

CITY OF SNYDER

# Personnel Policy

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Officially Adopted By The

SNYDER CITY COUNCIL

June 4, 2018

## SECTION 1 GENERAL

### **Introduction**

This manual is designed to acquaint you with the City of Snyder (“City”) and to provide you with information about working conditions, employee compensation and benefits, and some of the policies affecting your employment. You should read, understand and comply with all provisions of this manual. No employee manual can anticipate every circumstance or question that may arise, and as the City grows, the policies may need to be changed. As a result, the City reserves the right to revise, supplement or rescind any policy or portion of this manual as it deems appropriate. These changes will be communicated to you verbally or in writing and via future revisions to the manual.

This manual is not intended to create any contractual obligation or legal right. All City employees are employed “at will,” which means that either the employee or the City may end the relationship at any time, with or without notice, and with or without articulating a reason. Only the City Manager with the approval of the City Council has the authority to modify the at-will employment arrangement. The City Manager retains authority to direct changes to these policies at any time and will solicit input on such decisions from City Council where necessary.

#### **1.1 Government of the City of Snyder:**

In 1952, the citizens of Snyder adopted a Home Rule Charter embracing the Council-Manager form of government.

The citizens are the stockholders, the City Council is the board of directors, and the City Manager is the chief administrative and business officer. The Council-Manager plan offers several advantages:

---It puts the city’s government on a business-like basis.

---It places the responsibility for the over-all administration of the city government on the

City Manager and frees the Mayor and Council from making detailed decisions (allowing them

to devote their time to major policy decisions).

---It places each department under the direction of the City Manager who, in turn, is responsible to

the City Council for efficient operation of the city government.

#### **1.2 Discrimination in Employment Policies and Practices:**

##### **A. Equal Employment Opportunity**

It is the City’s policy to provide equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, gender, national origin, age, disability, veteran status, gender identity, or genetics. In addition to federal law requirements, the City complies with applicable state and local laws governing nondiscrimination in employment in every location in

which the City has facilities. This policy applies to all terms and conditions of employment, including recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

The City expressly prohibits any form of workplace harassment or discrimination based on race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, or veteran status. Improper interference with the ability of the City's employees to perform their job duties may result in discipline up to and including discharge.

If you believe that you or someone else has been denied equal employment or subjected to harassment you should immediately contact your supervisor. If this action seems inappropriate due to the source of the harassment, you can contact Human Resources at City Hall. Because the City feels very strongly about this policy, all complaints of harassment or discrimination will be promptly investigated. Confidentiality will be respected, to the extent possible, and there will be no retaliation against persons who make known their good faith complaints or assist in the investigation of such complaints.

Any employee who violates this policy will be subject to disciplinary action up to and including termination.

#### B. Sexual Harassment/Discrimination Policy

The City of Snyder will not tolerate harassment or discrimination of its employees, whether committed by a fellow employee, a member of management, or a visitor to our workplace, such as a vendor or citizen. All employees are responsible for ensuring that the workplace is free from harassment, especially when such conduct is based upon gender, race, color, age, religion, national origin, gender identity, disability or other protected categories. All employees, including managers and supervisors, will be subject to disciplinary action, up to and including discharge from employment, for any act of harassment they commit.

Examples of prohibited harassment include, but are not limited to:

- Use of slurs, epithets, and words that degrade an individual, even when used in a joking fashion;
- Unwelcome advances, demands or requests for sexual acts or favors, and other verbal or physical conduct of a sexual nature, such as flirting, touching and graphic comments about another person's dress or body;
- Display of cartoons, photographs, drawings, pinups, posters, calendars, or images that are offensive or degrading to others;
- Conduct which has the purpose of substantially interfering with an individual's work performance or which creates an intimidating, hostile or offensive work environment; or

- Conditioning hire, continued employment, or terms and conditions of employment upon submission to sexual advances or requests for sexual favors.

However, conduct or actions that arise out of a consensual personal or social relationship or that are not intended to have a discriminatory effect may not be viewed as harassment. Management will determine whether conduct constitutes harassment based on a reasonable investigation of the facts and circumstances in each situation.

If you feel you are being harassed, or if you have knowledge of harassment of a co-employee, immediately bring it to the attention of your supervisor. If for any reason you do not feel comfortable discussing the matter with your supervisor, contact Human Resources, or any member of management whom you feel comfortable in approaching. All reports will be promptly investigated in as confidential a manner as possible. Based upon the findings of the investigation, the City will take prompt and appropriate action to remedy any violations of this policy.

No employee who brings a good faith report of harassment to the attention of the City will suffer retaliation or other adverse employment action as a consequence. Any employee, including managers and supervisors, who is found to have retaliated against an employee who reported a violation of this policy, in good faith, will be subject to discipline up to and including discharge from employment. It is important for employees to report incidents of harassment, because without your assistance, violations could go undetected and un-remedied.

Employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor, the public official for whom the employee works, or Human Resources. Employees may raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

### C. Americans with Disabilities Act

The City will employ and will not discriminate in the terms and conditions of employment against persons with a disability or regarded as having such impairment as defined by the Americans with Disabilities Act of 1990, as amended. The following definitions will be applicable to the policy:

A. “Disability” as used with respect to an individual, means a person:

1. with a physical or mental impairment that substantially limits one of more major life Activities of such individual; or

2. with a record of such an impairment; or
3. regarded as having such an impairment.

B. The determination of whether an impairment substantially limits a major life activity will be

Made without regard to the effects of mitigating measures such as:

1. medication, medical supplies, equipment
2. use of assistive technology
3. reasonable accommodations or auxiliary aides or services
4. learned behavioral or adaptive neurological modifications.

It is the responsibility of an individual with a disability to request a reasonable accommodation, because he/she understands more fully the challenge and possible remedy. However, supervisors and Department Heads are required to initiate the discussion of accommodation when the circumstances raise a possible question as to the presence of a disability that many require reasonable accommodation. The determination of what constitutes a reasonable accommodation for any particular individual or situation shall be made jointly by the City Manager, Human Resources Director, and Department Head, in consultation with the City Attorney or other expert in the matter.

The City will not discriminate against a qualified individual on the basis of disability. The City will not deny employment opportunities on the basis of the need to provide reasonable accommodation to the individual's physical or mental impairments, unless it would cause an undue hardship to the City, or constitute a threat to the safety of the disabled person or other persons (co-employees or citizens).

### **1.3 Conditions of Eligibility:**

Employment applications may be rejected from any applicant:

- Whose application clearly indicates that minimum qualifications for the position are not fulfilled.
- Whose application is not completely filled out and signed.
- Who has been convicted of or deferred adjudication for a felony
- Who has practiced or attempted fraud or deception in any statement of fact in the application.
- Who violates the nepotism provisions of the Snyder City Charter, such nepotism provisions of state law (Texas Government Code, chapter 573) which do not conflict with the City Charter, and the nepotism provisions in Section 1.4

below.

#### 1.4 Nepotism

- A. No person related within the second degree by marriage or cohabitation or within the third degree by blood to the Mayor, any Council member or the City Manager will hold any office, position, or other service of the City.

However, in accordance with Chapter 573 of the Local Government Code, an exception will be made if that person held his/her position for at least 6 months prior to the election if related to the Mayor or a Council member or for at least 30 days prior to the appointment if related to the City Manager. Further, an exception is made for any person(s) who was employed in or appointed to a position more than two years prior to the effective date of this manual, until such time as one of the people involved either has a subsequent promotion or transfer, or a reorganization of the City departments or duties, in which case this policy shall be applied.

- B. No person related within third degree by blood or within second degree by marriage or cohabitation to any Department Head or their direct reporting managers may work in the same division or location as that employee or within the department where there is a close working relationship that could potentially impact the organizational morale or efficient operations of the City. Cohabitation means persons who live together in a sexual relationship but are not married, nor are declared to be married.
- C. No person related within the third degree by blood or within the second degree by marriage or cohabitation to any other City employee may work in the same division or location as that employee or within the department where there is a close working relationship that could impact the organizational morale or efficient operations of the City.

