

# Human Resources Policy Manual

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Section 1	Administration
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### 1.01. Preface

- A. The greatest asset of our community is the potential of our employees. Recognition and enhancement of this asset are of material benefit to the community and also fulfill a moral obligation to each employee. The City's intent is to work with all employees as respected individuals, ensure they are competitively compensated, politically unencumbered, and supported by the Administration and the City Council. Our success may well be measured by the extent to which our efforts give meaning and dignity to our employees lives, as reflected by their work and community relationships.
  
- B. As the community has a responsibility to its employees, so the employees have a responsibility to the community. The welfare of both depends upon the ethical and effective way employees complete their responsibilities. To encourage a sense of responsibility, a spirit of confidence, and an attitude of cooperation among our employees is a primary administration goal. The community recognizes the value of individual employees and provides the essentials which will enable them to achieve the maximum satisfaction in their careers. In turn, individual employees are expected to recognize that their own satisfaction derives from loyal, ethical and conscientious service in the performance of their duties.

### 1.02. Authority

These policies apply to and govern all employees of the City of DeSoto, unless otherwise restricted or governed by State or Federal law.

- A. These policies supersede all existing policies and are effective and binding upon all employees, regardless of hire date. Continued employment with the City constitutes conclusive acceptance of the terms of these policies. These policies, including any modifications, are prepared for informational and guideline purposes only and do not constitute a contract (either express or implied) in any respect between the City and its employees.

- B. Employment with the City is at-will and either the employee or the employer may terminate the relationship at any time for any reason not contrary to law or no reason at all. Any employee of the City who is not appointed by the City Council may be removed with or without cause. This removal power is subject to any exceptions in the applicable provisions of the Civil Service laws for police, fire and the city charter. The at-will status of any employee may not be modified or rescinded by any oral or written statements by any person, including appointed or elected officials, any employee handbooks, employment applications, or other materials provided to employees. Nothing in this policy manual is intended to change or modify the at will status of City employees or to create or confer any property rights or expectations of continued employment to any employee.
  
- C. City Management reserves the right and authority to modify, revoke, amend, suspend, interpret, terminate or otherwise change any or all provisions of this Policy Manual. The failure of the City to follow or comply with any provision of this policy shall not constitute grounds for nor form the basis of any action or cause of action, either civil or criminal, arising from employment with the City.

### 1.03. Purpose

The purpose of this manual is to provide a consistent guide to personnel actions involving City employees. It is not intended to give specific guidelines for every conceivable personnel action, but rather to be a guide in ensuring that decisions are fair, consistent, and in accordance with the desires of the City. The circumstances of any particular case or matter may warrant a deviation or exception in the application of this policy; where such circumstances justify an exception, the City Manager is authorized to do so. The objectives outlined in this manual include the following:

- A. Promotion of increased efficiency and economy in the service of the City
  
- B. Provision of fair and equal employment opportunity to all qualified applicants to enter and advance in City employment on the basis of demonstrated merit and fitness as determined through consistent, fair and equitable methods of selection and promotion.
  
- C. Development of a program of recruitment, advancement, and tenure, ensuring City service as a career path, encouraging employees to strive for excellence in performance.
  
- D. Establishment and maintenance of a uniform plan of classification and compensation based upon duties and responsibilities performed in the service of the City.
  
- E. Promotion of high ethics and morals among City employees through the provision of good working relationships, uniform administration of policies, opportunities for advancement, and consideration of employee welfare.



#### 1.04. Policy Maintenance

- A. The Director of Human Resources represents the City Manager with regard to routine administration of all phases of this policy. The Director of Human Resources shall monitor these policies and make every good faith effort to ensure compliance through departments not only with the letter but also with the spirit of this policy. All policies outlined in this manual are subject to review and approval by the City Manager.
- B. These policies will be distributed to all City employees and will be published on the City's official website. Employees are responsible for compliance with all policies in this manual and with any and all revisions.
- C. Department Directors have authority and are responsible for the proper and effective administration of these policies within their departments. Directors are encouraged to maintain at least one paper copy of this manual for employee reference in their departments.
- D. Department Directors may develop and implement written department procedures or practices which are in addition to and not inconsistent with the policies listed in this manual.
- E. The City Manager may change, amend, or authorize exceptions to any of these policies within the statutory and personnel administrative authority granted by law or City Charter to the extent necessary to more effectively and efficiently promote the interests of the organization. Any new rules, regulations, or policies issued or updated in accordance with this section will supersede these regulations and are fully binding on all employees. Any provisions, terms, or conditions described in these policies may be changed, and continued employment with the City constitutes acceptance binding on all employees. Such new policies will, upon adoption, be set forth in writing and be made available to all employees and published on the City's website.

Section 2	General Provisions
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### 2.01. Equal Opportunity

- A. The City of DeSoto is committed to equal opportunity in any recruitment, examination, appointment, training, promotion, retention, discipline, and any other aspect of personnel administration without regard to age, race, sex, national origin, religion, disability or any non-job related factor.
- B. Age or physical disability may be considered if one of these factors constitutes a bona fide occupational qualification for a position necessary to the proper and efficient operation of the City.
- C. All administrators, supervisors, and employees share a responsibility in establishing and maintaining work environments free of discrimination for all employees.

### 2.02. Statement of Diversity

- A. The City of DeSoto strives to develop and sustain a community culture committed to a climate of inclusion and diversity which promotes respect and appreciation for its citizens, community partners and staff; thus creating a welcoming and engaging environment for all, including visitors.
- B. The City promotes equal opportunity and prohibits discrimination and harassment based on age, color, disability, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, pregnancy and veteran status.
- C. It is our unwavering quest to develop policies and practices that demonstrate diversity throughout the organization. The aforesaid objective to promote diversity has continuously stimulated our growth and development in terms of organizational effectiveness, efficiency, decision-making and problem solving.

### 2.03 Reasonable Accommodation

Requests for accommodations must be submitted in writing to Human Resources, along with any documents substantiating those requests. Responses to employees and management will be made in writing. Departments should make all job requirements, including days and hours of work, policies, uniform requirements and dress codes clear to applicants prior to job offers.

Section 3	Recruiting and Retention
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### 3.01. Authorized positions

- A. Positions are created and authorized through the budget and approval process by the City Manager. Generally, positions are approved annually during the annual budget adoption process. Due to staffing considerations and requirements, the City Manager may authorize the additional creation and approval of positions at any time during the budget year.
- B. Initial employment and subsequent advancement for these approved positions shall be based on approved or required examinations, merit, knowledge, skills and abilities, and physical fitness, where appropriate.

### 3.02. Types of positions

- A. Regular fulltime positions are those in which the required workweek is scheduled to equal or exceed 40 hours and there is no pre-specified end time for the position.
- B. Regular part time positions are those in which the required workweek is scheduled for less than 40 hours and there is no pre-specified end time for the position. Regular part time positions which are budgeted or scheduled for 1000 hours per year or more, or for which employees in those positions work or are scheduled to work for 1000 or more are required to participate in the Texas Municipal Retirement System (TMRS).
- C. Temporary fulltime positions are those in which the required workweek is scheduled to equal or exceed 40 hours for a specified period of time, generally not to exceed six months.
- D. Temporary part time positions are those in which the required workweek is scheduled for less than 40 hours for a specified period of time, generally not to exceed six months.

### 3.03. Processing of Vacancies

- A. All vacancies are reviewed for position control to ensure opening availability and processed through Human Resources.
- B. All vacancies will be posted according to current procedures. Selected promotional opportunities and related vacancies may be posted solely for internal applicants.

### 3.04. Applications

- A. Applicants must complete an official application of employment with the City for each and every position for which they are applying, and submit any required ancillary documents. Applicants may be defined as potential employees, former employees, and current employees seeking other positions or promotional opportunities.
- B. Applications from qualified applicants will be reviewed, processed and forwarded to departments. Incomplete applications or applications without required ancillary documents attached will be disqualified from consideration.
- C. Applications which are subsequently found to contain falsification or omission of any material facts will not be considered for employment for one year, unless prohibited by law.
- D. The hiring of previous employees will not be considered without prior approval from the City Manager.
- E. Rehired regular fulltime employees are subject to the conditions of employment and benefits of a newly hired employee, except where specifically stated otherwise or required by law, and as stated below in 3.04 F.
- F. Rehired employees who were previously regular fulltime, and are requesting rehire as regular fulltime, are not eligible to receive any payouts at separation, including any accrued sick or vacation leave.
- G. Applications are accepted for budgeted, vacant and approved positions only, unless specific approval is granted by the City Manager.

### 3.05. Minimum Hiring Ages

- A. Except for certain seasonal position (such as lifeguard or pool cashier), the minimum age for hiring is 18 for general positions and 21 for police uniformed services. Maximum hiring ages are established by state law under Texas Civil Service Statutes.

### 3.06. Pre-employment testing

A. Selection of employment is contingent on successful completion of any and all background screening and pre-employment testing for certain positions and may include any or all of those items identified below. Screenings or verifications for certain positions will be conducted on both new employees and those transferred or promoted.

1. Education and experience verification
2. Certification or licensing verification
3. Physical exam
4. Physical agility exam
5. Psychological exam
6. Polygraph exam
7. Drug and/or alcohol screening
8. Criminal history verification
9. Credit history verification
10. Driving record verification
11. Legal name verification
12. Reference verification

### 3.07 Minimum Experience Qualification

A. Experience applied for an applicant to meet Minimum Qualifications will generally not include volunteer, consulting or part time experience outside of the City. However, part time employment will count toward the experience requirement if it equals at least 1000 hours per year. In those cases, each 1000 hours worked will count as .5 years of experience toward meeting minimum qualifications. Consultant experience will count toward meeting minimum qualifications if proof of work and/or earnings are provided.

- B. Highly relevant experience may be substituted for education by substituting two years of related experience for one year of college education; i.e., an applicant who has worked for eight years as a professional accountant (not an account clerk) may apply for a position which requires a Bachelor's degree. An applicant with ten years of experience as a professional accountant may apply for a position which requires a bachelor's degree plus two years of related experience.
- C. Experience may not be substituted for a post-secondary degree.

### 3.08 Non-qualifying driving records

- A. Applicants and employees who are required to drive as part of their job duties must meet and maintain the following criteria in order for initial and continued employment.
  - 1. No more than three moving violations in any rolling twenty-four (24) month period.
  - 2. No DWI / DUI convictions for any employee for the past five (5) years, unless otherwise prohibited by law or certification requirements.
  - 3. For applicants – more than two at-fault accidents in any rolling twelve (12) month period.
  - 4. For employees - more than two at-fault accidents in any rolling twelve (12) month period will be reviewed by the department director and the City Manager, and could result in discipline, up to and including termination of employment.
  - 5. Employees who are required to maintain their driver's licenses in good standing while employed and have their licenses suspended for any reason, will be released from employment unless their licenses are restored within thirty (30) days, as they will no longer be able to perform the essential functions of the job. During the thirty (30) day period, duties may be restricted or denied.

Section 4	Selection and Job Offers
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#### 4.01 Selection

Selection of individuals for interview should be made based on job-related criteria in all cases except where prohibited by law. Job-related criteria should at a minimum, include possession of the necessary knowledge, skills, abilities and education to be successful in the position. The City reserves the right to select individuals for positions based on those who are best suited for the positions, consistent with all acceptable legal requirements.

#### 4.02 Nepotism

- A. No person shall be eligible for employment if related within the second degree by affinity or the third degree by consanguinity to the Mayor, any member of the City Council, or the City Manager. This prohibition shall not apply, however, to any person who shall have been employed by the City prior to and at the time of the election of the Mayor or Councilmember, or appointment of the City Manager, as provided for in the City Charter.
- B. No employee may work in any department-of another immediate family member. For purposes of these rules, an immediate family member includes spouse, significant other, roommate, child, parent, grandparent, sibling, step-child, step-parent, step-grandparent, step-sibling, niece, nephew, and in-law or step-in-law relationship. Exceptions to this policy which do not create any conflict may be allowed by the City Manager.
- C. Current employees who would otherwise be ineligible as of December 31, 2017 are grandfathered.
- D. Should employees become immediate family members after January 1, 2018, as indicated in 4.02 B., one of the employees must elect to resign or move to another position in another department (if available) within ninety (90) days of becoming an immediate family member.
- E. Applicants who do not disclose relationships on their official applications will be disqualified from consideration.



- F. Applicants who are relatives of executive staff or council-appointed board or commission members or elected officials may not be offered employment with the City unless approved by the City Manager.

#### 4.03 Job Offer

- A. Job offers are initiated by the department and approved by Human Resources. Job offers should be delivered after verification of references by the hiring department and related background screenings.
- B. Conditional job offers can be delivered to applicants based on successful completion and verification of education, experience, driving record, physical and psychological exams, drug screens, and other related criteria, depending on the requirements of the position.
- C. All job offer salaries are subject to approval by Human Resources prior to discussions with applicants regarding conditional job offers.

#### 4.04 Hiring Pay Rate for Outside Applicants

- A. Applicants whose education and experience meets the minimum qualifications will be hired at the minimum of the pay range.
- B. Applicants whose education and experience exceeds the minimum qualifications may be hired above the minimum of the range, based on the criteria listed below.
  1. The applicant's higher qualifications may warrant higher pay.
  2. Hiring above the entry salary will not disrupt current internal equity and salary relationships.
  3. Funds are available.
  4. The action is in the best interest of the City.
  5. Hiring Pay recommended by either the department director or Human Resources at a rate higher than the midpoint will be directed by Human Resources to the City Manager for approval.

