, 15 hours of compensatory time.

Option (1) Pay for week = (40 x hourly rate of pay) + (10 x (1.5 x hourly rate of pay))

Option (2) Pay for week = (40 x hourly rate of pay)

* (10 hours of compensatory time is shown on the employee's records)

APPENDIX 5

UNDERSTANDING OF DRUG AND ALCOHOL POLICY

By my signature of acceptance to the City of Leander, Texas, Personnel Policy Manual, I hereby acknowledge that I have received and reviewed a full and complete copy of the City of Leander's Personnel Policy and the Drug and Alcohol Abuse Policy contained therein; that I understand such policies; and further that I have had opportunity to ask questions about the terms, provisions, meanings, application and enforcement thereof.

I have also read and understand the following Statement of Policy by the City of Leander.

"The City of Leander is a drug and alcohol abuse free work environment and that as an employee of the City of Leander, Texas, I am subject to testing for Drugs or Alcohol consistent with the policy therein stated and as amended from time to time.

These drug and alcohol policies are designed to bring to the City reliable service to the citizens and a safe and healthy working environment for co-workers and citizens through uniform administration of drug and alcohol policies and practices. The following minimum standards will be adhered to:

- (a) The use, abuse or trafficking of illegal drugs and/or substance abuse, on or off the job, will not be permitted.
- (b) Alcohol consumption and intoxication, as detailed in the Personnel Policy Manual, will not be permissible on city premises or during the performance of work related duties.
- (c) The conduct prohibited under the drug and alcohol policies of the City are grounds for immediate termination without regard to whether the conduct actually occurred.
- (d) Testing, as set forth in the Leander Personnel Policy Manual, is a condition of employment for all city employees to ensure the safest working environment and provide uniform policies in drug and alcohol testing."

I understand the City will attempt to apply its policies and regulations in a fair and impartial manner to achieve such objectives. However, I also understand such policies and regulations do not create any contract or due process rights for employees; are intended as a guide only for use and application within the City organization; and that a decision by the City Manager or the City Council, as applicable, with respect to any employment issue controlled by such policies and regulations, will be final and unappealable. I understand that I will be subject to drug and alcohol testing and that the acceptance of such testing is a condition of continuing employment.

APPENDIX 6

CITIZEN RIDE OUT FORM

Name of Rider _____

Date of Ride Out _____

Operator Name _____

Reason for Ride Out _____

Rider's Signature _____ Date _____

Operator's Signature _____ Date _____

City Manager Signature _____ Date _____

Acknowledgment of Receipt and Understanding

The undersigned employee of the City of Leander, Texas, hereby acknowledges that I have received and reviewed a full and complete copy of the City of Leander's Personnel Policy and the Drug Abuse Policy passed by the City Council on June 3, 2010; that I understand such policies; and further that I have had opportunity to ask questions about the terms, provisions, meanings, application and enforcement thereof.

I have also read and understand the following Statement of Policy by the City of Leander.

"The City of Leander is an at-will employer and all employees are subject to termination for any reason or no reason at all, either voluntarily or involuntarily. I understand that this policy manual is a general guide and that the foregoing provisions of this policy manual do not alter my at-will employment or constitute an employment agreement or contract, nor does it guarantee continued employment. I understand the City of Leander reserves the right to change, modify, add or eliminate any provisions within this policy manual at any time without notice. I understand that the provisions contained in this policy manual are applicable to me. Any promises made to me, which conflict with the provisions of this manual, are effective only if in writing and signed by the City Council. I further understand that employees shall have the right to administratively appeal and file grievances with respect to disciplinary decisions and actions affecting their employment; provided that, consistent with such policy, the decision of the City Manager shall be final, subject only to an appeal to the City Council by certain department heads as provided in the City Charter. The decision of the City Manager or the City Council, as applicable, shall be final and unappealable."

I understand the City will attempt to apply its policies and regulations in a fair and impartial manner. However, I also understand such policies and regulations do not create any contract or due process rights for employees; are intended as a guide only for use and application within the City organization; and that a decision by the City Manager or the City Council, as applicable, with respect to any employment issue controlled by such policies and regulations, will be final and unappealable.

Any employee who is injured on the job and is transported to a medical facility for urgent care gives authority to that medical facility to release to the City of Leander HR Director a copy of the blood work for drug/alcohol testing.

Date of signature: _____

[Signature of Employee]

[Printed Name of Employee]