First Degree	Second Degree	Third Degree
Spouse	Brothers	Great-Grandparent
Children	Sisters	Uncles
Mother	Grandparents	Aunts
Father	Spouse's Mother	Nephews
	Spouse's Father	Nieces
	Spouse's Sisters	
	Spouse's Brothers	

- D. If the marriage or cohabitation of an employee creates a case of nepotism as stated above, the matter must be resolved by transfer or termination within a reasonable time, not to exceed six (6) months from the date of discovery. The employees involved will be allowed to make the decision as to which employee will seek a transfer or be terminated. The Human Resources Director will resolve these matters.

#### 1.5 Physical Fitness/Mental Health

All employees will maintain the standards of physical fitness necessary to safely perform the duties of their positions. When a question arises as to an employee's physical or mental ability to safely and effectively perform the job, he/she may be instructed to undergo an occupational physical and/or mental health assessment. Because directing these assessments are not disciplinary in nature, and is in the best interest of the City, the employee is not afforded the opportunity to appeal the decision. The City will pay for these examinations.

Departments are authorized to direct employees to undergo periodic occupational physical and/or mental health assessments as part of their continued employment, provided those examinations are consistent with the requirements of the position. The City will pay for these examinations.

Any employee who becomes aware of any physical/mental disability, including the requirement to take a prescription medication that may affect their ability to function safely in the workplace must notify his/her Department Head immediately. Department Heads, with concurrence from the Human Resource Director will consider appropriate temporary assignments, modified duties, and other actions of reasonable accommodation to the best extent possible.

An employee may be involuntarily terminated from employment with the City for incapacity for medical reasons when the employee no longer meets the standards of fitness required for the position with or without reasonable accommodation. Employees will be afforded the opportunity to appeal these decisions.

## **SECTION 2 HUMAN RESOURCES EMPLOYMENT PROCESSES**

### **2.1 PURPOSE**

The Purpose of this chapter is to establish foundational guidelines regarding the City's recruiting, selection, hiring and promotional processes.

### **2.2 POLICY**

This policy is meant to establish consistency between departments on general employment practices and help to ensure that the City makes lawful personnel management decisions, and hires employees who best meet the needs of the City. All vacant, reclassified and new positions must be approved by the Human Resources Department prior to the position being posted.

To the extent that hiring, promotions, and other employment procedures for Fire, Police or medical personnel may be controlled by collective bargaining, civil service, another law or judicial decree, then such shall take precedence over this policy. However, to the extent this policy may be harmonized with such other legal authority, or in the absence of any other such authority, then this policy will apply to such departments.

Temporary positions will not be filled for more than 1,000 hours during a 12-month period.

## 2.3 VACANT POSITION

### A. Internal Review

1. **Current Position**— The Department Head must first verify that a written job description exists for the position, and if not the Department Head shall work with Director of Human Resources to create one. If a job description already exists then review it to ensure that it is still correct and accurate. If it is not, then contact the Director of Human Resources to amend the job description.
2. **New Position (Budgeted)** -- Before a new position (*i.e. not existing on the pay plan*) but approved in the adopted budget can be requisitioned or posted, it must first undergo a classification analysis to determine pay plan placement and creation of the official job description. A completed job description must be submitted to the Director of Human Resources specifying the essential functions, equipment, experience, training, required education, certificates or licenses, and any other necessary information.
3. **New Position (Proposed)** – To add a new position that was not approved in the budget, the Department Head must first make a request to the City Manager through the Director of Human Resources. This request must include a job description, proposed compensation, specifying the essential functions, equipment, experience, training, required education, certificates or licenses, and any other necessary information and detailed justification for why the position is needed now rather than being proposed in the normal budget adoption process. The request will then be presented to the City Manager for decision. A budget amendment may be necessary for the additional expense. Written approval from the City Manager must be received before posting can occur.

### B. Requisition

After completing the applicable Vacancy Review (step 1, 2, or 3), the Department Head shall complete a Requisition. This formally alerts the Director of Human Resources of a vacant position the department desires to fill. A requisition must be completed in its entirety for each open position. Recruiting efforts will not begin until the requisition(s) is/are approved by City Manager or designee.

### C. Posting & Recruiting

Upon approval of a Requisition to fill a vacancy, the opening shall be posted by the Director of Human Resources as an official job opening of the City.

1. **Internal** – Hiring supervisors have the option of posting any position as internal only, meaning that only current employees have opportunity to compete for the position. The position will be marked “City of Snyder Internal Employment Opportunity” and will be sent out via internal email and posted on the City’s employment board, and bulletin boards in all Departments for a minimum of 3 business days, not counting the day it was posted.

**2. External** — If a position is to be posted and filled by a general recruiting effort, then the Department Head shall confer with the Director of Human Resources to determine the best manner, means, and places to advertise and/or recruit qualified applicants, for example: local, regional, or state newspapers; trade journals; TML job board; job fairs at colleges, high schools, or trade/professional schools; a professional search firm; other. The scope and length of the recruiting effort shall be determined case-by-case.

**3. Direct**—As an alternative to either of the above methods, after a position is posted as an official opening, a Department Head may directly contact a person who is qualified for the position and who has previously applied to the City within the preceding year, in an effort to directly recruit and thereby avoid the greater costs and time of advertising and other expenses.

#### **E. Applications**

**1.** All applications must be completed on the City’s official application available at the Human Resources Department and on the City’s website. Completed and submitted applications will be screened by Human Resources. Only those meeting the minimum qualifications for the position will be forwarded to the hiring supervisor. It is then the hiring supervisor’s responsibility to determine whether or not there is an ample pool of applicants. If the applicant pool is small, Human Resources will re-post/re-advertise the position again for additional requested time. All positions posted as ‘currently open’ will not close until the initial requested date.

**2.** Applications will be forwarded electronically to the hiring manager for review once the job has closed, but may be periodically before then.

#### **E. Selection**

**1. Equal Opportunity** — The City believes in equal employment opportunity, as stated in Section 1.2 of this manual, which is binding upon the Department Head and any other person participating in the selection process. The City will seek to hire the best qualified person from among the available applications. Disqualification on the basis of physical requirements is prohibited unless such disqualification constitutes a bona fide occupational qualification or essential function necessary to proper and efficient administration of a job. The selection process will focus on seeking the best match of applicant qualifications and experience to the job description and requirements as posted. The hiring official or panel shall review each application and applicant using the same criteria for all applicants.

**2. Evaluation** -- The Department Head or designee is authorized to perform the selection process, but it is strongly suggested that a panel of 2-3 persons be used in most instances to conduct the selection process (that is, review the applications, conduct interviews, background and reference checks, etc.)

No written test or skills demonstration will be administered unless approved by the Director of Human Resources as being a valid test of bona fide essential job functions or

required job knowledge and not flawed by bias or prejudice. This provision does not apply to oral interviews or requesting a writing sample for professional positions.

The Human Resources Director will conduct and complete all reference checks prior to notifying Department Heads/Supervisors of their selection.

**3. Conditional offer**— Upon completion of the selection process, the Human Resources Director will contact the successful candidate to notify him/her of a conditional offer of employment. It must be emphasized to the candidate that all offers are contingent upon satisfactory results of the pre-employment screenings which include a driver's license check, drug screening, criminal history check, (and physical and/or psychological examination, if required) and the ability to produce documentation that verifies the individual's eligibility to work in the United States as directed by the Immigration Reform and Control Act of 1986. All conditions must be satisfactorily passed prior to the person's first date of employment.

Hiring supervisors do not have the authority to commit the City to employ an applicant above the minimum salary of the range. The probationary appointment will normally be the minimum salary for the appropriate range.