#### 4.05 Hiring Pay Rate for Promotions

- A. Applicants who are current employees and for which this is a promotional opportunity, will receive an increase of 4% per grade, to a maximum of 10%, or the minimum of the range, whichever is greater, unless the employee has previous experience, in which case the hiring range indicated in 4.04 B above, will apply. Police and Fire promotions are governed under Civil Service and the affected classification schedules.

#### 4.06 Hiring Pay Rate for Lateral Transfers

- A. Salaries for applicants who are current employees and for which this change is a lateral transfer, will receive a 4% increase in pay. A lateral transfer for purposes of this section, is a movement from one job title in a pay range to a different title in the same pay range. Example: Employee A is moving from a maintenance worker to a utility billing clerk and both job titles are currently in Pay Grade 15.

#### 4.07 Hiring Pay Rate for Demotions

- A. Salaries for applicants who are current employees and for which this is a voluntary demotion, will not see a reduction in pay if they are within the pay range of the new position. If their salaries exceed the maximum of the pay range, the pay will be reduced to the maximum of the new pay range.

#### 4.08 Employee File Maintenance

- A. Human Resources maintains official employee, or personnel files, in the Human Resources Department, except when otherwise authorized by law. Access to those files is limited to the employees and to those individuals with a need to know, unless otherwise controlled by State law.
- B. Employees must ensure that any changes in name, address, phone, or emergency contact are documented in accordance with current standards set up both in the department and in the City.

Section 5	Introductory Period
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### 5.01 Introductory Period

- A. There will be an introductory or probation period of six (6) months for all newly hired, rehired, transferred, demoted or promoted employees not classified under civil service. It is the purpose of this introductory or probation period to allow both employees and the City to evaluate job satisfaction and continued employment. The probation period for newly hired police officers or firefighters will be twelve (12) or eighteen (18) months, depending on certifications at hire date.
- B. At any time during this period, supervisors may determine that the employees are not meeting the requirements of the position or not performing in a satisfactory manner. If this is the case, those employees may be involuntarily terminated.
- C. Prior to the dismissal of Introductory Period or Probationary Employees, departments must consult with their directors and Human Resources.
- D. New employees and newly promoted employees terminated in their initial introductory or probation periods do not have appeal rights.
- E. Current employees who have been transferred, demoted or promoted, other than police officers or firefighter, terminated in their initial introductory periods, may be returned to their former positions, if such openings exist.
- F. Introductory Periods may be extended, in writing, to Human Resources, documenting that additional time is necessary to effectively evaluate new employees.
- G. At the end of the Introductory Period, the performance of the employees may be reviewed and discussed. If the performance is satisfactory after this period, employees will then be eligible for continued employment, but will retain their at-will status, and may subsequently be terminated, transferred, or demoted, without cause.

H. During this initial period, employees are generally not eligible for reassignment, promotion, or allowed to voluntarily transfer. Exceptions may be granted if determined to be in the best interest of the City and approved by both departments.

Section 6	Salary Administration
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### 6.01 Program Goals

- A. The administration of salaries for each position is based on the philosophy of maintaining a competitive pay structure for the purpose of recruiting and retaining an effective workforce. Determination of appropriate compensation is based on the following principles:
1. Provide compensation based on knowledge, skills and abilities for each job description.
  2. Regularly review the internal equity of positions, evaluating their job duties within the organization.
  3. Establish individual equity measures within the performance review process and provide for opportunities for performance-based increases, as determined by funds availability.
  4. Review classifications to ensure competitiveness with similar jobs within the local economy or applicable labor market, establishing ranges similar to that market.

### 6.02 Job Classification and Title

- A. Job Classification is a categorization of job type according to the nature of the work performed. Jobs are classified according to assigned responsibilities and other compensable factors. These assignments are not subject to appeal by employees. Classification recommendations and assignments are recommended to and approved by the City Manager.
- B. Job Classifications are generally slotted into pay plans. Those pay plans may include separate structures for exempt, non-exempt, executive, police, or fire.

- C. Each position within the pay plan or structure will be classified as exempt or non-exempt, or as eligible or not eligible for overtime pay or compensatory time accruals.
- D. Each position in the City shall be classified according to objective criteria and the provisions outlined in this manual.
- E. Official Titles shall be used for all official documents. Working or functional titles may be used where appropriate.
- F. Job Descriptions will be established and reviewed regularly for all positions.

### 6.03 Job Reclassification

- A. Job Reclassification is a re-categorization of a job based on or as a result of documented significant changes in complexity of duties, responsibilities, knowledge level required, impact on City operations, accountability, business necessity, or other relevant factors, some of which are included below.
  - 1. The level of responsibility for an existing position has significantly increased or decreased.
  - 2. The job duties of an existing position are expected to be combined with a vacant position in another classification.
  - 3. Additional programs, facilities or requirements are assigned that are not currently a part of the job responsibilities as currently stated.
- B. Job Reclassification is not considered a business necessity for any of the factors identified below.
  - 1. Local, state or federal law requires a title or certification change but does not substantially change the job requirements.
  - 2. There is a volume increase in the workload or new tasks have been added.
  - 3. There is a desire to reward an employee for outstanding performance, the obtaining of a degree or certificate, reaching the top of the pay range, or for length of service.
- C. When reviewing job classifications and titles, the appropriate steps will also be taken to review exempt or non-exempt status for overtime eligibility.

- D. Job Reclassifications will be requested by the Department Directors, conducted by the Human Resources Department and approved by the City Manager, and are generally completed during the annual budget process.

#### 6.04 Rates of Pay

- A. The base rate of pay for employees is the hourly amount the employees receive based on a number in the salary range of the classification to which the job title is attached.
- B. The base plus rate of pay for employees is that hourly amount the employees receive which includes the base pay, plus any additional pay, per FLSA.

#### 6.05 Overtime Definitions

- A. Exempt employees are not eligible for compensatory time or overtime, as defined by the Fair Labor Standards Act (FLSA).
- B. Non-exempt employees are eligible for compensatory time or overtime (as defined by FLSA). For purposes of determining overtime rates paid, costs are calculated on the base plus rate, times 1.5.
- C. For eligible employees, compensatory time or overtime will be accrued or paid for those eligible hours worked in excess of those defined in the work week or work period, not the work day. For non-police officer and firefighter positions, those defined work week or work period hours equal forty (40) in seven (7) days. For eligible police positions, that defined work period is fourteen (14) days consisting of eighty (80) work hours. For eligible fire positions, that defined work period is twenty-eight (28) days consisting of 212 work hours.
- D. Sick days, vacation days, emergency leave days, injury leave days, jury duty days, or other leave days do not apply when determining eligible hours worked for purposes of computing overtime. Employees must be at work on the job or on holiday leave in excess of the defined work week or work period to receive compensatory time or overtime.

#### 6.06 Compensatory Time

- A. Compensatory time is accrued at the rate of 1.5 hours for every hour worked in excess of the established work week or work period. For non-police officer and firefighter positions, this is defined as over 40.
- B. Compensatory time may be accrued and used at a later date, as with vacation, with supervisor approval.

- C. Compensatory time may be accrued to a maximum of eighty (80) hours.
- D. Once employees have accrued 80 hours of compensatory time, all time to be paid at the overtime rate will be paid as overtime, until such time as the
- E. compensatory time accrual has been reduced.
- F. Department Directors have the authority to designate whether the department's non-exempt employees will receive overtime pay, compensatory time accruals, or a combination of both, for any hours worked over the maximum in the work week or work period.
- G. Upon promotion or transfer, employees will generally be required to use all compensatory time prior to the effective date of promotion or transfer. In some cases, compensatory time may be paid out. For promotions or transfers within the same account number or department, compensatory time may be carried over.

#### 6.07 Standby or Call Out Pay

- A. Employees are considered officially scheduled and designated as on Standby or On Call only when approved by a supervisor in accordance with procedures established by the department. Those employees considered as On Call will be in that status for a specified period of time. During this standby period, employees are free to pursue personal activities, but must respond within guidelines established by the department.
- B. Standby and On-Call employees must available for response within thirty (30) minutes.
- C. Employees assigned to this category will be compensated at 1.5 times their base rate for hours worked during the callback period.
- D. Pay will include travel from their regular work site to and from the job site and in some departments, may include up to fifteen (15) minutes for travel time from home.

#### 6.08 Meal Break

- A. A thirty (30) minute to one hour allowance for meal breaks is customarily granted to employees. This meal period is not considered hours worked if employees are completely relieved of their work duties.
- B. Employees required to carry a pager or a phone are still considered to be relieved of duties during the meal period.



- C. Employees required or permitted to continue their work duties through the meal period must record this time as hours worked.
- D. Approved break periods of twenty (20) minutes or less will be considered hours worked.

#### 6.09 Interim Appointment

- A. Employees may be appointed to interim positions to ensure the proper delivery of City services if the position is vacant or the incumbent will be unavailable for an extended period of time, generally in excess of ninety (90) days.
- B. An extended period of time may be defined by the City Manager, but it shall exclude routine vacation and sick leave absences.
- C. Employees appointed to interim positions will be compensated in a manner approved by the City Manager, but at no less than a four percent (4%) increase in pay.
- D. Interim appointments shall not be used to circumvent the normal selection procedures.
- E. Interim appointment pay shall be removed at the end of the interim assignment.

#### 6.10 Event Pay

- A. Special Events are defined as special occurrences generally occurring annually, outside of normal work hours and could include parades, festivals and related special events.
- B. Non-exempt fulltime employees working at special events will be compensated at 1.5 times their base pay for all hours worked, irrespective of work week or work period totals.

#### 6.11 Pay Structure Increases

- A. The City is committed to market competitiveness and may conduct periodic reviews of the salary structures for employees. Based on this review, adjustments to the salary structures may occur.
- B. Structure increases may or may not have an effect on employees' individual pay.
- C. Structure increases will generally occur at the beginning of the fiscal year and are subject to City Council approval and subsequent funding availability.

#### 6.12 Across the Board Pay Increases

- A. The City may grant across the board pay increases that apply to one or all salary structures.
- B. With this type of increase, the pay structures, or pay ranges, may stay the same.
- C. Across the board pay increases will generally occur at the beginning of the fiscal year and are subject to City Council approval and subsequent funding availability.

#### 6.13 Merit Pay

- A. The City may grant employees the ability to earn merit pay increases, bases on job performance.
- B. With this type of increase, the pay structures, or pay ranges, may stay the same.
- C. Merit pay increases will generally occur on anniversary dates or at the beginning of the fiscal year and are subject to City Council approval and subsequent funding availability.

#### 6.14 Longevity Pay

- A. Longevity Pay is additional pay granted based on years of service.
- B. Employees are eligible for longevity pay after one full year of service, at the end of the month in which they began working.
- C. Longevity is granted at the rate of \$4.00 per month for each year of service, to a maximum of twenty-five (25) years of service.
- D. Longevity is paid annually, generally during the week which includes Thanksgiving.
- E. Unless otherwise required by law (Police and Fire), partial longevity will not be paid at time of separation.

#### 6.15 Bilingual Pay

- A. Bilingual pay is afforded to those employees in departments which have a demonstrated need for bilingual speakers and readers. A need for bilingual speakers and readers must be approved by the department and the City Manager.
- B. Employees who are eligible for bilingual pay must successfully pass a competency exam administered by the City. The competency exam will be in both verbal and written forms.

- C. Employees successfully completing the verbal competency exam will receive an additional \$50 per month for as long as the need is justified. Employees completing the written competency exam will receive an additional \$50 per month for as long as the need is justified. Employees may not receive more than \$100 per month, irrespective of how many language competencies they possess.
- D. Bilingual pay will be eliminated if the department no longer has a need, employees are transferred to other positions or departments, employees' skills no longer satisfy program requirements, employees are on extended leave, or employees voluntarily leave the program.

#### 6.16 Deployment Pay

- A. Deployment is a volunteer opportunity for employees to utilize their skills and training for the betterment of the community which has been damaged or destroyed due to a disaster, either natural or otherwise.
- B. All deployments must be approved by the City Manager.
- C. Employees may volunteer for emergency deployment.
- D. Employees who are deployed will complete all documents required by the state or federal agency in order to expedite any outside agency reimbursements due the City.
- E. Deployment pay occurs when there is a state and/or federal emergency return to work order outside of scheduled work hours, and occurs at the request of a department director, with approval of the City Manager.
- F. Non-exempt employees will be compensated in the manner listed below.
  - 1. Employee time will be coded as regular hours for each day worked and time and one-half (overtime) will be paid if employees exceed their regular hours worked under FLSA.
  - 2. Employees other than firefighters will be compensated for a minimum of eight hours per day.
  - 3. Firefighters will be compensated for a minimum of twelve hours per day.

4. Hours actually worked over the minimum of either eight (8) or twelve (12) hours will be coded as regular time worked.
    - a. Example 1) a firefighter who works an eight-hour day will record the time as twelve hours worked.
    - b. Example 2) a firefighter who works a fourteen hour day will record the time as fourteen hours worked.
  5. Time and a half will be paid in accordance with established FLSA guidelines for work weeks (14 days for police, 28 days for fire, and 7 days for civilian personnel).
  6. Time will be paid in the cycle in which it is worked.
- G. Exempt employees will be compensated in the manner listed below.
1. Employees will be paid at their regular rates, in accordance with established FLSA guidelines.
  2. Time will be paid in the cycle in which it is worked.