**4. Coordination** — The hiring supervisor will forward all interview documentation, eligible list, notes to Human Resources, along with a proposed start date and salary amount before Human Resources makes contact with the candidate. Human Resources will then contact the candidate and extend an offer of conditional employment. After the pre-employment or promotional screenings are completed and results are received, Human Resources will contact the hiring supervisor to confirm the official start date.

If the results of pre-employment screening is not satisfactory or desirable, then the conditional job offer is retracted and the Department Head may determine if there is an acceptable second applicant to whom the Head desires to extend a conditional offer or to resume the recruiting process for more applicants.

The hiring department is responsible for coordinating with I.T. staff as to the new hire's start date and any Information Technology needs and requirements.

The hiring department is responsible for contacting applicants who were interviewed to notify them that they were not chosen for the position. This may be done by phone or email. Human Resources will notify all other applicants.

## **2.4 NEW EMPLOYEE IN-PROCESSING & ORIENTATION**

**A. Payroll.** The Human Resource Department shall assure the new employee is properly entered into the City's payroll system on the first day of employment.

**B. Departmental.** Each Department Head is responsible for assuring that each new employee: (i) receives a thorough orientation to the policies, rules, procedures, of the Department; (ii) is documented as being trained or certified on the safe use of all tools and equipment the employee is expected to use; (iii) understands the content of this manual; and (iv) has completed

all required paperwork for the Human Resources Department. This duty to orient new employees also applies to new employees recruited via an internal job posting.

**C. General.** It is the hiring supervisor's responsibility to send the new employee to Director of Human Resources on the established orientation date to complete new employee processing. This orientation is mandatory for all new hires and will take priority over Department business. Each new employee shall receive a copy of this manual and sign a receipt indicating such.

**D. Probation Status.** In accordance with Section 3, each employee hired for a vacant position, whether internal, external, or direct hire, shall be on six months probationary status. If the employee does not perform satisfactorily, he/she may be terminated without or without cause. With the City Manager's approval, the initial probationary period may be extended a maximum of three (e) months. An employee who fails the probationary period may request review by the City Manager. Such request shall be in writing and delivered to the City Manager by the close of the fifth day business day following notice of failure of probation. The decision of the City Manager is final. Successful completion of probation does not mean permanent employment; employment continues to be at-will.

## **2.5 RECURRING SEASONAL POSITIONS**

- A.** Individuals who worked the previous year in a seasonal position can be rehired without posting and advertising the position. The individuals do not have to fill out a new application unless it has been longer than one year since they were employed; however, they will need to complete a new W-4 form and the required pre-employment testing (drug screen, criminal and driving checks).
- B.** The hiring supervisor must contact Human Resources via email to complete personnel action forms for the returning employees so their files can be reactivated and the necessary pre-employment testing can be conducted prior to the employee returning to the workplace.

## **2.6 PROMOTIONS**

- A.** A promotion is the assignment of an employee from a position in one class to a position in another class having a higher maximum salary. It typically is accompanied with a change in job title or rank. It is City policy to provide promotional opportunities whenever possible to qualified employees. A selection process may be limited to City employees or such employees may be given preference in application and/or consideration among external candidates.
- B.** The Department Head shall submit a Requisition to the Director of Human Resources to inform that there is a vacancy in an authorized promotional position and the intended method for filling same. If the position is already authorized in the approved budget, then the Head may proceed with the promotional process unless the City Manager or Director of Human Resources objects.
- C.** The Department Head is authorized to select an employee for promotion, but it is strongly suggested that a panel of 2-3 persons be used in most instances to conduct the promotional selection process. The process may involve such elements: review of the employee's personnel

file; any past disciplinary issues; knowledge of the current job and promotional position; ability perform in the new promotional position; managerial profile (does the person possess the self-discipline, character, and respect of others to effectively discharge duties of the promotional position). The process may involve oral interview, background check, drug/alcohol test.

**D.** No written test or skills demonstration will be administered unless approved by the Director of Human Resources as being a valid test of bona fide essential job functions or required job knowledge of the promotional position, and not be flawed by bias or prejudice. This provision does not apply to oral interviews or requesting a writing sample for professional positions.

**E.** Upon promotion, the employee shall be on six months probationary status. If an employee fails to satisfactorily perform the functions of the position during the probationary period, then the employee may be demoted to his/her former classification, if there is a vacancy in such classification, or may be reassigned to any other comparable classification for which the employee is qualified or be terminated, subject to the approval of the City Manager. Such employee may be terminated only after a formal disciplinary hearing and only if there is no vacancy in any such other comparable classification

**F.** The City Manager may, upon recommendation by the Department Head or Human Resources Director, authorize a temporary promotion to ensure proper performance of City functions if a position is vacant or its regular incumbent is absent for an extended period of time. Temporary promotions will not be used to circumvent normal promotional selection procedures. Temporary promotions or transfers will not be construed as a promise of transfer or promotion of the employee when the position is filled through regular procedures. Employees involved will not acquire any status, rights or pay in the classifications to which temporarily promoted or assigned unless it is administratively determined to be appropriate or necessary.

## **2.7 RECLASSIFYING POSITIONS**

**A. Purpose** – Whenever an existing FTE is changed to a higher or lower capacity or the FTE breakdown is changed, it is considered a reclassification. For a reclassification to a single incumbent position, the incumbent’s job must have changed significantly since the position was classified on the pay plan. A valid reclassification request is always based upon the incumbent employee either performing fewer duties or responsibilities performing or expanded or new tasks or responsibility not in the current job description. Reclassification should not be used in lieu of demotion or merely to obtain a pay increase for a good employee doing the same job.

**B. Process** – Before a reclassification can take place or be posted, it must undergo a classification analysis to determine if the reclassification request is valid, pay plan placement and the official job description. The Department Head must submit a proposed revised job description to the Director of Human Resources. It must reflect the change(s) in tasks or responsibilities, together with any corresponding changes in essential functions; equipment; experience; training, skills and other abilities; required education, certificates and/or licenses; and any other necessary information. It may be helpful for the Department Head to attach a memo with any other information helpful in evaluating the need for the reclassification.

- C. **Approval** –Upon approval by the Human Resources Director it will be sent to the City Manager. Written approval from the City Manager is required for all reclassifications. A Department shall not inform an incumbent of reclassification or begin recruiting for a reclassified position prior to approval.
- D. **Requisition & Recruiting** – When there is no incumbent in the reclassified position, then the Department Head shall follow the normal process for Vacancies, above. Note: The Reclassification and approval process satisfies the Vacancies Review (steps 1-3), so proceed to a requisition to fill the reclassified position.

## **SECTION 3 EMPLOYEE PROBATIONARY PERIOD**

### **3.1 PURPOSE**

The purpose of the employee probationary period is to provide Department leadership a specified amount of time to assess an employee’s performance, job adaptability, and suitability for service to the City.

Probationary periods for all full and part-time employees will start on the first day of employment (new hires), transfer, promotion, or demotion.

### **3.2 LENGTH OF PROBATION PERIOD**

All regular full and part-time employees who are newly hired are required to complete a minimum six (6) month probationary period.

After completion of the initial probationary period, 9-1-1 personnel will undergo an additional 6 months of operational familiarization training. This additional 6-month period is considered part of those employees continued probationary period.

After completion of the field training period, fire personnel and certified police personnel will continue the probationary period for an additional twelve (12) months.

### **3.3 PERFORMANCE FEEDBACK DURING PROBATIONARY PERIOD**

During the employee probationary period, the employee and his/her immediate supervisor will periodically meet to discuss job expectations, general satisfaction with job performance, and to outline areas for performance improvement. These feedback sessions will be documented and signed by both the employee and his/her immediate supervisor and will be maintained by the supervisor.

### **3.4 CONCLUSION OF PROBATIONARY PERIOD**

- A. Within 30 days of the scheduled completion of the employee probationary period, the Human Resources Department will solicit written decisions from Department Heads authorizing the employee to transition to “regular” status employee. However, completion of the probationary period does not change the **at-will** employment relationship between the employee and the City.