#### 6.17 Payroll Deductions

- A. Initial and continued employment is conditional upon agreement for payroll deductions as follows:
1. When required or allowed by law or regulation
  2. As payment for fringe benefits or otherwise available, with employee consent
  3. As payment for job-required deposits
  4. As repayment for erroneous payments or overpayments made by the City
  5. As repayment for benefits paid while employees are receiving other income, such as workers' compensation payments

#### 6.18 Payroll Checks

- A. Payrolls are processed in a green environment, through the use of direct deposits, with information on payroll checks available on the City's network.

- B. Employees are responsible for their own review of all payroll checks, deductions and allowances.
- C. Employees who are eligible to receive additional pay due to assignments or certifications are responsible for bringing those assignments or certifications to the attention of Human Resources. Compensation for assignments or certifications will not be paid in arrears to any employee not immediately reporting to Human Resources either their eligibility for such pay or any payroll check errors.
- D. The City retains the right to retrieve overpayments on payroll checks or non-payments for any type of elected benefits.
- E. Final pay for involuntarily separated employees will be distributed after any requested appeals are final.

Section 7	Paid Leave
Effective Date	01.01.13
Revision Date	01.01.2021
Review Date	01.01.2021

### 7.01 Holiday leave

- A. Regular fulltime employees are eligible for paid holidays upon hire.
- B. Regular fulltime employees, other than shift firefighters, are paid eight (8) hours for holidays. Shift firefighters are paid twelve (12) hours for holidays.
- C. The following holidays are currently approved for City employees and may be modified at any time.

<u>Holiday Title</u>	<u>Observance</u>
New Year's Day	January 1
Martin Luther King Day	Third Monday in January
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Thanksgiving	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Eve or Day After	December 24 or December 26
Christmas Day	December 25
Personal Day	Any working calendar year day, with supervisor approval

- D. Designation of the holidays listed does not authorize absences should employees be scheduled to work on that day.
- E. If a holiday falls on a Saturday, the preceding Friday shall be observed.
- F. If a holiday falls on a Sunday, the following Monday shall be observed.
- G. Departments may authorize observance of designated holidays and may revoke or restrict holiday observance in order to provide necessary City services.

- H. No overtime or extra pay is authorized for employees who are required to work on a designated holiday.
- I. Holidays may not be accumulated or carried over to the next calendar year, with the exception for those employees required to work December 24 or December 25. Employees working those two days may carry them over through January of the next calendar year. If those holidays are not taken in January, they are considered forfeited.
- J. Holidays occurring during vacations will be charged as holiday leave, not vacation leave.
- K. Employees not paid on the day preceding or following a holiday will not receive pay for that holiday.
- L. Police, Fire and Dispatch 24/7 shift employees may schedule holidays to be used on days other than the officially observed day. If separating employees have scheduled and used holidays prior to the officially observed days, the holiday pay will be deducted from any final pay. If separating employees have not used holidays occurring prior to the separation date, they will be paid for those holidays. It is highly recommended that newly-hired shift employees not use holiday hours as time off opportunities more than one month ahead until they have reached six months of employment or completed required schooling.
- M. Police, Fire and Dispatch employees not on shifts must use holidays on the actual holiday.
- N. Holidays must be taken in full day increments. Employees on shifts other than eight (8) must use full day holidays for those hours or in increments of no less than four hours.
- O. Employees required to work special events on holidays (Parks, Streets, etc.) may request to either be paid for the holiday worked or may request to use the holiday within thirty (30) calendar days. If the request is to use the holiday within thirty days and it is not used, it will be forfeited.
- P. Personal holiday leave may be earned and used as listed below.
  - 1. New employees are eligible for a personal holiday upon hire and must use that personal holiday as a full day off during the calendar year.
  - 2. There is no carryover for the personal holiday, and there is no payout for the unused personal holiday at time of separation.

## 7.02 Vacation leave

A. Regular fulltime employees successfully completing six months of continuous service are eligible for paid vacation leave.

1. This section on accruals and payouts applies to all regular fulltime employees (except police officers and 24-hour shift firefighters). Years equals years of continuous, active fulltime service in DeSoto. Maximum Hours payout means maximum cash paid at time of separation for unused leave.

<u>Years Completed</u>	<u>Accrued Hours per month</u>	<u>Accrued Hours per year</u>	<u>Maximum Hours payout</u>
0 – 1	6.67	80	0
1 – 5	6.67	80	160
6	7.33	88	176
7	8.00	96	192
8	8.67	104	208
9	9.33	112	224
10	10.00	120	240
12	10.67	128	256
14	11.33	136	272
16	12.00	144	288
18	12.67	152	304
20	13.33	160	320



2. This section on accruals and payouts applies to all regular fulltime 24-hour shift firefighters. Years equals years of continuous, active fulltime service in DeSoto. Maximum Hours payout means maximum cash paid at time of separation for unused leave.

<u>Years Completed</u>	<u>Accrued Hours per month</u>	<u>Accrued Hours per year</u>	<u>Maximum Hours payout</u>
0 – 1	15.00	180	0
1 – 6	15.00	180	360
7	15.00	180	360
8	15.00	180	360
9	15.00	180	360
10	15.00	180	360
11	15.00	180	360
12	16.00	192	384
14	17.00	204	408
16	18.00	216	432
18	19.00	228	456
20	20.00	240	480

3. This section on accruals and payouts applies to all regular fulltime police officers. Years equals years of continuous, active fulltime service in DeSoto. Maximum Hours payout means maximum cash paid at time of separation for unused leave.

<u>Years Completed</u>	<u>Accrued Hours per month</u>	<u>Accrued Hours per year</u>	<u>Maximum Hours payout</u>
0 – 12 mos (C or NC)	6.67	80	0
12 mos – 18 mos (NC)	6.67	80	120
12 mo – 5 (C)	10.00	120	240
18 mos – 5 (NC)-	10.00	120	240
6	10.00	120	240
7	10.00	120	240
8	10.00	120	240
9	10.00	120	240
10	10.00	120	240
11	10.00	120	240
12	10.67	128	256
14	11.33	136	272
16	12.00	144	288
18	12.67	152	304
20	13.33	160	320

C = Certified at time of hire

NC = Non-Certified at time of hire

- B. Maximum hours accrued is limited to three times (3x) annual accrual. Annual accruals are reconciled at the end of each calendar year, at which time overages will be deleted from the system. Exceptions may be granted by the City Manager upon recommendation by the department director, citing unforeseen or emergency circumstances.
- C. Accruals are awarded at the end of each month of completed service.
  - 1. New employees who began work prior to the fifteenth (15th) of the month will receive accruals for that month.
  - 2. New employees who began work from the sixteenth (16th) through the end of the month will receive half accruals for that month.
- D. Vacation leave may not be advanced or transferred to other employees.
- E. Payment of unused vacation time for eligible employees is calculated on the base rate of pay for separating employees.
- F. Payment of unused vacation time for employees retiring due to service-connected disabilities will include all accrued vacation hours.
- G. Vacation leave must be taken in a minimum of thirty (30) minute increments.
- H. Vacation leave must be requested by employees and approved by departments in advance, unless the absence is the result of an unforeseen emergency, in which case the department may determine if vacation may be granted.
- I. Vacation leave shall be scheduled giving due consideration to service requirements and expectations. Employees shall be permitted to use paid vacation at such times as may be determined by the department to be in the best interest of the City.
- J. Use of vacation leave beyond FMLA approved leave for either personal illness or for the illness of an immediate family member may be approved for up to twelve (12) additional weeks by the department.
- K. Use of vacation leave beyond twenty-four (24) weeks for any reason must be requested to the department and approved by the City Manager.
- L. Vacation leave shall not accrue for any month in which employees are in a non-pay status for less than half the standard number of paid days for their job title.

- M. Vacation leave shall not be used for any day in which employees are in a suspended status from work due to disciplinary actions.
- N. Part time employees who have worked at least six months without a break in service, and who are promoted to regular fulltime positions, shall have immediate access to benefits accruals, bypassing the normal six (6) month waiting period.
- O. Vacation accrual balances will be paid out for employees separating after one year of fulltime employment.
- P. Vacation or compensatory time may not be scheduled after a notice of separation has been received, unless approved in writing by the City Manager.

7.03 Sick leave

- A. Regular fulltime employees successfully completing six months of continuous service are eligible for paid sick leave. There is no maximum accrual on sick leave.
  1. This section on accruals and payouts applies to all regular fulltime employees (except police officers and 24-hour shift firefighters) who were hired prior to January 1, 2016. Years equals years of continuous, active fulltime service in DeSoto. Maximum Hours payout means maximum cash paid at time of separation for unused leave.

<u>Years Completed</u>	<u>Accrued Hours per month</u>	<u>Accrued Hours per year</u>	<u>Maximum Hours payout</u>
6 months - 2	10.00	120	0
2	10.00	120	25% to 720
3	10.00	120	50% to 720
4	10.00	120	75% to 720
5	10.00	120	100% to 720

2. This section on accruals and payouts applies to all regular fulltime 24-hour shift firefighters. Years equals years of continuous, active fulltime service in DeSoto. Maximum Hours payout means maximum cash paid at time of separation for unused leave.

<u>Years Completed</u>	<u>Accrued Hours per month</u>	<u>Accrued Hours per year</u>	<u>Maximum Hours payout</u>
5 months	15.00	180	0
6 mo – 12 mo	15.00	180	0
After 12 months	15.00	180	1080

3. This section on accruals and payouts applies to all regular fulltime police officers. Years equals years of continuous, active fulltime service in DeSoto. Maximum Hours payout means maximum cash paid at time of separation for unused leave.

<u>Years Completed</u>	<u>Accrued Hours per month</u>	<u>Accrued Hours per year</u>	<u>Maximum Hours payout</u>
6 mo – 1 (C)	10.00	120	0
6 mo – 18 mo (NC)	10.00	120	0
12 or 18 mos - 2	10.00	120	720
After 2	10.00	120	720

C = Certified at time of hire      NC = Non-Certified at time of hire

4. This section on accruals and payouts applies to all regular fulltime employees (except police officers and 24-hour shift firefighters) who were hired on or after to January 1, 2016. Years equals years of continuous, active fulltime service in DeSoto. Maximum Hours payout means maximum cash paid at time of separation for unused leave.

<u>Years Completed</u>	<u>Accrued Hours per month</u>	<u>Accrued Hours per year</u>	<u>Maximum Hours payout</u>
6 months - 9	10.00	120	0
10	10.00	120	25% to 720
15	10.00	120	50% to 720
20	10.00	120	100% to 720

- B. Accruals are awarded at the end of each month of completed service.
  1. New employees who began work prior to the fifteenth (15th) of the month will receive accruals for that month.
  2. New employees who began work from the sixteenth (16th) through the end of the month will receive half accruals for that month.
- C. Sick leave is to be used for health care needs which may include illness and routine health care appointments.
- D. Supervisors may request physician statements when sick leave is used regularly or excessively.
  1. Frequent sick leave use by employees may indicate that their physical condition is below the standard necessary to complete the essential functions of the position.
  2. Frequent sick leave use by employees may indicate a necessity for a fitness for duty examination at the request of the department.

- E. Sick leave may not be advanced or transferred to other employees.
- F. Payment of unused sick time for eligible civilian employees is calculated on the base rate of pay for separating employees.
- G. Payment of unused sick time for civil service employees is calculated per Section 143 of the Local Government Code, plus all incentive pay as authorized by City Ordinance.
- H. Sick leave must be taken in a minimum of thirty (30) minute increments.
- I. Sick leave may be used for illness of immediate family members of employees. Immediate family members include spouse, parents, step parents, children or step children.
- J. Sick leave may be used for the illness of a family member to a maximum of 160 hours (240 for firefighters) during any rolling 12 month period. In the case of men staying home with a spouse who has given birth, sick leave may be used up to 160 hours (240 for firefighters) immediately following the birth. For women giving birth, 240 hours of sick leave may be used. Time in excess of those hours will be drawn from other leave balances.
- K. Use of leave beyond FMLA approved leave for personal illness may be approved for up to twelve (12) additional weeks by the department and must be requested in writing by the employee, along with an estimated return to work date.
- L. Use of leave beyond twenty-four (24) weeks for any reason must be requested to the department and approved by the City Manager.
- M. Sick leave shall not accrue for any month in which employees are in a non-pay status for less than half the standard number of paid days for their job title.
- N. Sick leave shall not be used for any day in which employees are in a suspended status from work due to disciplinary actions.
- O. Employees using sick leave must contact their supervisors prior to or within the first thirty (30) minutes of their shifts. Employees who are on duty are required to notify their immediate supervisors of their personal or family illness prior to leaving the worksite.
- P. Part time employees who have worked at least six months without a break in service, and are promoted to regular fulltime positions, shall have immediate access to benefits accruals, bypassing the normal six (6) month waiting period.
- Q. Employees may use sick leave in lieu of vacation leave should they become ill during those scheduled vacation periods.

- R. Employees may not use sick leave for personal illness and report to secondary employment or contracting within four (4) hours of the end of their shifts.