- B. When an employee fails to satisfactorily meet the requirements of the probationary period, but it has been determined that he/she may have the ability to do so, an employee's probationary status may be extended up to a maximum of three (3) additional months. An extension will be served in writing and acknowledged by the employee. Signed forms will be sent to the Human Resources Department.
- C. Department Heads are authorized to terminate the employment of a probationary employee for documented failure to meet performance expectations at any time during the employee probationary period.

### **3.5 PROBATIONARY PERIOD EXCLUSIONS**

#### **A. TEMPORARY EMPLOYEES**

Employees hired as temporary or seasonal are not regular full or part time employees and therefore are not required to undergo a probationary period. Due to the nature of their positions, temporary or seasonal employees are subject to termination at any time.

#### **B. RECLASSIFIED EMPLOYEES**

Employees in positions that are reclassified and who have previously successfully completed a probationary period for the position will not be required to complete an additional probationary period.

### **3.6 APPEALS**

A newly hired employee who is terminated before completion of the probationary period (to include extensions) is not eligible to appeal the decision.

Employees who have served with the City for more than 6 months who fail to satisfy job requirements during the initial 6 months after transfer, promotion or demotion are eligible to request that the City Manager review a termination decision by filing a written request by close of the fifth business day after being informed of the failure of probationary status. Decision of the City Manager is final.

## **SECTION 4 ATTENDANCE**

### **4.1 Late for Work:**

Any employee who will be late for work for any reason shall call his or her supervisor immediately before working hours so arrangements can be made to carry out the employee's duties. Failure to notify the supervisor may be grounds for disciplinary action.

The employee will not be allowed to make-up the time unless pre-approved and required by the supervisor.

### **4.2 Absence from Work:**

Time off for regular employees will not be figured in increments of less than one-quarter day (two hours), with the option to take compensatory time if available and approved to be used.

### **4.3 Emergency Duty:**

Employees who are exempt from the overtime provisions of the Fair Labor Standards Act shall receive no additional compensation for answering a call back to duty. All non-exempt employees shall be paid only for actual time worked. If emergency causes or results in overtime, the employee shall be compensated in accordance with Section 4.10.

An employee who has been notified should determine the nature of the call within five (5) minutes of being notified, and if needed on duty, must respond immediately.

Exempt staff members who remain in the area to work a Catastrophic Event will be compensated during the local disaster declaration as follows:

1. All exempt paid staff members shall be temporarily reclassified as non-exempt full-time paid staff members during the pendency of the disaster.
2. An exempt full-time staff member who is reclassified as a temporary non-exempt full-time staff member during a Catastrophic Event shall be paid at their hourly rate of pay according to the requirements of the FLSA for all hours working during the disaster.
3. The temporary status as set forth the in this section shall begin on the hour that an emergency is declared and shall continue during the pendency of the emergency and, further until the end of the emergency as determined and declared by the mayor or County Judge in the exercise of his/her sole discretion.

## **SECTION 5 COMPENSATION AND HOURS**

### **5.1 Job Classification Plan:**

#### **A. Administration**

1. The Human Resources Department shall be responsible for the continuous administration of the classification plan.
2. The Human Resource Department shall prepare class specifications and job descriptions in cooperation with the individual supervisors. The Human Resource Department will submit recommendations to

the City Manager whose review and approval is required. Job descriptions are primarily descriptive and not restrictive concerning job duties, except as to the minimum qualifications required.

## B. Job Classification

1. The job classification plan shall group all positions into classes based on the duties, authority, and responsibilities of each. The Human Resource Department shall establish a job title for each class or position. Official titles shall appear on all City records, payrolls, and communications.
2. At-will Status Maintained. The procedures discussed in this policy are only guidelines. The City may, at its discretion, modify or revoke them in whole or in part at any time. Nothing within this section shall in any way alter the at-will status of employees.
3. Categories of Employment. At the time of employment, each employee shall be classified within one of the following categories:
  - a. Regular Full-time Employees. Employees appointed to an authorized, regular position that involves forty (40) hours per week or more are categorized as regular full-time. Employees in this category may be salaried or paid by the hour. They are eligible for the City's benefits package subject to the terms, conditions, and limitations of each benefit program.
  - b. Regular Part-time Employees. Employees appointed to an authorized, regular position that involves less than forty (40) hours per week are categorized as regular part-time. Employees in this category shall be paid by the hour and shall not be eligible for benefits sponsored by the City.
  - c. Seasonal Employees. Employees hired to work for a period expected to last less than one (1) year are categorized as seasonal. Employees in this category shall be paid by the hour and shall not be eligible for benefits sponsored by the City.
  - d. Change in Category. For benefit purposes a part-time or seasonal employee who attains regular full-time employment is considered as being hired when his/her classification changes.
4. Modifications. A supervisor wishing to establish a new position or

modify an existing one shall submit a written request to the Human Resource Department. The Human Resource Department shall review the request and present it, along with recommendations, to the City Manager for final review and approval.

5. Periodic Review. The Human Resource Department shall periodically review all positions in a single department or all positions in a particular group. Because of the study, the Human Resource Department may submit to the City Manager a recommendation to re-evaluate individual positions.

## **5.2 Compensation Plan:**

- A. Administration. The Human Resource Department shall be responsible for the continuous administration of the compensation plan.
- B. Contents. The compensation plan shall list all job titles covered in the classification plan together with the rates of pay for each. The compensation plan is based on such economic considerations as the following: essential qualifications; general rates of pay for comparable work in the area and at-large; cost-of-living data; benefits offered employees; and the financial position of the City.
- C. Periodic Review. The Human Resource Department shall periodically review the compensation plan. Based on the findings, the Human Resource Department may recommend to the City Manager changes in the compensation plan or in the pay ranges for individual positions. Changes shall become effective upon the City Manager's approval.
- D. Starting Wage or Salary. The minimum rate of pay for a classification normally shall be paid upon the original appointment. The City Manager may authorize a higher rate when an employee possesses exceptional qualifications or when qualified employees cannot be recruited at the lower rate.
- E. Maximum Wage or Salary. No employee shall be paid more than the maximum rate for his/her position classification unless authorized by the City Manager.
- F. Change in Classification. When an employee changes to a new position or classification, his/her rate of pay may be adjusted to fall within the new position's compensation range. The employee's supervisor shall make recommendation to the Human Resource Department when an adjustment is necessary.
- G. Effective Date. All changes in compensation shall take effect as of the

first day of the next pay period. Annual increases take effect the first day of the new year.

- H. Changes. The City reserves the right to change, modify or revise wages, benefits, and conditions of employment at any time with or without notice.
- I. On Call/Stand-By Pay. Is designated as on-call for service calls after scheduled hours. The designated employees must be able to respond within 20 minutes of notification of a need. The rate of on-call pay will be \$20.00/day and a one-hour minimum for each call-out.

### **5.3 Hours of Work:**

The hours during which City offices and departments are open for business shall be determined by the City Manager.

- A. General. The normal hours of work for most City employees are 8:00 a.m. to 5:00 p.m., with one (1) hour for lunch, Monday through Friday, for a total of forty (40) hours per work week.
- B. Due to the nature of their operations, the police, fire, water and sewer plants, and landfill departments normally work different schedules. Work schedules for these departments will be determined by the respective department head, with approval by the City manager.
- C. All employees should be at their work in accordance with the general regulations or in accordance with any special departmental regulations. Prompt appearance for work at the specified time is required for all employees.
- D. Work Week. For record keeping purposes and compliance with federal law, the City defines a work week as a period beginning at 12:01 a.m. on Saturday and terminating at 12:00 midnight seven consecutive days later on the following Friday.
- E. Definition of a Day. A “day” is the number of hours which an employee normally works during a shift. Most employees work an eight-hour day. Employees on a compressed-work-week schedule work a longer day.
- F. Fire Department. A firefighter’s work day shall consist of a twenty-four hour period which shall be considered two (2) twelve-hour shifts worked consecutively. One shift begins at 7:31 a.m. and ends at 7:30 p.m., and the other shift begins at 7:31 p.m. and ends at 7:30 a.m. the following day. Within the Fair Labor Standards Act exemption allowance of Section 207

(k), the City has adopted a fourteen-day consecutive work period for fire protection personnel.