#### 7.04 Emergency leave

- A. Regular fulltime employees may be granted up to twenty-four (24) business hours of emergency leave with pay for the death of an immediate family member for regular fulltime employees other than shift firefighters.
- B. Shift firefighters will be granted up to thirty-six (36) hours of emergency leave with pay for the death of an immediate family member.
- C. Qualifying immediate family members are identified below. Persons not on the list of immediate family members must be approved by the City Manager.
  - 1. Spouse
  - 2. Parents, parents-in-law, step parents, step parents-in-law
  - 3. Grandparents, grandparents-in-law
  - 4. Children, step children
  - 5. Grandchildren
  - 6. Siblings, step-siblings, siblings-in-law
  - 7. Employees may use emergency leave in lieu of sick or vacation leave should the need arise during scheduled sick or vacation periods.

#### 7.05 Jury duty leave

- A. Regular fulltime employees shall be granted paid leave for required non-voluntary appearances in a city, state, federal or appellate court, or a legislative or administrative proceeding. Employees must provide documentation of required attendance.
- B. Employees receiving payment from outside employers to appearances covered by this section must use accrued paid or unpaid leave.
- C. Monies earned from jury duty need not be reimbursed to the City.

D. Employees excused from jury duty or court appearances as identified above must return to work as indicated below.

1. If four (4) or more hours are remaining in an eight (8) hour day
2. If twelve (12) or more hours are remaining on a twenty-four (24) hour shift

#### 7.06 On the Job Injury leave

A. Regular fulltime employees who sustain injuries on the job and in the line of duty will receive salary continuation for the duration of their incapacity, not to exceed sixty (60) calendar days (unless otherwise mandated for police and fire under Civil Service). Salary continuation is offered to employees as one of the two options listed herein.

1. Salary continuation shall be defined as the current base rate less any workers' compensation payments, if payments are retained by the employees.
2. Salary continuation shall be defined as the current base rate if workers' compensation payments are returned to the City. Employees electing this option are required to return workers' compensation payments within three (3) days of receipt of each check in order to continue receive salary continuation.
3. Employees on injury leave are required to report weekly to their departments to update them on their conditions and possible returns to work. Employees who do not report weekly will have their salary continuation payments stopped, and disciplinary action may follow.

B. Salary Continuation payments will be provided to employees who comply with all physician instructions regarding treatment.

C. Employees who are not eligible to return to full duty may not engage in other employment during this time without approval from the City Manager.

D. Employees may be assigned to modified duty (MD) for a period not to exceed sixty (60) calendar days. Modified duty employees will be assigned Monday through Friday 8:00 am to 5:00 pm schedules only, unless there is a need to modify hours, which may not exceed eight (8) per day, and 40 per week. Overtime or compensatory time may not be earned or accrued during this light duty period. Any exceptions to the sixty (60) calendar day MD assignment must be in writing to Human Resources and approved by the City Manager.

#### 7.07 Official travel leave

- A. Regular fulltime employees may be granted leave to attend conferences, schools and other events designed to improve education and knowledge.
- B. This leave is categorized as regular hours worked.

#### 7.08 Military leave

- A. The City is committed to fulfilling its obligations under state and federal law and demonstrating its support of national or regional efforts by providing military leave as specified herein. The City also acknowledges that time spent by employees on military leave is often relevant or complementary to any workplace responsibilities, and that the skills, leadership, discipline and teamwork experience that employees acquire during military service can prove valuable on the job.
- B. Employment and re-employment rights of military personnel in civilian employment are governed by the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA).
- C. Requests for military leave shall be made in writing and in advance to Human Resources and accompanied by military orders. Where military necessity prevents advance notice and documentation, notice and documentation are to be provided as soon as possible, but no later than immediately after the absence, in order for benefits to be paid.
- D. All regular fulltime employees are eligible for fifteen (15) paid days or a total of 120 hours (fourteen twelve-hour shifts for shift firefighters or a total of 168 hours) to allow for response to orders of military service, beginning on October 1 of each year.
- E. Travel time included in the orders and paid for or reimbursed by the service will be counted as annual military leave, provided that such travel is scheduled to occur during normal work hours.
- F. Annual military leave will not be granted for time that is used for diagnosis or treatment of any service-connected sickness or disability, for obtaining or sustaining any disability rating, or for treatment in any government facility.
- G. Time required for physical examination for selection or admission to the military service, to determine or maintain a selective service rating, or to maintain a reserve status, may be compensated by paid military leave.



- H. Employees on military leave will continue to accrue paid leave, and deductions from pay for the City's contributions to any benefit plan will continue to be made as if the employees had continued to work, should the employees choose to continue any or all benefit plans.
- I. During periods of non-payment, leave accruals will be suspended.
- J. Departments that base personnel decisions, such as shift or days off assignments, on seniority, must count the time spent on paid and unpaid military leave as active City service for seniority ranking purposes.
- K. For reinstatement after military leave and to retain re-employment rights under USERRA, employees must adhere to the standards below.
  - 1. After periods of 30 days of service or less, employees must return to work at the beginning of the first regularly scheduled work day after time for safe travel to their residences and eight (8) hours of rest time.
  - 2. After periods of 31 to 180 days, employees must make application for reinstatement no later than 14 days after completion of military service.
  - 3. After periods of 180 days or more, employees must make application for reinstatement no later than ninety (90) days after completion of military service.
- L. Employees entitled to re-employment under USERRA, who completed military service of less than ninety-one (91) days, are entitled to the jobs they would have attained absent the military service, provided they are, or can become, qualified for that job. This includes any pay raises that would have been given based solely on time in the position, but not raises that would have been based on performance in the job. For periods of service of 91 days or more, returning employees may be placed in positions of like seniority, status, and pay.

#### 7.09 Fitness for Duty Exams

- A. Employees are responsible for maintaining their required standards of physical and mental health fitness required for performing the essential functions of the position, either with or without reasonable accommodation.

- B. Employees with potentially life-threatening and / or infectious illnesses or physical and / or mental disabilities may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. As long as these employees are able to perform the essential functions of their jobs, with or without reasonable accommodations, without creating undue hardships, and medical evidence indicates that their condition is not a direct threat to themselves or others, the City will treat them consistently with other employees.
  
- C. Employees may be required to undergo a medical and/or psychological examination to determine fitness for continued employment, as may be necessary in order for the City to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with applicable laws.
  
- D. Prior to returning to work, employees must coordinate with the Human Resources Department.

#### 7.10 Off the Job Injury or Illness leave

- A. Employees who are not eligible to return to full duty may not engage in other employment during this time without a written request submitted through Human Resources and final approval from the City Manager.
- B. Employees may be assigned to modified duty (MD) for a period not to exceed sixty (60) calendar days. Modified duty employees will be assigned Monday through Friday 8:00 am to 5:00 pm schedules only, unless there is a need to modify hours, which may not exceed eight (8) per day, and 40 per week. Overtime or compensatory time may not be earned or accrued during this light duty period. Any exceptions to the sixty (60) calendar day MD assignment must be in writing to Human Resources and approved by the City Manager.

#### 7.11 Paid Parental Leave

- A. Paid Parental Leave (PPL) is provided to eligible employees who are birth mothers, biological fathers, or adoptive or foster mothers or fathers.
  - 1. Surrogate mothers and sperm donors are not eligible for PPL.
- B. PPL is paid immediately following a birth, adoption or foster care placement of a child under age 18 (age 18+ may be waived due to disability), in recognition of the importance of work/life balance and to offer parents the opportunity to bond with a new child.
- C. Employees eligible for PPL must also be FML-eligible and must have been fulltime employees for one year prior to the leave. Employees who have exhausted their FML entitlements during this period for other reasons, are not eligible for PPL.
- D. Eligible employees will be provided up to three contiguous weeks (120 hours maximum, 160 hours maximum for fire shift personnel) of PPL immediately following birth, adoption or foster care placement. If both parents are eligible employees, the mother giving birth must take PPL first, and the father or second parent must take the PPL at the same time or immediately after the mother's PPL has concluded. In the case of adoption or foster care placement, employees may choose to take PPL either at the same time or at week four (4), when the first parent's leave has expired.
- E. Eligible employees may use PPL twice during their DeSoto careers, irrespective of any breaks in service.
- F. PPL runs concurrently with FML. The concurrent use of PPL and FML will not increase, in whole or in part, the amount of FML time available to employees.

- G. Pay for PPL will be at 100 percent of the employee's base pay rate and will not reduce any leave balances.
- H. Multiple births, adoptions or foster care placements occurring at the same time do not increase the length of PPL.
- I. PPL may not be banked for future use or used intermittently, and any balance will not be paid out at separation.
- J. PPL will end if employees no longer meet eligibility, such as switching from a fulltime to a part-time employee.
- K. PPL will be used prior to use of other employee leave.
- L. For child bonding purposes, the three weeks of PPL must be exhausted before other forms of paid and unpaid leave allowed under FML may be used. Holidays occurring during the PPL period will not increase the PPL period.
- M. Pregnant mothers who are released from duty by their doctors prior to birth must use sick leave or vacation until the date of birth. At the time of birth, mothers will be eligible to use PPL. The time prior to the birth will be reviewed for FML eligibility under current FML policy.

Section 8	Leave of Absence
Effective Date	01.01.13
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### 8.01 Leave of absence

- A. This section applies to employees who request a leave of absence.
- B. Employees may be granted a paid or unpaid leave of absence for any purpose which has been approved by the department and the City Manager.
- C. Employees shall request leaves of absence a minimum of two (2) weeks prior to the onset of the requested leave, other than in cases of emergency.
- D. Requests shall be evaluated on the basis of length and reason.
- E. A leave of absence may be granted in thirty (30) day increments for no longer than six (6) months.
- F. Employees on leave without pay for more than thirty (30) days may not be guaranteed re-employment in their former positions if that leave has a negative impact on department operations, as determined by the department director.
- G. Employees on unpaid leave in excess of thirty (30) days will be terminated from any insurance benefit programs, and will be offered coverage under the provisions of COBRA. Eligibility for any benefit from the City may be suspended during periods of unpaid leave.
- H. Employees on unpaid leave in excess of thirty (30) days will not accrue sick and vacation benefits.
- I. Employees who are unable to or elect not to return to work after six months may be separated from service but may be eligible for rehire (unless prohibited by State or federal law).

Section 9	Family and Medical Leave
Effective Date	01.01.13
Revision Date	01.01.2020
Review Date	01.01.2021

### 9.01 Family and Medical Leave Act

- A. This section provides criteria for compliance with the Family Medical Leave Act (FMLA).
- B. This section identifies those who are eligible for leave under FMLA.
  - 1. Fulltime or part-time employees must have worked for the City at least twelve (12) months prior to the commencement of leave, and the twelve months need not be consecutive.
  - 2. Fulltime or part-time employees will be considered employed for one week if they were in a paid status for any part of the week.
  - 3. Prior to the commencement of leave, fulltime or part-time employees must have worked at least 1250 hours during the twelve (12) month period.
  - 4. Employees who are off work in excess of five (5) working days or 60 hours (dispatch, police or fire shifts) are eligible to be placed on family and medical leave.
- C. This section identifies eligible reasons for leave under FMLA.
  - 1. Employees are eligible for this leave for the birth of a child or in order to care for that child, with leave completed within twelve (12) months of the birth.
  - 2. Employees are eligible for this leave for the placement of a child for adoption or foster care, with leave completed within twelve (12) months of the adoption or foster placement.
  - 3. Employees are eligible for this leave in order to provide care for a spouse, child, or parent with a serious health condition.

4. Employees are eligible for leave due to their own serious health condition that makes them unable to perform the essential functions of the position. Generally, a workers' compensation injury resulting in lost time automatically meets the criteria.
  5. Employees are eligible for leave due to a qualifying exigency arising out of the fact that a spouse, son, daughter or parent is on active duty or has been notified of an impending call.
  6. Employees are eligible for leave to care for a spouse, son, daughter, parent or next of kin who suffered an injury or illness in the line of duty.
- D. Medical certifications are required to document serious health conditions and must include the conditions identified as required by law, with submission to and approval by Human Resources, on the appropriate documents.
  - E. The City may require a second opinion if it has reason to doubt the medical certification. The second opinion will be performed by a physician of the City's choice and at the City's expense. If necessary to resolve a conflict between the original medical certification and the second opinion, the City and the employee will jointly select a third physician. The City will pay for the third opinion. This third opinion will be considered final.
  - F. Eligible employees may take up to twelve (12) weeks (or longer for qualifying exigency leaves) during a rolling twelve (12) month period.
  - G. Spouses working for the City taking qualifying leave for the birth, adoption or placement of a child, may take a total of twelve (12) weeks of leave between them.
  - H. Employees must use accrued paid leave prior to using unpaid leave for FMLA.
  - I. A serious health condition of the employee or of a family member, or the birth, adoption or placement of a foster care child, requires the use of paid leave in any order 1) holidays through the FMLA end date only, 2) accrued sick leave, 3) accrued vacation leave. Unpaid leave may be taken after paid leave has been exhausted.
  - J. Employees may take intermittent leave as needed, to a total of twelve (12) weeks, unless the leave involves exigency. During intermittent leave, the City may temporarily transfer employees to available alternative positions with equivalent pay and benefits, in order to meet service requirements.
  - K. Employees may not take intermittent leave for the birth, adoption or placement of a child.
  - L. All requests for leave under the Act must be made in writing to Human Resources, where all certification documents will be reviewed and maintained.