#### **5.4 Employee Reporting of Hours Worked:**

Each employee shall be responsible for clocking in and out on Timeclock Plus or such other time keeping system authorized by the City Manager or H.R. Department. No one shall clock in earlier than 5 minutes before the shift begins and no later than 5 minutes after the shift ends, unless approved overtime is involved. The employee's approval is required to be on each time entry, which acknowledges that the hours worked, as shown, are correct. Any overtime hours recorded must have an explanation in the note column. Time entries are to be reviewed and approved by the employee's supervisor daily. Timeclock Plus entries are to be edited for the two-week pay period and notification sent to the Human Resource Department that all edits are completed by 12:00 noon on the Tuesday before payday.

All non-exempt employees must keep accurate records of their work time, employees must never clock in or out for another employee. No non-exempt employee shall ever be compelled or volunteer to perform his/her City work while "off the clock." Any employee who falsifies his or her own time entry or who clocks in or out for another employee will be subject to discipline up to and including immediate discharge. If you make an error on your time, provide an explanation in the note column on Timeclock Plus or contact your Supervisor immediately. Exempt employees will need to enter all leave taken dates into the time keeping system.

#### **5.5 Pay Periods:**

All employees shall be paid by check or Direct Deposit on Friday of every other week. The Human Resource Department will prepare the payroll payment for the two-week period ending at midnight on the previous Friday. A shift beginning before midnight will not be split between pay periods. Pay periods may be changed by the City Manager. Generally, if a payday falls on a holiday, paychecks are distributed on the business day before the holiday; however, final determination of paycheck preparation and distribution in such an instance is reserved for the City Manager. Paychecks will not be issued other than on designated paydays. No advances or loans against future earnings will be made to any employee for any reason.

#### **5.6 Paycheck Delivery:**

The Human Resource Department shall release paychecks to designated supervisory employees responsible for proper distribution of such within the departments. If an employee is not present to personally receive his/her check, the check must be returned to the Human Resource Department. An employee must

notify the Human Resource Department in writing if he/she wishes to grant a representative the power to receive a paycheck on his/her behalf. Paychecks will be issued only to the employee unless the City has written authorization from the employee authorizing release to another person. Direct Deposit is also available to all employees.

### **5.7 Payroll Deductions:**

Gross pay, deductions, and net pay will be shown on each paycheck stub. Federal income taxes, Federal Social Security, Court-ordered child support, other deductions required by law, and eligible employees' retirement contributions will be deducted automatically. The Human Resource Department is the only one authorized to receive an order requiring payment of a portion of an employee's wage to someone other than the employee. The Human Resource Department will notify the affected employee immediately upon receiving notice. Deductions from pay shall not exceed that permitted by law. No other deductions will be made unless required or allowed by law, contract, or employee obligation and approved by the City Manager. An employee must sign an authorization form authorizing the City to make deductions from his/her paycheck.

### **5.8 Responsibility to Notify:**

Each employee is responsible for reporting changes in family status and other factors affecting payroll withholdings or benefits. The appropriate forms are available in the Human Resource Department.

### **5.9 Rest Periods:**

If authorized by their immediate supervisor, employees may take two (2) rest periods each work day. The rest periods are not to exceed fifteen (15) minutes each. Said rest periods shall be considered a privilege, not a right, and shall never interfere with proper performance of the work responsibility and work schedule of each department. Rest periods cannot be accumulated for other purposes such as vacations, time off, or as a means of leaving the job early. Abuse of rest periods is grounds for disciplinary action. The supervisor shall determine when and where the rest period shall occur. When necessary, the supervisor may allow reasonable variations in frequency and/or duration of rest periods.

### **5.10 Overtime:**

Overtime pay is required for non-exempt employees, except firefighters, whose hours worked exceed forty in a work week. Paid time off that is not worked, such as holidays, vacation, and leaves, is not counted as "hours worked" for the purpose of calculating overtime. Employees are not allowed to work overtime unless it has been approved in advance by a supervisor. Each employee's time should be accurately recorded to reflect all time actually worked. Under no circumstances

should an employee work “off the clock,” and any such request from an employee should be reported to the Human Resource Department immediately.

The City allows overtime only in cases of emergencies, special circumstances, or when specifically authorized ahead of time. In order for overtime to be authorized, an employee must have his/her supervisor’s approval. The Fair Labor Standards Act (FLSA) governs many of the practices pertaining to hours worked beyond certain maximums within a given work period. The City will fully comply with the requirements of law.

A. Non-exempt Employees. Those employees who are not exempt from the overtime provisions of the FLSA shall be compensated at the rate of one and one-half (1 ½) times their regular hourly rates.

1. For most employees, the City pays overtime after an employee has actually worked forty (40) hours within a seven-day work period.
2. For fire personnel, the City pays overtime after an employee has actually worked in excess of 106 hours within a 14-day work period. This complies with Section 207 (k) of the FLSA.
3. The FLSA requires only hours actually worked to be considered in determining overtime compensation. The City, however, also allows time spent participating in a Court proceeding on behalf of the City to count toward hours worked.

B. Exempt Employees. Certain employees are exempt from FLSA overtime provisions because of the nature of their duties. Exempt employees are expected to render necessary and reasonable overtime services with no additional compensation. The salaries of such employees are established with this condition in mind.

C. Designations. Each job description shall designate if the position is classified as exempt or nonexempt.

### **5.11 Compensatory Time:**

Instead of receiving cash payment for overtime worked, a nonexempt employee may be granted compensatory time. Taking compensatory time off from work should be scheduled so as not to interfere unduly with City operations. Supervisor approval is required.

A. Same Work Week. The employee shall receive equal time off if the time off is taken within the same work week.

- B. Different Work Week. If the employee is unable to take off during the same work week, the overtime hours worked will be credited to the employee's "compensatory time bank." Compensatory hours are banked at one and one-half (1 ½) times overtime hours worked.
- C. Maximum Accruals. Certain departments encourage employees to maintain minimum balances in their compensatory time banks. This helps to ensure that employees will receive a normal paycheck even when work cannot be performed due to such things as bad weather. Maximum accruals of compensatory time shall be set by each Department Head up to a maximum of 40 compensatory hours in his/her compensatory time bank. Any hours worked beyond the maximum allowed shall be paid as overtime.
- D. Termination. Upon leaving the service of the City, an employee will be paid for any time remaining in his/her compensatory time bank. Since the accumulated hours are already recorded at time and a half, the balance will be paid based upon the employee's final hourly rate of pay.

## **SECTION 6 VACATIONS**

### **6.1 Vacation:**

Vacations are computed on the last day of the month including the "anniversary date" - - that is, the date on which an employee began working for the City as a regular, full-time employee.

After the first anniversary of service, full-time regular employees are eligible to take ten days of vacation time each year up through ten years of service. After completing ten years of service, the employee will be eligible to take fifteen days of vacation time; and after completing twenty years of service, the employee is eligible to take twenty days.

Fire Department employees on 24-hour shift are eligible to take 4 shifts after years 1 through 09, 6 shifts in years 10-19, and 8 shifts 20 years and over.

Employees who terminate their employment in good standing and with a two-week notice will be paid for any accumulated vacation time. Employees who are dismissed from service for any of the reasons listed in Section 9.4 will not receive pay for accumulated vacation.

Employees will be required to take their vacation time each year with no carry over from year to year, with the following exception: five vacation days may be carried over for three months for the City Manager, Directors, and Department

Head and Superintendent positions.

Completed Years of Service	Vacation Days Eligible Per Year
01-09	10 days
10-19	15 days
20+	20 days

Employees are entitled to use earned vacation on the first day of the month following the anniversary month.