- M. In cases of emergency, supervisors will coordinate with employees or, if employees are unable to provide information, with the next of kin, to obtain information on the circumstances requiring leave. Supervisors will then contact Human Resources Department for coordination of the leave.
- N. Employees on leave for more than one pay period are required to report to their supervisors on a regular basis regarding the status of their leave and their intent to return to work.
- O. Employees on paid leave under these provisions will continue to accrue leave benefits, with deductions continuing for their contributions for any benefit plans.
- P. Employees on unpaid leave will not accrue leave benefits and must pay their portion of any insurance premiums in order to continue coverage.
- Q. Employees opting not to return to work following family and medical leave for reasons other than a continued serious health condition may be required to reimburse the City's share of any paid benefit premiums during the absence.
- R. Employees on FMLA for personal illness may not work or continue secondary employment. Employees on FMLA for illness of a family member or birth or adoption may not work or continue secondary employment without City Manager approval.



Section 10	Insurance Benefits
Effective Date	01.01.13
Revision Date	01.01.2021
Review Date	01.01.2021

10.01 Insurance for Employees

- A. As part of its overall compensation package, the City provides a variety of insurance and voluntary coverage options for employees and their families. Regular fulltime employees are eligible for these programs.
- B. Eligibility for and the amount of any benefits described herein are dependent upon the provisions of the official plan documents and federal tax law. The City has discretionary and final authority to construe and interpret all employee benefit plans, decide all questions regarding eligibility, and determine the amount, manner and time of payment of any benefits, to the extent allowed by law and by contract with any plan administrator.
- C. Eligibility for any benefit described may be suspended during periods of unpaid leave.
- D. As part of its overall benefits and compensation plan, the City offers health insurance, dental insurance and life insurance to its employees. Payments for this coverage are dependent solely on claims and budgets and generally may be expected to fluctuate each plan year. Additional plans may be offered to employees, including vision, disability, and accident coverage.
- E. Coverage for insurance benefit plans is on the first day of the month following the first day of active regular fulltime employment.
- F. Employee contributions for eligible benefit plans are paid for with pre-tax dollars, pursuant to Section 125 of the IRS Code.
- G. Enrollment periods for insurance and optional coverage types generally occur annually. It is at this time that eligible dependents may be added or deleted from coverage. Elections made during the annual enrollment period remain in effect throughout the plan year and cannot be changed unless there is a qualifying life event, as described in enrollment material.

- H. Under the City's plans, there are qualifying life events which allow employees to add dependents to their coverage.
1. Once the employees enroll for coverage, they may not change benefit choices until the next annual enrollment period. Employees may, however, make plan changes if they experience a qualifying life event. Plan documents identify qualifying life events and a description of the requirements.
  2. Changes to coverage must be made within 31 days of the qualifying life event.
  3. If employees do experience a qualifying life event, they may make a new election for coverage as long as the election is consistent with the qualifying life event. To be considered consistent, the qualifying life event must result in either becoming eligible for or losing eligibility for coverage under the plan. The change must also correspond with the specific eligibility gain or loss.
  4. In order for a new or previously uncovered dependent to be covered, employees must enroll the new dependent within 31 days after the date of the qualifying life event and satisfy all other eligibility and enrollment requirements of the plans in which the employees are enrolled. Employees who miss enrollment deadlines may not make changes, regardless of the type of qualifying life event that has occurred.

#### 10.02 Insurance for Retirees

- A. As part of its overall compensation package, the City provides a variety of insurance and voluntary coverage options for retirees and their families.
- B. Eligibility for and the amount of any benefits described herein are dependent upon the provisions of the official plan documents and federal tax law. The City has discretionary and final authority to construe and interpret all employee benefit plans, decide all questions regarding eligibility, and determine the amount, manner and time of payment of any benefits, to the extent allowed by law and by contract with any plan administrator.
- C. Retirees are those employees who resign their employment and are eligible for benefits through the Texas Municipal Retirement System (TMRS), or will become retirement eligible through a COBRA extension. These individuals are eligible for continuing insurance benefits post-employment as retirees. Employees who retire from service and are not eligible for benefits under TMRS, are not eligible for retiree insurance benefits.
- D. At the time of separation, employees do not have to state they are retiring, as many reasons exist for separation, including layoff, job elimination and termination for cause. They must only meet the retirement eligibility criteria at the time of separation (or continuation of coverage through COBRA until eligibility is met).

- E. Retirees are eligible for coverage if they are enrolled in coverage through the City, meaning that:
1. The retirees are enrolled in a City plan as active, regular fulltime employees or have COBRA coverage through a City plan on the day prior to the retirement eligibility date; and
  2. The retirees enroll for City coverage within 31 days of the retirement eligibility date.
  3. If retirees enrolled in insurance coverage discontinue coverage; i.e., drop an entire plan such as dental or medical, for any reason, the retiree will no longer be eligible for coverage and will not be allowed to re-enroll in that plan as a retiree in the future, including during annual enrollment. For example, if a retiree drops medical coverage or fails to pay the premium timely for medical coverage, but continues timely payments for dental coverage, the retiree will be allowed to elect dental coverage only in the future.
- F. Retiree dependents may also be eligible for coverage through the City plans, if they meet all of the following requirements:
1. The dependents meet the requirements of being either a lawful spouse or eligible child as defined in the underlying plan's summary plan description; and
  2. The dependents are enrolled in coverage through the City, meaning that:
    - a. The dependents are enrolled in a City plan on the retiree's last day as an active, regular employee or have COBRA coverage through a City plan on the day prior to the retirement eligibility date; and
    - b. The retirees enroll the dependents when the retirees enroll for City retiree coverage within 31 days of the retirement eligibility date. In addition to the conditions described above, retirees may be able to add dependents to the medical or dental plans if they meet the requirements in the "qualifying life event" section.
- G. Under the City's plans, there are Qualifying Life Events which allow retirees to add dependents to their active coverage.
1. Once the retirees enroll for retiree medical or dental coverage, they may not change benefit choices until the next annual enrollment period (add dependents). Retirees may, however, make plan changes if they experience a qualifying life event. Plan documents identify qualifying life events and a description of the requirements.

2. If retirees do experience a qualifying life event, they may make a new election for coverage as long as the election is consistent with the qualifying life event. To be considered consistent, the qualifying life event must result in either becoming eligible for or losing eligibility for coverage under the plan. The change must also correspond with the specific eligibility gain or loss.
3. In order for a new or previously uncovered dependent to be covered, retirees must enroll the new dependent within 31 days after the date of the qualifying life event and satisfy all other eligibility and enrollment requirements of the plans in which the retirees are enrolled. Retirees who miss enrollment deadlines may not make changes, regardless of the type of qualifying life event that has occurred.
4. The opportunity to add new dependents to the plan due to qualifying life events applies only to the retirees and any eligible dependents. Once the retiree is deceased, no new dependents may be added to the plan due to any qualifying life event, even if that event appears to otherwise satisfy the plan's requirements.

#### H. Dependents of Deceased Retirees or Retirees over 65 Moving to Medicare Only

1. The surviving spouse or under age 65 spouse and eligible children of such retiree are eligible to continue coverage, if they meet all of the following requirements:
  - a. The spouse and/or eligible children are enrolled in coverage through the City at the time of the retiree's death; and
  - b. The spouse and/or eligible children meet all other eligibility requirements of the plan; and
  - c. The spouse and/or eligible children pay all premiums by the due date.
2. If a spouse or dependent drops the City group coverage for any reason, that spouse or dependent will not be allowed to re-enter the applicable plan in the future.
3. After a retiree's death, no new dependents are eligible for coverage at any time. For example, if a surviving spouse remarries, the new spouse and/or new dependent children are not eligible for retiree coverage.

#### I. Annual Enrollment

1. The City will hold an annual enrollment period each plan year. During the annual enrollment period, retirees may review and modify choices in their current coverage, cancel coverage for dependents, or make no changes. Enrollment changes made during the annual enrollment period will be effective for the upcoming plan year.

2. Retirees may not add dependents to plan coverage during annual enrollment. Dependents are eligible only if they were covered by the plan at the time of the retirement, or if they experience a qualifying life event as described in the “qualifying life events” section above.
3. Retirees may not add new types of coverage during annual enrollment. Example: Retirees with medical coverage only may not add dental coverage. The retiree coverage is restricted to the coverage type held at the time of retirement eligibility.
4. During the annual enrollment period, retirees must complete new election forms. Retirees who fail to timely return annual election forms will not have their insurance renewed for the upcoming year.

#### J. Premium Payments

1. Once retirees elect retiree medical or dental plan coverage, they must continue to pay the monthly premiums for themselves and any dependents in a timely manner, in order to continue eligibility.
2. All payments are due at the beginning of the month and must be received by the last business day of the month. Premiums received after the last business day of the month will be considered delinquent and all insurance coverage will cease at the end of the month for which the last timely payment was received.
3. All premium payments must be set up in a manner determined by the City. Automatic payments will be considered delinquent if returned by the bank or credit card company.
4. Appeals for reinstatement will be considered by the City Manager’s Office.

Section 11	Retirement Benefits
Effective Date	01.01.13
Revision Date	01.01.16
Review Date	01.01.2021

### 11.01 Texas Municipal Retirement System (TMRS)

- A. Regular fulltime employees are required to participate in the Texas Municipal Retirement System. Participation is immediate upon hire.
- B. Regular part time employees whose positions are scheduled or budgeted to work 1000 hours or more per calendar year are required to participate in the Texas Municipal Retirement System.
- C. Regular part time employees who work generally 1000 hours or more per calendar year are required to participate in the Texas Municipal Retirement System, irrespective of budgeted hours.
- D. TMRS has both vesting and contribution requirements which are adopted by ordinance.
- E. Specifics of the current plan and retirement estimates are available on the TMRS website at [tmrs.org](http://tmrs.org).
- F. TMRS participates in a proportionate retirement program that allows people with service in two or more designated retirement systems to combine service credit to meet retirement eligibility. Each participating system has its own procedures for administering benefits under the Proportionate Retirement Program.
- G. Participating proportionate systems are TMRS, Teacher Retirement System (TRS), Employees Retirement System (ERS), Judicial Retirement System, Texas County and District Retirement System (TCDRS), and the City of Austin Employees Retirement System. Employees should contact TMRS and inform them of prior service in any of those systems, regardless of whether monies have been refunded.
- H. Employee changes such as beneficiaries, addresses and other information should be regularly updated and submitted on TMRS forms available at [tmrs.org](http://tmrs.org).

- I. Employees moving from regular fulltime positions to regular part time positions and whose hours are not expected to exceed the 1000 required by the TMRS statute, will be considered “no longer eligible.” TMRS will be notified of the ineligible status and participation will end.

#### 11.02 Optional retirement systems

- A. Regular fulltime employees may participate in voluntary deferred compensation plans offered through City approved vendors. Participation may commence or cease at any time and contribution amounts may be amended at any time by employees.
- B. Regular fulltime employees may participate in voluntary after-tax savings programs offered through City approved vendors. Participation may commence or cease at any time and contribution amounts may be amended at any time by employees.

#### 11.03 Social Security

- A. All employees are required to participate in the Social Security system.

Section 12	Standards of Conduct
Effective Date	01.01.13
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Review Date	01.01.2021

### 12.01 Outside employment

- A. Prior to obtaining any outside employment, whether as an employee, independent contractor or otherwise, fulltime employees must request prior approval through their department directors.
- B. Employees shall not engage in any outside employment whereby such employment would constitute a conflict of interest, would adversely affect the performance of duty, or would create a significant appearance of impropriety.
- C. Outside employment must be conducted so that it does not conflict with regular duties and performance and work must not be performed during regular work hours.
- D. Employees on FMLA for personal illness or who have exhausted FMLA may not work or continue secondary employment. Employees on FMLA for illness of a family member or birth or adoption may not work or continue secondary employment without City Manager approval.

### 12.02 Code of Ethics

- A. It is the intent of the City of DeSoto to conduct all its business in accordance with the highest standards of ethical conduct.
- B. Employees shall maintain the utmost standards of personal integrity, truthfulness and fairness in carrying out their duties, avoiding real or perceived improprieties in their roles as public servants, and never using their positions of power for improper personal or professional gain.
- C. City employees must not engage in any activities, transactions, or relationships that are incompatible with the impartial, objective, and effective performance of their duties, or that are adverse to the City's interest, or that may adversely affect the City's reputation.



- D. Employees shall not solicit, or accept, or give any gift, gratuity, favor, entertainment, reward, or any other item of monetary value that might influence, or appear to influence, the judgment or conduct of the employee in the performance of his or her job.
- E. The City encourages employees to fully exercise their constitutional rights as citizens to vote and participate in political activities, but City employees are subject to the restrictions specified in this Chapter relating to use of work time, City property, or use of their official status in political activity.
- F. Employees shall avoid any action, whether or not specifically prohibited, which might result in, or create the appearance of any of the following, as identified below.
  - 1. Using public office or position for private gain
  - 2. Giving preferential treatment to any organization or person
  - 3. Impeding efficiency or economy
  - 4. Losing complete independence or impartiality of action
  - 5. Making a government decision outside official channels
  - 6. Affecting adversely the confidence of the public in the integrity of the organization
  - 7. Connecting the employee's public employment or position with any policy, practice, standard, position, advertisement, product, or service not officially sanctioned by the City. Public employment or position includes the name or logo of the City, the name of its departments, or the use of its offices.

### 12.03 Financial Interests

- A. Employees shall not have a financial interest in any exchange with, purchase by, or sale of property, goods, or services with the City, unless the employee has disclosed the financial interest to the appropriate department director before any contact with the City concerning the transaction. The department director must notify the City Manager of the potential conflict.
- B. This also applies when any employee's relatives hold the financial interest.

#### 12.04 Use of Official Position

- A. Employees shall not use their official positions, official identifications or business cards for personal or financial gain, for obtaining privileges not otherwise available to them, or for soliciting donations or contributions, except in the performance of assigned duties or where authorized by the City Manager.
- B. Employees shall not permit or authorize use of their names, photographs or official titles which identify them as City employees, or permit or authorize the name or logo of the City of DeSoto, or any of its departments or offices, or property of the City to be used in connection with testimonials or advertisements of any commodity or commercial enterprise, for any personal reasons, or for soliciting donations or contributions, without the approval of the City Manager or designee.

#### 12.05 Disclosure of information

- A. Employees shall not make known any information concerning an investigation, a known or reported law violation, a condition against which action is to be taken at a future time, or any proposed enforcement action to any person not authorized to receive it.
- B. Employees shall treat the official business of the City as confidential and shall disseminate information regarding official business only to those for whom it is intended, in accordance with established City procedures and consistent with the Texas Public Information Act.
- C. Employees may remove or copy official records or reports from the City only in accordance with established procedures.
- D. Employees shall not promise confidentiality or divulge the identity of a person giving confidential information, except when authorized by proper authority and necessary in the performance of their work.
- E. Employees shall not use information obtained in the course and scope of employment, including City reports, records, files, or contacts with citizens, to contact any person for any purpose other than official business.

## 12.06 Gifts and Gratuities

- A. Employees shall not accept or solicit, by request or exhibiting identification (including wearing of a uniform), any gift or gratuity, including food (acceptance of occasional lunches or dinners from vendors is permitted) or drink, for employees or others, from any individual, business establishment (profit or non-profit), or merchant including, but not limited to existing or potential vendors or contractors, franchisees, licensees, or customers of the City.
- B. Employees shall not receive, under any pretense, or seek, ask, or share in any fee, reward, or other reimbursement or gratuity for the performance of official duties.

## 12.07 Political Activity

- A. Employees shall not engage in political activities that are violations of law, while on duty, while in uniform or in a City vehicle, by use of employee official title or status, in offices, buildings or non-public areas of City property except those as officially authorized, or by taking an active part in any political campaign for an elective position.
- B. Employees may not become candidates for any public office if the office has direct or indirect contractual relations with the City of DeSoto or presents a conflict of interest.
- C. Employees shall not become candidates for public office with the City of DeSoto.
- D. Employees shall not make, solicit, collect, or receive political contributions at or in an office or building of the City.
- E. Employees shall not solicit, collect, or receive contributions, whether on or off duty, from City or other governmental employees for candidates, except from members of an employee organization to which the employee belongs.
- F. Employees shall not use their official capacities to influence, interfere with, or affect the results of any election or nomination for office.
- G. Employees shall not address or appear at, or participate in political gatherings in support of, or in opposition to a candidate when the employees are acting in an official capacity or with use of the job or duty title or status as an employee.
- H. Employees shall not directly or indirectly coerce, attempt to coerce, command, or advise a state or political subdivision officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

## 12.08 Electronic Data Use

- A. The purpose of this policy is to provide guidance to the employees regarding the use of the internet, social networking and e-mail. Access to electronic tools and communications are City resources, provided to enable employees to work more efficiently and effectively to conduct City business. Employees are to use email and the internet as they would any other type of official communication or resource. As with all City resources, there is no expectation of privacy with regard to use or storage.
- B. All communications, electronic or otherwise, sent through, received or stored in the City's systems are the property of the City. Additionally, the City has the unilateral right to access all stored electronic communications. Access to the internet with the assistance of City owned equipment must be in compliance with this policy.
- C. The City retains the right to monitor all of its electronic communications systems at its discretion and as allowed by law. By using these systems, employees consent to monitoring by the City. Any information transmitted or stored on the City's equipment is public property and subject to disclosure and public access as provided by law.
- D. The City prohibits connections to sites that contain sexually explicit material unless necessary for law enforcement purposes.
- E. The City reserves the right to review or inspect City-owned computers, cell phones or other electronic devices, as indicated herein.
  - 1. The content of files or data may be disclosed without the permission of the user. Users of City-owned equipment have no expectation of privacy with regard to use, email, or internet sites visited.
  - 2. Any and all internet traffic may be monitored and reviewed. Employees may not operate a business or conduct activity for personal gain on the Internet or on City equipment at any time.
- F. Employees shall not use equipment to attempt any unauthorized use, or interfere with other users' legitimate use of any internal or external computer.
- G. Employees are prohibited from creating, installing or distributing any type of computer virus of any kind.
- H. Specifically prohibited are the items identified below.

1. Sending messages containing offensive, abusive, threatening, or similar kinds of language inappropriate for the organization and/or inconsistent with City policies and procedures.
  2. Using the system for illegal purposes or for using another person's e-mail account or identity without authorization;
  3. Transmitting confidential information when not authorized to do so;
  4. Obtaining unauthorized access to any computer system.
  5. Creating, sending or forwarding Internet or e-mail messages which are offensive, intimidating, harassing, disparaging or hostile on the basis of race, gender, color, religion, national origin, sexual orientation, disability, age, political beliefs, pregnancy or any legally protected status.
- I. Employees must comply with all mandated electronic or computer training requirements.

#### 12.09 Social Networking

- A. Social Media shall mean official City websites and all forms of online community activities which may include sites such as social sites, networking sites, message boards, video sharing, chat rooms and online forums.
- B. An employee's use of social media, both on and off duty, must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the City or violate any City policy. The intent of these standards is to regulate the creation and distribution of information concerning the City, its employees and citizens through electronic media, including, but not limited to online forums, instant messaging and internet social media and blogging sites.
- C. Official sites and pages will be maintained, updated and monitored by the departments, information technology and the public information office. Information will be monitored regularly by information technology.
- D. The City's website will be the official location for content regarding official business, services and events. Whenever possible, links within social media formats should direct users to the official website for information, forms, documents or online services.
- E. All department social media sites shall be registered with information technology, with usernames and passwords provided. Only designated employees shall have authority to publish content on official department sites.

- F. Time spent by employees updating or monitoring social media sites on behalf of the City is to be considered time worked and must be reported and counted in the calculation of pay.
- G. All related communications through social media outlets shall remain professional in nature. Incomplete, inaccurate, inappropriate, threatening, demeaning, harassing or poorly worded postings may be harmful to other employees, damage employee relationships, create hostile working environments, violate policies, or harm the City's reputation.
- H. Employees shall remain mindful of all copyright laws and must cite or reference sources accurately. Plagiarism is prohibited.
- I. All information published on social media sites must comply with privacy and data policies. This includes comments, pictures, video, audio or any other multimedia posted on social networking sites, blogs, and forums.
- J. Employees are discouraged from discussing information about the City's employees, citizens, vendors, issues, business, or legal matters without expressed consent, in writing, to do so.
- K. The City reserves the right to monitor employee use of social media sites accessed during work hours on City equipment. Users shall have no expectation of privacy or confidentiality when using these resources.
- L. Official information, pictures, postings or related City information is not to be posted on personal sites without legal review and written consent of the City Manager.
- M. Personal use of the Internet is a privilege and carries responsibilities requiring responsible and ethical use. The City may monitor employee access, use, and postings to the internet, including from personal computers, to ensure compliance with internal policies, support the performance of internal investigations, assist management of information systems, and for all other lawful purposes.
- N. Employees shall follow these policies when posting information on the internet, regardless if done during or after work hours. This policy encompasses wikis, tweets and twittering, social media sites, networking sites, blogs, and other online journals and diaries; bulletin boards and chat rooms, micro-blogging and all other social networking sites, instant messaging and the posting of video, as well as City-operated networks.

- O. Employees' use of social media, both on and off duty must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the City or violate any City policy. The intent of these standards is to regulate the creation and distribution of information concerning the City, its employees and citizens through electronic media, including, but not limited to online forums, instant messaging and internet social media and blogging sites.
- P. Employees shall not disclose any confidential information concerning other employees the City in any internet posting. Posting of confidential information may violate state law and subject the user to criminal penalty. Employees must abide by all federal and state laws and policies of the City with regard to information sent through the internet.
- Q. If employee social networking includes any information related to the City, the employees must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.
- R. No use of wikis, tweets and twittering, social media sites, networking sites, blogs, and other online journals and diaries; bulletin boards and chat rooms, micro-blogging and all other social networking sites, instant messaging and the posting of, as well as City-operated networks is considered private or confidential even if password protected or otherwise restricted. The City reserves the right to access, intercept, monitor and review all information accessed, posted, sent, stored, printed or received through its communications systems or equipment at any time.
- S. Employees are encouraged to act in a manner, both on and off duty, which will not bring to or have a negative impact on the City. In that regard, the City encourages employees to use the following guidelines when using social media or networking sites during off hours.
  - 1. Respect coworkers and the City. Do not put anything on personal blogs or post any information or pictures that may defame, embarrass, insult, demean or damage the reputation of the City or any of its employees.
  - 2. Do not put anything on personal blogs or post any information or pictures that may constitute violation of the harassment policy. Do not post any pornographic pictures of any type that could identify you as an employee of the City.
  - 3. Do not post pictures of yourself or others containing images of City uniforms or insignia, City logos, City equipment or City work sites, unless you are posting them on the City official website as part of your job duties.
  - 4. Do not post information on the Internet that could adversely impact the City and/or an employee of the City.

5. Do not permit or fail to remove postings violating this policy, even when placed by others on your site or blog. Recognize that postings, even if done off premises and while off duty, could have an adverse effect on the City's legitimate business interests.

T. Individual supervisors do not have authority to make exceptions to these guidelines.

#### 12.10 Mobile Phones

- A. Whether department issue or otherwise, the City recognizes that many employees bring mobile phones to work. Mobile phones may belong to the employee or be provided for the employee's use by the City. The use of these phones, including those with cameras and video, must not interfere with job duties or performance. As with desk phones, employees must not allow excessive or loud phone use to become disruptive or interfere with their own or someone else's ability to do their jobs.
- B. Except in emergencies, employees will not use mobile phones without a hands free device while operating a City vehicle while on City business, including both making and receiving phone calls and texting.
- C. Texting while driving is prohibited.
- D. Employees using City-issued mobile phones have no expectation of privacy in calls, pictures, videos, or text messages. Cellular telephone conversations are not secured, and users should not use the phone to discuss sensitive or confidential information.
- E. Employees are advised that records related to calls, videos, online storage and text messages made and received on City-owned devices are public information. Information related to telephone numbers called, length of call, and time and date of call as well as pictures, video, texts or online storage may be obtainable as a public record.
- F. Inadvertent monitoring of private cellular conversations is possible. Caution should be used whenever confidential or sensitive information must be discussed on a City-provided cell phone.
- G. Apps must only be downloaded from either city-managed apps or the official Apple App Store. Downloading applications from non-approved sources is strictly prohibited.
- H. Users may not associate a personal Apple ID with a City device.



## 12.11 Harassment

- A. All employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens, and vendors. City employees are also prohibited from harassing citizens, vendors, and all other third parties.
- B. One form of unlawful discrimination is sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:
  - 1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
  - 2. submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
  - 3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
- C. Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Conduct prohibited by this policy includes, but is not limited to sexual advances; requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, sexual preference, sexual experiences, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.
- D. Harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by law is also prohibited.
- E. Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited.

- F. Prohibited conduct also includes the sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via any electronic devices, media or the internet. Harassment of any nature, when based on race, religion, color, sex, national origin, age or disability, genetics, veteran status, citizenship or any other characteristic protected by law is prohibited.
- G. Reporting of harassment is mandatory, regardless of the offender's identity or position. Employees who observe or otherwise learn of possible harassment in the workplace or who feel that harassment as occurred or been has been subjected to conduct prohibited by this policy must report it immediately to Human Resources or the City Manager's Office. Under this policy, employees may report to or contact the Director of Human Resources directly, without regard to the normal chain of command.
- H. Retaliation against employees who make good faith charges or reports of prohibited conduct or who assist in complaint investigations is prohibited. Acts of retaliation must be reported immediately as set out above.
- I. Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal, will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were untruthful, fabricated or exaggerated or when employees are untruthful during an investigation.

## 12.12 Dress Code and Uniforms

- A. Employees required to wear uniforms must follow individual department guidelines regarding the uniforms, which may include cleaning schedules, returning of uniforms, and the wearing of uniforms outside of City work.
- B. Employees not required to wear uniforms should follow the guidelines below regarding appropriate attire for City business.