A regular full-time employee may sell his/her accrued vacation time for cash under the following conditions:

- Employee must be employed for one year prior to the request.
- Employee can only make a request of 40 hours (48 hours for fire fighters) one time a year.
- Employee may not cash out less than 40 hours of vacation (48 hours for fire fighters).
- Employee must make a request five days prior to payroll and the cash out will be subject to taxes and retirement.
- Vacation cash out will only be issued through regular payroll.
- Request must be submitted on approved form.

This policy does not apply to sick leave. The Sick Leave policy will remain the same.

## SECTION 7 HOLIDAYS

### 7.1 Holidays:

The following are holidays for full-time City employees:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
President's Day	Veterans Day
Texas Independence Day	Thanksgiving Day
Good Friday	Friday after Thanksgiving
Memorial Day	Christmas Eve
Independence Day	Christmas Day
Floating Holiday	

*These holidays are observed by the City as a matter of expediency due to predominant business closures and observances within the community that we serve. However, in accordance with our EEOC pledge, the City will endeavor to make reasonable accommodation for employees who may wish to observe other religious holidays.*

Part-time employees are not eligible for holiday pay.

Holidays which fall on Saturday will be observed on the preceding Friday. If the holiday falls on Sunday it will be observed on the following Monday.

Employees who are required to work on a designated holiday shall be granted a subsequent day off which must be taken or forfeited within sixty (60) calendar days after the holiday worked and at a time approved by their department head. If an employee resigns or is terminated, he/she will be paid for holidays not taken within the sixty (60) day period.

Firefighters on 24-hour shifts will receive ½ shift per holiday.

Upon termination, a floating holiday that was not taken will be unpaid. An employee must work 6 months before becoming eligible for the floating holiday.

All holiday time must be taken by September 30 of each year.

## **SECTION 8 LEAVES OF ABSENCE**

### **8.1 Leave with Pay:**

For certain reasons, special leave with pay may be granted. An employee may apply for a short leave to attend an approved convention, conference, or short training course, which will be of mutual benefit to the employee and the City. Each request must be approved by the City Manager.

When leave with pay is granted to attend to matters related to City affairs, travel expense advance may be approved by the City Manager. Travel expenses and reimbursements are detailed in Section 18.

When a firefighter on 24-hour work periods attends a school at the request of the Department Head, he will be paid for the number of shifts missed.

### **8.2 Leave without Pay:**

Special leave may be granted without pay. If such a request for leave is for less than five working days (Fire Department two shifts), the department head may grant it upon evidence of adequate justification. Leaves without pay for longer than five days must also be approved by the City Manager.

### **8.3 Family and Medical Leave:**

The City of Snyder complies with the provisions of the Family and Medical Leave Act (“FMLA”) of 1993, which provides that eligible employees may take leaves of absence for specific reasons. FMLA leave may be paid if the employee

has accrued paid leave available for use during the FMLA leave period (such as sick leave if applicable, vacation, or compensatory time). If paid accrued leave is not available to the employee, then FMLA leave is unpaid time off.

### **Family and Medical Leave Act (FMLA)**

\*FMLA applies to any public or private employer with 50 or more employees, as well as to all public agencies, and public and private elementary and secondary schools, regardless of number of employees

\* The City will post a notice in its workplaces concerning the FMLA and other employee rights.

\*Even though all governmental (public) employers are covered employers regardless of how many employees they have, individual employee eligibility requirements may still render an employee ineligible to take FMLA leave.

\*To be eligible for FMLA leave, an employee must have worked at least 1250 hours within the last 12 months; has to have worked at least 12 months' total time for the employer;

\*Time spent in military duty counts toward both the hours worked and tenure requirements.

\*The reason for the absence must be the serious medical condition of the employee or of a member of the employee's immediate family; the birth or adoption of a child or the placement of a foster child in the home; or "any qualifying exigency" associated with the employee's spouse, child, or parent being on active military duty, or having been notified of an impending order to active duty, in support of a contingency operation.

\*The employer may take up to 12 weeks of paid and/or unpaid leave during a year available to such an employee, for an FMLA qualifying event.

\* Military caregiver leave: up to 26 weeks of paid and/or unpaid leave during a year is available to an employee whose spouse, child, parent, or "next of kin" (nearest blood relative) is recovering from a serious illness or injury suffered in the line of duty while on active military duty.

\*The leave can be used all at once or intermittently, even 2 or 3 hours at a time, but intermittent leave applies to the 12-week limit.

\* The City will provide employees prompt written notice that they are on FMLA leave upon learning of an FMLA qualifying event. Employees are required to maintain contact with the employer at regular intervals specified by the employer during FMLA leave.

\*FMLA leave cannot be counted against an employee under a "no-fault" or "point system."

### **Medical Certification**

A. Any employee eligible for FMLA due to a serious health condition of the employee or of an eligible family member must provide appropriate certification or recertification of medical need, as requested. This is done by the employee submitting a Certification of Health Care Provider form. If an employee fails to provide any required certification within 15 days, the City may deny leave until the certification is provided. The certification form must be completed by the patient's health care provider(s) and must contain at least the following:

1. Date condition began
2. Probable duration of condition
3. Appropriate medical facts about the condition
4. Statement that the employee is needed to care for the ill family member or, in the case of their own illness, is unable to perform their job
5. In the case of intermittent leave, dates and duration of the treatments necessitating the intermittent leave

B. An employee may be required to submit a "fitness-for-duty" certification before the employee can return to work.

C. The City may, at its expense, require a second opinion from a health care provider of its choice if the City has a reasonable question as to the Certification of Health Care Provider submitted by the employee. If the opinions of the two health care providers conflict, the City may require, at its own expense, a third medical opinion from a health care provider mutually agreed upon by the employee and the City. The third opinion shall be considered final and binding on both the employee and the City.

D. If the medical certification fails to confirm that the reason for the absence was an FMLA qualifying medical reason, the City will withdraw the FMLA designation, with written notice to the employee.

### **Extended Medical Leave**

Requests for extended medical leave beyond the federally mandated 12 weeks must be submitted in writing to the City Manager through the Human Resource Director.

## **Continuation of Insurance Benefits**

While the employee is on FMLA, the City will continue to provide its share of contributions toward the cost of insurance. The employee must continue to pay his/her share of premiums. If the employee is receiving pay by utilizing accrued Sick Leave, Vacation Leave, or compensatory time during this period, the employee's share of premium will continue to be deducted from his/her paycheck. If the leave is unpaid, the employee must make arrangements with the Human Resource Department to continue paying his/her share of the premium as well as any voluntary deductions such as additional life insurance and AFLAC.

### **8.4 "Bonus" Vacation:**

Regular employees who do not use any sick leave during the fiscal year from October 1 through September 30, will receive three additional working days of "bonus" pay or three additional days of vacation. Fire Department employees, who have not used any of the 6 shifts accumulated during the year, can earn an additional \$75.00 or 1-1/2 shifts of vacation time. Bonus pay will not exceed a rate of \$25.00 per day. The employee will have the following 12 months in which to take the bonus days.

Employees who are awarded an Employee-Of-The-Month Certificate receive an 8-hour vacation day for most employees or ½ of a shift (12 hours) for firemen. This additional EOM vacation time must be taken within 12 months after receipt.

The bonus time authorized by this section 8.4 is not compensation for past services rendered but is intended to be a forward-looking benefit or incentive to retain employees for future service with the city.

### **8.5A Sick Leave:**

The use of sick leave is a privilege, not to be abused by employees. A regular employee may accumulate one (1) day sick leave for each consecutive month of service. Fire Department employees on 24-hour shifts, earn ½ shift (12 hours) per month. Any unused sick days will be transferred to the employee's sick bank at the end of the fiscal year. Any employee who is suspected of abusing sick leave may be required to provide a doctor's verification of illness.