<u>Type of Attire</u>	<u>Appropriate Examples</u>	<u>Always Inappropriate Examples</u>
<u>Business Attire</u>		
is the traditional, professional business look that employees are expected to wear on meeting days and to outside or inside meetings or special events, including but not limited to regular City Council meetings or work sessions.	<ol style="list-style-type: none"> <li>1. Blank tee shirts with jackets</li> <li>2. Blouses, vests</li> <li>3. Dress shoes or flats, boots, dress sandals (with heels) or loafers</li> <li>4. Jackets</li> <li>5. Skirts or dresses (no shorter than six inches above knee)</li> <li>6. Traditional business suits (ties for men)</li> </ol>	<ol style="list-style-type: none"> <li>1. Anything listed as inappropriate for business casual or jeans day</li> <li>2. Anything showing midriff or excessive cleavage</li> <li>3. Clothes not fitting properly</li> <li>4. Excessive number of earrings</li> <li>5. Facial or tongue piercings or jewelry</li> <li>6. Flip flops, hiking boots</li> <li>7. Leggings, spandex, shorts</li> <li>8. Provocative or revealing attire</li> <li>9. Spaghetti straps, bare shoulders</li> <li>10. Sleeveless shirts (men)</li> <li>11. Spandex or leggings under skirts or dresses</li> <li>12. Sweats, wind suits, warm ups</li> <li>13. Sport shirts with anything other than City, professional organization, or school logos</li> <li>14. Uncovered tattoos more than two inches in diameter or which may be considered offensive by the department director</li> <li>15. Extreme hair color (examples - green, yellow, neon or pink)</li> <li>16. Visible body art (example – gauges, but also more restrictive, subject to department discretion)</li> </ol>

<u>Type of Attire</u>	<u>Appropriate Examples</u>	<u>Always Inappropriate Examples</u>
<p><u>Business Casual</u></p> <p>provides employees with an opportunity to dress informally while maintaining a professional appearance, and may be worn Monday through Thursday.</p>	<p>Everything listed for <u>Business Attire</u> plus the following:</p> <ol style="list-style-type: none"> <li>1. Blank tee shirts or logo shirts</li> <li>2. Blazers, sport coats, sweaters</li> <li>3. Capri or ankle pants, below knee</li> <li>4. Casual dresses, skirts</li> <li>5. Casual shoes, boots or sandals</li> <li>6. Knit or sport shirts</li> <li>7. Slacks, khakis</li> <li>8. Knit or spandex which are not tight-fitting and have pockets and seams</li> <li>9. Leggings which have pockets and seams and are covered by a shirt long enough to be worn separately as a dress</li> </ol>	<ol style="list-style-type: none"> <li>1. Anything listed as inappropriate for business casual or jeans day</li> <li>2. Anything showing midriff or excessive cleavage</li> <li>3. Clothes not fitting properly</li> <li>4. Excessive number of earrings</li> <li>5. Facial or tongue piercings or jewelry</li> <li>6. Flip flops, hiking boots</li> <li>7. Leggings, <del>spandex</del>, shorts</li> <li>8. Provocative or revealing attire</li> <li>9. Spaghetti straps, bare shoulders</li> <li>10. Sleeveless shirt (men)</li> <li>11. Sweats, wind suits, warm ups</li> <li>12. Sport shirts with anything other than City, professional organization, or school logos</li> <li>13. Uncovered tattoos more than two inches in diameter or which may be considered offensive by the department director</li> <li>14. Extreme hair color (examples - green, yellow, neon or pink)</li> <li>15. Visible body art (example – gauges, but also more restrictive, subject to department discretion)</li> </ol>

<u>Type of Attire</u>	<u>Appropriate Examples</u>	<u>Always Inappropriate Examples</u>
<p><u>Casual Day</u></p> <p>is a Friday or other specifically authorized day when employees are allowed to wear jeans. Directors may also designate tee shirt days or jeans days for special events or activities.</p>	<p>Everything listed for <u>Business Attire</u> and <u>Business Casual</u>, plus the following:</p> <ol style="list-style-type: none"> <li>1. Canvas shoes</li> <li>2. Denim shirts, skirts, vests</li> <li>3. Jeans without rips, tears or holes</li> <li>4. Knit or sport shirts with City, professional organization, or school logos</li> <li>5. Knit or spandex which are not tight-fitting and have pockets and seams</li> </ol>	<ol style="list-style-type: none"> <li>1. Anything listed as inappropriate for business casual or jeans day</li> <li>2. Anything showing midriff or excessive cleavage</li> <li>3. Clothes not fitting properly</li> <li>4. Excessive number of earrings</li> <li>5. Facial or tongue piercings or jewelry</li> <li>6. Flip flops, hiking boots</li> <li>7. Leggings, <del>spandex</del>, shorts</li> <li>8. Provocative or revealing attire</li> <li>9. Spaghetti straps, bare shoulders</li> <li>10. Sleeveless shirt (men)</li> <li>11. Spandex or leggings under skirts or dresses</li> <li>12. Sweats, wind suits, warm ups</li> <li>13. Tee shirts with anything other than City, professional organization, or school logos</li> <li>14. Uncovered tattoos more than two inches in diameter or which may be considered offensive by the department director</li> <li>15. Extreme hair color (examples - green, yellow, neon or pink)</li> <li>16. Visible body art (example – gauges, but also more restrictive, subject to department discretion)</li> </ol>

### 12.13 Arrests and Confinement

- A. Employees are required to notify their departments in the case of an arrest, confinement, or driving under the influence allegation.

### 12.14 Tobacco Use

- A. Employees are prohibited from using any type of tobacco in any City building or vehicle. Tobacco is defined as a cigar, cigarette, any type of smokeless tobacco, or their related use through electronic devices.
- B. Employees may use smoking or smokeless tobacco in designated areas only.
- C. Departments which provide regularly scheduled work breaks are not required to provide tobacco-use breaks in addition to regularly scheduled work breaks.

Section 13	Drug Free Workplace
Effective Date	01.01.13
Revision Date	01.01.17
Review Date	01.01.2021

### 13.01 Prohibition

- A. It is the desire of the City to provide an alcohol and drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.
- B. While on City premises, while on duty, while conducting City related business or other activities off premises, while driving a City owned or leased vehicle, or while operating or using other City owned or leased property or equipment, employees may not use, possess, distribute, sell, or be under the influence of alcohol (except under the limited circumstances described below), inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.
- C. The use of alcohol by employees during a business lunch is prohibited even though the person with whom the employees are having lunch may be consuming alcohol. Further, employees on duty or conducting City business, including City-related business entertainment, may not drive personal vehicles while under the influence of alcohol. No employees in their work related capacities should ever be impaired because of excessive use of alcohol.
- D. The use, possession, distribution and sale of drug-related paraphernalia while on City premises, while on duty, while conducting City related business or other activities off premises, while driving a City owned or leased vehicle, or while operating or using other City owned or leased property or equipment, is prohibited. Drug-related paraphernalia includes material and / or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

- E. The legal use of prescribed and over-the-counter drugs is permitted while on City premises, while on duty, while conducting City related business or other activities off premises, while driving a City owned or leased vehicle, or while operating or using other City owned or leased property or equipment only if it does not impair the ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employees, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.
- F. Certain Police employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy under limited conditions. Additional guidelines may be established by Police Department operating procedures.
- G. Employees taking prescription medication and / or over-the-counter medications must report such use to either their directors or to the City Manager if there is a reasonable likelihood the medication will impair their ability to perform the essential functions of the job (or operate a vehicle, property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employees, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.
- H. Employees scheduled to be on call are expected to be fit for duty upon reporting to work. Employees scheduled to be on call are governed by this policy. Occasionally employees not on call may be called out. If this or any other situation occurs where the employees called out are under the influence of alcohol or have a presence in their system of drugs, such that reporting to work would result in a violation of this policy, the employees must so advise the appropriate supervisor on duty. The employees will not be required to report to work.
- I. Employees are required to notify their immediate supervisors and department directors, in writing, of any criminal drug conviction (including a plea of nolo contendere) or deferred adjudication, for a violation occurring off duty and / or in the workplace, no later than five calendar days after the conviction.
- J. The City may take disciplinary action, up to and including termination, if employee off-duty use of or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects employee job performance.



## 13.02 Treatment or Rehabilitation

- A. It is the City's desire to assist employees who voluntarily request assistance with alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge the problem and seek and accept counseling and / or rehabilitation before it impairs job performance or jeopardizes the employee's employment, or must not have tested positive in any random or post-accident drug or alcohol test.
  
- B. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary actions, may request approval to take a leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The leave of absence may be granted in the City's sole discretion. Factors considered by the City in deciding whether to grant leave may be based on one or more of the factors identified below.
  - 1. Length of employment
  - 2. Prior work performance and discipline history
  - 3. Agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program
  - 4. Reputation of the rehabilitation program and the likelihood of a successful outcome
  - 5. Employee compliance with City policies, rules, and prohibitions relating to conduct in the workplace
  - 6. Hardship on the City due to the employee absence
  - 7. Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during the course of any employee's tenure with the City.
  
- C. If employees successfully complete the prescribed rehabilitation or treatment, the City will make reasonable efforts to return them to their previously held positions or one of similar pay and status. However, employment with the City following a City approved leave for rehabilitation or treatment is conditioned on the items identified below.
  - 1. Employees must have a negative test for drugs and alcohol before returning to work.
  - 2. Employees must provide a written release to return to work from the City-approved rehabilitation or treatment facility or program.

3. Employees must provide periodic and timely confirmation of their ongoing cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable.
4. In addition to any testing required in connection with ongoing treatment or follow-up to treatment, employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and random testing by the City during the two years following the return to work following the treatment.
5. Prior to returning to work, employees must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the department or Human Resources. Employees are released to work through the Human Resources Department.

#### 13.03 Violations of Policy

- A. Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. Police and Fire Departments may have stricter disciplinary rules regarding violations of this policy.
- B. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisors or the Director of Human Resources to receive assistance or referrals to appropriate resources in the community.

#### 13.04 Applicant Testing

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

#### 13.05 Employee Testing

- A. Employees may be tested for alcohol or illegal and unauthorized drugs after a workplace accident, when reasonable suspicion exists, at random, or in connection with any required treatment or rehabilitation.

1. For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee's behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).
  2. All testing must normally be authorized in advance by both the department director and the human resources director.
  3. The City will make arrangements to have any employees transported home after the testing.
- B. Tests will be paid for by the City. To the extent possible, testing will normally be done during the normal work time.
  - C. All substance abuse testing will be performed by the City or a certified healthcare provider chosen by the City. All positive test results will be subject to confirmation testing using the same sample.
  - D. Employees who refuse to be tested, or who attempt to alter or tamper with any sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.
  - E. Positive test results which are reviewed by medical personnel will result in termination of employment.
  - F. Employees terminated for violations of this policy are ineligible for future employment with the City.
  - G. There will be no appeal process for employees terminated for violations of this policy.

Section 14	Discipline Process
Effective Date	01.01.13
Revision Date	01.01.21
Review Date	01.01.2021

#### 14.01 At-will Employment

- A. At-will employment is not affected by any progressive discipline process.
- B. Employment with the City is at-will and either the employee or the employer may terminate the relationship at any time for any reason not contrary to law or no reason at all. Any employee of the City who is not appointed by the City Council may be removed with or without cause. This removal power is subject to any exceptions in the applicable provisions of the Civil Service laws for police, fire and the City Charter.
- C. The at-will status of any employee may not be modified or rescinded by any oral or written statements by any person, including appointed or elected officials, any employee handbooks, employment applications, or other materials provided to employees.
- D. Nothing in this policy manual is intended to change or modify the at will status of City employees or to create or confer any property rights or expectations of continued employment to any employee.

#### 14.02 Progressive Discipline

- A. The City may use a progressive disciplinary system. The City is not obligated to use all of the progressive disciplinary steps available, and may begin the disciplinary process at any level, up to and including immediate discharge without the use of prior disciplinary steps, depending upon the severity of the conduct, prior work performance and prior disciplinary history, length of service, and any mitigating circumstances.
- B. Disciplinary action may consist of any of the steps identified below. Employees covered by Civil Service will be covered by disciplinary procedures provided under Civil Service in Chapter 143 of the Local Government Code, to the extent that those procedures are different than these rules.

1. Verbal warning or counseling
  2. Written warning or reprimand
  3. Probation
  4. Suspension with or without pay
  5. Demotion
  6. Discharge
- C. All forms of discipline, other than verbal warnings, must be documented and will be placed in the employee's official file, unless otherwise specified for Civil Service employees. In the event an employee is to be discharged, the supervisor shall forward a copy of the documentation to Human Resources for review, where legal review may be initiated.

#### 14.03 Supervisor Responsibilities

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

#### 14.04 Human Resources Review

- A. Proposed disciplinary actions consisting of written reprimands must be reviewed by Human Resources. This applies to both employees serving their initial probationary periods and regular employees who have completed their initial probationary periods.
- B. Proposed disciplinary actions consisting of suspensions or above (demotion, discharge or other) must be reviewed by Human Resources. This applies to both employees serving in their initial probationary periods and regular employees who have completed the initial probationary periods.

#### 14.05 Employee Discharge Processing

- A. Department directors must approve all disciplinary actions and coordinate with Human Resources. Two people must be present during employee terminations.

#### 14.06 Prohibited Appeals of Discipline

- A. In cases where disciplinary actions involve suspension, demotion or discharge, employees normally are provided an opportunity to respond to the allegations prior to disciplinary action. However, positions classified at the director level and above are employed at the will and pleasure of the City Manager and have no right of appeal for any type of disciplinary action, including termination.
- B. Employees serving their initial probationary periods have no right of appeal for disciplinary action taken against them.
- C. Appeal rights for Civil Service employees shall be governed by Chapter 143.