Department Heads may authorize the use of current unused sick leave in cases of serious illness of a member of an employee's household, which necessitates his/her personal care or attention.

Department Heads may grant the use of current unused sick leave in cases of serious illness of an employee's relative other than his immediate household not to

exceed four (4) days during one calendar year.

The Fire Chief may grant one 24-hour period per year of sick leave usage for serious illness for firefighters.

No sick leave will be paid upon termination.

Illness flowers may be sent by the Human Resource Department to an employee while in the hospital.

### **8.5B Influenza Leave Policy:**

The following policy is intended to bridge the gap for our employees who may experience illness as a result of influenza season. This policy is intended to lessen the penalizing impact of the illness against our current sick leave policy and the resulting financial strain it could cause to all of our employees. This policy also intends to lower the incidence of influenza transmission among coworkers.

This policy is applicable to all regular full-time employees affected by the flu season, based on the date determined by the Centers for Disease Control. Employees, who become ill with Influenza, will be paid up to a scheduled work week. This does not affect the employee's current sick leave, or sick bank. Any unused Influenza leave will be removed at the end of the flu season. Influenza leave time does not include situations requiring Medical Leave due to disability and any Influenza absence which exceeds a scheduled work week will be subject to consideration of current sick leave, or sick bank.

An employee caring for a family member in their immediate family with Influenza will be allowed to use the leave to care for such dependent(s) to minimize the spread of the Influenza. A doctor's note will be required with an Influenza diagnosis for the family member.

An employee who arrives at work looking ill, or displays flu-like symptoms, shall submit to a "thermometer test" and will be sent home if the employee's temperature is 100 degrees or greater. The end date of this policy each flu season is subject to change based on the Centers for Disease Control recommended calendar.

For an employee to be able to use Influenza leave a doctor's note will be required stating the employee did go to the doctor, and the diagnosis of Influenza will need to be on the note.

### **8.6 Long Term Illness Bank:**

- A. Each regular employee may accumulate a maximum of 180 days in his/her sick leave bank. Firefighters may accumulate sick bank leave up to a

maximum of 90 24-hour periods and shall be charged for sick leave on the same basis. A doctor's statement will be required when an employee uses his/her sick leave bank. An employee may use his/her sick leave bank beginning on the fifth consecutive working day of absence (third consecutive shift for firefighters) due to the employee's illness or that of a family member's illness (Family members include employee's spouse, son or daughter, or parent).

B. No accumulated sick leave or sick leave bank will be paid upon termination.

C. Under certain conditions to be approved by the supervisor, an employee or employees may contribute long-term illness days to another employee.

D. The five-day requirement for sick leave bank usage will be waived for any employee on FMLA leave.

### **8.7 Bereavement Leave:**

Department heads may grant bereavement leave with pay for not more than three working days in any one anniversary year to employees in case of death of a member of the employee's family to the second degree of consanguinity and the second degree of affinity. Bereavement leave for firefighters will be granted on the basis of one 24-hour period per year. To be eligible for bereavement leave the employee must attend the funeral.

Bereavement flowers may be sent by Human Resources to the employee's family to the first degree of consanguinity.

### **8.8 Worker's Compensation & Related:**

In the event that an employee who, without misconduct, negligence, or contributory negligence on his part, is injured by external means while engaged in the actual performance of duties; and said employee is temporarily incapacitated from performing productive City work as a direct result of such injury, said employee shall be eligible for benefits under provision of Texas Employer's Liability and Worker's Compensation Insurance Law.

An on the job injury shall be immediately reported (no later than end of that shift) to the employee's supervisor and appropriate documentation and photos made.

A. If an employee is not capable of working after an on-the-job injury, the City will pay the employee his/her regular salary for the first seven days, before Worker's Compensation benefits begin. The first seven days off will be counted as sick leave days and once Worker's Compensation benefits begin, those days will be adjusted to Worker's Compensation leave days. Should the employee come back to work before Worker's Compensation benefits

begin the sick leave days will remain as leave taken. Should the employee be paid by Worker's Compensation for that first seven days at a later date, he/she shall reimburse the City.

B. The City will pay supplemental benefits which will be the difference between the employee's regular base salary and the amount received by the employee under Worker's Compensation not to exceed the following:

1. 30 working days at regular base salary.
2. The City Manager may, in extreme cases, extend this period to 90 working days.
3. After 90 working days, the employee will be paid by Worker's Compensation only.

Employees who are absent due to injury leave will not accumulate vacation or sick leave time while they are absent.

Absences due to work-related injuries will be counted as FMLA leave.

**Modified Duty:**

When a work-related or non-work-related injury prohibits an employee from performing the essential functions of his/her job with or without reasonable accommodation, the employee may be granted a modified duty assignment, if available. No modified duty assignment will consist of activities restricted by the employee's physician.

A. Qualifications

The following qualification have been established for eligible employees who request a modified duty assignment or is offered same by the City:

1. There must be a need within the City that the recovering employee could possibly fill. Employees may be temporarily reassigned to other Departments.
2. Employees must be qualified for and able to safely perform the essential functions of the alternate modified duty assignment.
3. Prior to starting a modified duty assignment, the employee must provide his/her Department Director and the Human Resource Director with a written statement from a certified medical professional of work restrictions and how long such restrictions are in effect, when the employee may begin modified duty, and when the employee is projected to return to full duty.

B. Criteria

1. An employee may be involuntarily assigned to modified duty or request such an assignment. Refusal to return to work for the modified duty assignment or provide required medical information may be considered insubordination and may result in disciplinary action up to and including termination.
2. Workers' Compensation claimants will provide their supervisor and the Human Resource Department with copies of all medical restrictions/releases within 24 hours of each doctor visit.
3. Employees assigned to modified duty will be paid at the same rate as his/her regular position.
4. No modified duty assignment will last longer than 90 days without authorization from the City Manager consistent with this policy.
5. Modified assignment will not last more than one year from the original date that the employee is unable to work in his/her full capacity, unless a longer period is required by law.

**Return to Full Duty:**

An employee must provide a full duty release signed by his/her physician to his/her Department Head and Human Resource Director. The employee is prohibited from resuming his/her regular duties until this is done.

When a treating physician decides that an employee will never be capable of returning to work in his/her full duty capacity, the City will accommodate such disability to the extent required under the Americans with Disabilities Act, or the employee may apply for available positions within the City. When no position is available, the employee may be subject to termination under a determination of "medical incapacitation."

**Termination:**

The City reserves the right to fill any position vacated by an employee who is unable to perform the essential functions of his/her job, with or without reasonable accommodation, in accordance with law.

**TMRS**

If an employee is being paid Workers Compensation Temporary Income Benefits and would like to continue TMRS monthly contributions from these checks, contact TMRS at 1-800-924-8677 to make arrangements for monthly payments.

## 8.9 Military Leave:

As required by the Uniformed Services Employment and Reemployment Rights Act of 1994 (“USERRA”), City applicants and employees who apply or perform military service, whether on a voluntary or involuntary basis, will not be denied initial employment, reemployment, retention in employment, promotion or any benefit of employment on the basis of the performance of military service.

Eligible military service includes performance of a duty on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and a period of time for which the employee is absent to determine fitness for duty.

Any employee who enters the uniformed services of the United States will be granted a military leave of absence. To qualify for reemployment, an employee must have:

- Given the City written or verbal notice in advance of service, unless the giving of notice is precluded by military necessity;
- A cumulative length of absence, including any previous military absence while employed by the City, which does not exceed five years; and
- Applied for reemployment with the City according to these guidelines:

### **Length of Period of Service**

### **Reapply No Later Than**

Less than 31 days

Next regular work day after completion of service and time to travel from place of service to residence, plus eight hours.

More than 30 days, but less than 181 days

Fourteen days after completion of service.

More than 180 days

Ninety days after completion of service.