#### 14.07 Prohibited Activities

- A. Disciplinary action will be imposed for violations of City or department policies and procedures, codes of conduct, and rules and regulations, either written or verbal.
- B. Disciplinary action will be imposed for acts not specifically addressed in policies and procedures, codes of conduct, and rules and regulations, as they may adversely affect the City or put the health and safety of fellow employees, citizens or other third parties at risk.
- C. As it is impossible to list all forms of behaviors considered unacceptable in the workplace, the following is a list of examples which will likely result in disciplinary action, up to and including termination of employment.
  - 1. Theft or inappropriate removal or use of City property or other property not belonging to employees
  - 2. Falsification of time worked or other records, including applications
  - 3. Working under the influence or a presence in the system of alcohol or illegal drugs, or not reporting to supervisor medications that may influence ability to complete tasks or job duties
  - 4. Possession, distribution, sale, transfer or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City-owned or leased equipment

5. Violation of the harassment policy
6. Interfering with work schedules or another employee's ability to work
7. Misuse of telephones, computers, mail systems, internet, social media, etc.
8. Excessive or unscheduled absenteeism, tardiness, breaks or absences without notice or approval
9. Violation of safety or health rules
10. Failure to report accidents or injuries
11. Profanity, abusive language or racial or sexist slurs
12. Disclosure of confidential information
13. Violation of City or department policies, code of conduct, rules and procedures, or City Charter
14. Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials or others
15. Making or publishing false, vicious, or malicious statements about the City, employees, citizens or others
16. Unsatisfactory performance or conduct, inefficiency, incompetence or neglect of duty
17. Fighting, provoking or instigating a fight or threatening violence, or other disruptive activities
18. Engaging in work stoppages
19. Conduct resulting in waste or damage of another employee's, City, or citizen owned property
20. Insubordination, disrespectful or unprofessional conduct, discourteous treatment of the public
21. Unauthorized possession of weapons on City time, on City premises or while on City business
22. Violations of local, state or federal law

23. Conviction of a felony
24. Failure to report to work upon conclusion of authorized leave or disciplinary action
25. Outside employment conflicting with City interests
26. Acceptance of payment of any kind for activities related to City employment
27. Refusal or failure to follow directives
28. Sleeping on the job
29. Accumulation of minor infractions
30. Intentional damage to city-owned property, vehicles or equipment
31. Unsafe operation of city-owned property, vehicles or equipment
32. Failure to adhere to policies or procedures regarding timekeeping systems

#### 14.08 Pre-disciplinary Process

- A. Prior to any suspension, demotion or termination, employees will be provided, in writing, an outline of the conduct or behavior leading up to the proposed disciplinary action. Subsequently, the employee will be provided an opportunity to respond, in writing, to the conduct leading up to the proposed disciplinary action.
- B. During any investigation of any conduct or behavior which may result in discipline, employees may be placed on administrative leave at the City's sole discretion. This leave may be with or without pay, or may be charged to available accrued leave if authorized by the City Manager.
- C. This process does not apply to temporary full or part time employees.



Section 15	Appeals and Grievances
Effective Date	01.01.13
Revision Date	01.01.21
Review Date	01.01.2021

### 15.01 Appeals and Grievances Definitions

- A. An appeal is a process whereby employees may dispute disciplinary actions at or above the written reprimand level. Employees may appeal disciplinary actions through this process.
- B. A grievance is a process whereby employees may grieve or complain regarding inconsistent or unlawful treatment, inconsistent interpretation or application of City or department policies, procedures or practices, and retaliation. Employees may file grievances through this process.

### 15.02 Grievance Process

- A. Employees desiring to submit complaints or grievances must first document them with their immediate supervisors within five business days of the action.
- B. Supervisor must respond to the original complaint within three business days of receipt of the complaint or grievance. If the matter is not resolved to the satisfaction of the employees, they may submit the grievance in writing to the department within three (3) business days of receiving the written response from the supervisors.
- C. Department directors must respond, in writing, to the grieving employees, within five (5) business days of receipt the grievance.
- D. If the matter is not resolved to the satisfaction of the employees and employees desire to grieve the issue to the City Manager, they may present the matter through Human Resources, to the Director of Human Resources, in writing, within three (3) business days of receiving the response from the department director. Employees must state their desire to have the grievance considered by the City Manager. Upon receipt of the grievance, the Director of Human Resources will forward the written grievance to the City Manager.

- E. At the discretion of the City Manager, a committee may be appointed to investigate the grievance, or the City Manager alone may make a determination regarding the grievance. If a committee is formed and hears the grievance, the committee will forward a recommendation to the City Manager.
- F. The decision of the City Manager is final.
- G. Employees are prohibited from discussing their grievances directly with the City Manager unless instructed to do so by the City Manager. Employees who attempt to discuss their grievances with the City Manager outside of this process will forfeit any right to grieve.

#### 15.03 Appeals Process for Written Reprimand and Below (does not apply to Civil Service)

- A. Written Reprimands are not appealable but will be approved by the department director.

#### 15.04 Appeals Process for Actions above Written Reprimand

- A. All disciplinary actions above the written reprimand level (suspension, demotion, discharge, etc.) are handled by, or with the approval of, the department directors. Therefore, appeals for relief are to the City Manager, and must be submitted through Human Resources, in writing, to the Director of Human Resources, within three (3) business days of the action. In requesting the appeal, employees must state their desire to have the appeal considered by the City Manager.
- B. At the discretion of the City Manager, a committee may be appointed to investigate the appeal. The committee will forward a recommendation to the City Manager.
- C. The decision of the City Manager is final.
- D. Employees are prohibited from discussing their appeals directly with the City Manager unless instructed to do so by the City Manager. Employees who attempt to discuss their appeals with the City Manager outside of this process will forfeit any right to appeal.
- E. If the decision through the appeal process is reinstatement, employees will have their pay restored and will be paid for any time lost through the appeals process.
- F. There is no appeal process for probationary, part time or temporary employees.

#### 15.05 Appeals and Grievance Committee

- A. Should a Committee be appointed, witnesses or legal representatives only will be allowed to participate or be present during the process.
- B. Appeals and Grievances will be considered if filed timely and in accordance with the above guidelines.

Section 16	Employee Separation
Effective Date	01.01.13
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Review Date	01.01.2021

#### 16.01 Voluntary separation

- A. Voluntary separation, in the form of termination, resignation or retirement occurs when employees voluntarily resign with a written two week notice stating the final working day and the reason for the resignation. Employees who provide such notice will be determined to have left in good standing. It is understood that, in most executive positions, generally a longer notice period is acceptable practice.
- B. The date of termination may not be extended by the use of paid leave. The last day physically on the job will be the official separation date.
- C. Departments will retain responsibility for gathering all keys, phones, equipment, badges and other items for which the exiting employees are responsible, and ending electronic access to systems and programs.
- D. Voluntary resignations may not be accepted in lieu of disciplinary actions without consultation of the Human Resources Department.
- E. Payouts will include all time and accruals, which are identified in a separate section of this policy.
- F. Vacation or compensatory time may not be scheduled after a notice of separation has been received unless approved in writing by the City Manager.

#### 16.02 Involuntary Separation

- A. Involuntary separation, in the form of disciplinary termination or reduction in force, occurs when employees are involuntarily separated from employment.
- B. The date of termination may not be extended by the use of paid leave. The last day physically on the job will be the official separation date.

- C. Departments will retain responsibility for gathering all keys, phones, equipment, badges and other items for which the exiting employees are responsible, and ending electronic access to systems and programs.
- D. Payouts will include all time and accruals, which are identified in a separate section of this policy.
- E. Employees who are involuntarily separated due to disciplinary actions and who are unsuccessful in any appeal process, will retain the last day worked as the date of termination.
- F. Final pay for involuntarily separated employees will be distributed after any appeals are final.

16.03 Reduction in Force

- A. As a matter of business necessity or budget, the City Manager may direct a reduction in force through the elimination of occupied positions. The primary consideration will be given to the City's need to carry out its mission of public service in determining which positions will be eliminated. A layoff through a reduction in force is not an appealable personnel action.
- B. Reduction in force will be coordinated through Human Resources
- C. The City will provide benefits for those involved in a reduction in force, to the extent identified below.
  - 1. Regular fulltime employees will be given either a two week notice of separation or severance pay, based on tenure with the City as follows.

<u>Years of Service</u>	<u>Days of Severance</u>
0 through 2 years	10 days
3 through 5 years	15 days
6 through 8 years	20 days
9 through 12 years	25 days
13 through 15 years	30 days
Over 16 years	35 days

2. Severance Pay is in addition to any lump sum payment employees may receive for accruals, as defined in the paid leave chapter.
3. Human Resources will assist with outplacement and referrals for reduction in force employees.
4. A re-employment list will be maintained for six months, and potential re-employment of employees involved in a reduction in force will be based upon the needs of the City. It is the responsibility of the employees to maintain up to date contact information with the City.

Section 17	Attendance
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Review Date	01.01.2021

### 17.01 Attendance Standards

- A. To maintain a high level of responsiveness to the needs of citizens and other employees, departments will establish and maintain standard working hours for employees. It is the responsibility of all employees to follow established work hours, avoid tardiness and unauthorized absences, and follow department reporting requirements.
- B. The City reserves the right to establish official work hours for any position, and where operational demands can accommodate options, the City encourages alternate work schedules to meet department or individual needs, as appropriate.

### 17.02 Hours of Work

- A. Each department will establish and define the normal work week or in the case of police and fire, the normal work period, in compliance with the Fair Labor Standards Act (FLSA).
- B. Directors may define different workweeks and work periods for different employees or groups of employees so long as they are in compliance with FLSA. These may include flexible working arrangements.
- C. Hours worked is defined as the time the department requires or permits non-exempt employees to be on duty.
- D. Directors may allow two paid fifteen (15) minute breaks or rest periods during the day and may discontinue these if services cannot be maintained. The rest periods are to be taken as allowed and not to be stored or banked for later use or as a means of substituting for hours worked or vacation.

### 17.03 Additional Work

- A. When necessary or required by the department, employees are required to work hours in excess of official hours. Such assignments may be rotated and allocated among employees, and may be granted for a specific period of time, or on an ongoing basis, as circumstances warrant.
- B. Unless approved in advance by the immediate supervisor, non-exempt employees completing work or tasks at any time other than authorized work hours, is prohibited. Examples include working before or after regular working hours, taking work home, and updating official social media sites after hours.
- C. Employees working unauthorized work hours or overtime may be subject to disciplinary action.

### 17.04 Job Abandonment

- A. Employees absent without appropriate notification in excess of two consecutive working days may be considered as having resigned their positions.

### 17.05 Inclement Weather

- A. Authority to close general government operations due to inclement weather conditions or emergency conditions rests solely with the City Manager.
- B. All City employees, whether exempt or nonexempt, essential or non-essential, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations.
- C. Department directors are responsible in ensuring their operations are effective during periods of inclement weather or closing. City services which cannot be provided during periods of inclement weather must be reported to the City Manager.
- D. The closing of general government operations does not close essential, emergency, dispatch and detention operations.
  - 1. Personnel in these categories are considered essential and must report as scheduled. Failing to report to work as essential personnel may result in disciplinary action.
  - 2. Employees in other areas may be considered non-essential.



3. Appointment of essential or non-essential personnel will be made by the department director, under the direction of the City Manager.
- E. The City Manager may grant administrative leave with pay for closures for non-essential personnel. In this case, the following policies will be in force:
1. Employees who report to work will receive no additional pay for hours worked during this period.
  2. Employees using vacation, sick leave or holiday on an inclement weather day will record this time as previously planned.
- F. Employees in essential, emergency, dispatch or detention operations are required to work as scheduled. These essential or emergency personnel may include police officers, firefighters, detention officers, dispatchers and maintenance crews from Parks, Streets and Utilities, among others.
1. Essential personnel who do not report to work during inclement weather episodes may be subject to disciplinary action and their time and attendance will be classified for that day as Leave without Pay (LWOP).
- G. In other cases of inclement weather, the City Manager may choose not to close municipal facilities. In this case, the following policies will be in force:
1. Employees who report to work will receive no additional pay for hours worked during this period.
  2. Employees using vacation, sick leave or holiday on an inclement weather day will record this time as previously planned.
  3. Employees who generally work at home or who can work at home on this day will be expected to work as usual.
  4. Non-essential employees who are unable to report to work may use accrued compensatory time, vacation leave or personal holiday time (at their choosing), or may be granted leave without pay.

## Definitions

Days / Weeks	all days or weeks identified in this policy are calendar days or weeks unless otherwise specified or designated
Exempt	classification of employees under the Fair Labor Standards Act (FLSA) which identifies employees as not eligible for overtime pay or compensatory time accrual
Non-exempt	classification of employees under the Fair Labor Standards Act (FLSA) which identifies employees as eligible for overtime pay or compensatory time accrual
Regular fulltime	classification of employees budgeted for generally 40 hours or more of work per week
Regular part time	classification of employees budgeted for generally less than 40 hours of work per week for an indefinite time period
Separation	action that ends employee tenure with the City, including resignation, retirement, reduction in force, dismissal, etc.
Temporary fulltime	classification of employees budgeted for generally 40 hours or more of work per week for a specified period of time, generally seasonal employees working during the summer or those assigned to or for a specific project
Temporary part time	classification of employees budgeted for generally less than 40 hours of work per week for a specified period of time, generally seasonal employees working during the summer or those assigned to or for a specific project
TMRS	tax deferred retirement benefit under the Texas Municipal Retirement System, mandatory for all employees who are regular fulltime or regular part time and working or budgeted for hours in excess of 1000 per year