Upon reemployment, the employee will be placed in the position he or she would have attained were it not for the break in employment, unless the employee is not qualified to perform that job and cannot be trained through reasonable efforts of the City. If not so qualified, the employee will be placed in the position the employee held when the military leave commenced, or a position of like seniority, status and pay. If a disability incurred during or aggravated by military

service prevents the employee from performing the job he or she would have held were it not for the break in service, despite the City's efforts at reasonable accommodation of the disability, the employee will be placed in a position of like seniority, status and pay, if one is available. If no such position is available, the employee will be placed in a job which is the nearest approximation of like seniority, status and pay.

Military leaves are unpaid, but the employee may use accrued vacation pay during the absence. Employees will be allowed to continue health care insurance coverage at their current level of coverage by paying the employee portion of the insurance premium during the absence. Coverage will continue until the earlier of (1) twenty-four months from the date the military absence began; or (2) the day after the date on which the employee was to have applied for reemployment, as defined above. Upon reemployment, any break in employment due to military service will not be treated as a break in service for purposes of determining forfeiture of accrued benefits and accrual of benefits under any retirement plan.

#### **8.10 Court Leave:**

Court Leave will be granted to all regular employees (not temporary or seasonal employees) for the purpose of appearing as a juror, witness or other official participant in the proceedings of a legally recognized body having power of subpoena, if an employee is not a party to the proceedings. This leave will be compensated and not be charged as Sick or Vacation leave. The employee will be required to sign over the jury duty check.

An employee who is party to a personal legal proceeding must arrange with the Department Head for Vacation Leave or Leave Without Pay.

Any employee who is required to attend court, agency, or legislative proceedings that relate to or arise from his/her City employment duties will be paid as a normal work day.

#### **8.11 Emergency Disaster:**

All employees with the City of Snyder are expected to be available for duty if a disaster occurs within the City. In the event of a disaster, an employee personally involved or affected is excused.

### **SECTION 9 CONDUCT**

#### **9.1 General:**

City employees at all times are expected to behave in a manner reflecting favorably upon the City.

## **9.2 Relations with City Council:**

Employees must be respectful, courteous, and cooperative with the Mayor and Council Members.

The City Charter provides in Section 32 that "...Neither the Council nor any of its members shall direct the appointment of any person to, or his removal from, office by the City Manager or by any of his subordinates. Except for the purposes of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately."

City employees shall receive directions and instructions only from the City Manager or designee and the corresponding chain-of-command in each department. Violation of this policy or Charter provision may be grounds for an employee's dismissal from the service of the City.

## **9.3 Outside Employment:**

Generally, the City does not wish to control the personal affairs of its employees or regulate their personal time. However, because outside activities such as holding a second job may interfere with, or detract from, an employee's work on behalf of the City, work for other employers is strongly discouraged in most instances. Such employment must be requested in writing and approved in advance in writing by the Supervisor for whom the employee works. Employees will not be permitted to hold another job that might result in a conflict of interest (or potential conflict of interest) or that may reasonably result in anything less than a satisfactory performance of the employee's regular and normal duties on behalf of the City, or that would cast the City in a poor or negative light to have an employee engaged in such outside employment.

## **9.4 Rules of Conduct:**

To ensure orderly operations and provide the best possible work environment, the City expects employees to follow rules of conduct that will protect the interest of the City and the safety of all employees and citizens.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace and therefore subject to disciplinary action. The following are examples of infractions of rules of conduct that will likely result in disciplinary action, up to and including termination of employment. No statement or grounds for discipline in this policy or elsewhere in this Manual are intended to prohibit organizing activity or to engage in protected concerted activity covered by the National Labor Relations Act):

- Violation of City Charter or City Ordinance
- \* Theft or inappropriate removal or possession of another's property or City property
- Falsification of timekeeping or other official records
- Failure to report injury, accident or damage to City property
- \* Reporting for or working under the influence of alcohol or illegal drugs
- \* Possession, distribution, sale, transfer, or use of alcohol, intoxicants, or illegal drugs in the workplace, while on duty, or while operating City-owned equipment or vehicle
- Immoral conduct or lack of personal integrity
- Sexual, Racial/Ethnic, Religious, Disability, Age, Sexual Orientation, or other unlawful
- Harassment or discrimination
- Excessive absenteeism or tardiness or any absence without notice
- Violation of smoking policy
- Violation of safety or health rules
- Unauthorized disclosure of confidential information
- Violation of personnel policies, rules, or orders
- Failure or refusal to be considerate of co-workers
- Unsatisfactory work performance or conduct
- Fighting or threatening violence in the workplace
- \* Violation of criminal law
- Disruptive activity in the workplace
- Negligence or improper conduct leading to damage of City or citizen-owned property
- Discourteous treatment of any citizen
- \* Insubordination or other disrespectful conduct
- Accepting gifts, goods, gratuities, or services
- \* Means immediate termination

### **Attendance and Punctuality**

To maintain a productive work environment and to assure constant service delivery levels, the City requires employees to be reliable and punctual in reporting to work. Absenteeism and tardiness place a burden on the City and on your co-workers. In the rare instances when you cannot avoid being late to work or are unable to work as scheduled, you must personally notify your supervisor as soon as possible in advance of the anticipated tardiness or absence. Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment. An employee's authorized use of FMLA, ADA, Workers Compensation leave, or other leave is not a violation of this policy.

Any employee who fails to report for work for three (3) consecutive duty days

without notifying his or her supervisor will be considered terminated for job abandonment. Employees terminated for this are ineligible for appeal and for future employment with the City. The City reserves the right to reverse a job abandonment designation in which a dire situation reasonably prevented any contact between the employee or the employee's family and the supervisor.

### **Inclement Weather Policy**

Except for extraordinary circumstances, our offices DO NOT CLOSE. In the event of inclement weather, employees are expected to use their good judgment and are not asked to take unnecessary risks. If City officials close City offices due to bad weather, full-time employees will have an excused absence, with pay. If the City is not officially closed, absences due to weather will not be excused and any employee who fails to report to work will be charged vacation time for days missed. If an exempt employee has no accrued vacation time, he or she will be required to make up the missed time at a later date.

### **Telephones**

Each employee should be mindful that City telephones are for business purposes. Personal calls should be brief and kept to a minimum. Employees must reimburse the City for any charges resulting from their personal use of City telephones.

### **Smoking**

The City is committed to providing a safe and healthy workplace and reasonably promoting the health and well-being of its employees. The intention is to provide all employees with a work environment conducive to good health.

This policy applies to all facilities and grounds that are owned, leased or operated by the City and all City-owned or leased vehicles and equipment: Except as provided below, employees, volunteers and all other persons are prohibited from using either tobacco in any form or smoking any substance in any form (including e-cigarettes or similar devices) on City property at all times in all City owned or leased building, offices, shops, and vehicles.

Smoking is allowed only in an area designated by the City Manager that is also equipped with City-provided ashtrays outside a building, or at a field work site but only if smoking may safely occur at such site. The smoking rule also applies to mechanical and electronic cigarettes.

The use of preventative methods such as nicotine patches and gum are authorized during working hours and on City property.

## **Dress Code**

The City of Snyder strives to maintain a workplace environment that is well functioning and free from unnecessary distractions and annoyances. As part of that effort, the City requires employees to maintain a neat and clean appearance that is appropriate for the workplace setting and for the work being performed. To that end, the City department heads may determine and enforce guidelines for workplace-appropriate attire and grooming for their areas; guidelines may limit natural or artificial scents that could be distracting or annoying to others.

All City staff members are expected to present a professional, businesslike image to clients, visitors, customers and the public. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the City.

Supervisors shall communicate any department-specific workplace attire and grooming guidelines to staff members during new-hire orientation and thereafter as needed. Any questions about the department's guidelines for attire should be discussed with the immediate supervisor.

Any staff member who does not meet the attire or grooming standards set by his or her department will be subject to corrective action and may be asked to leave the premises to change clothing. Non-exempt staff members will not be compensated for any work time missed because of failure to comply with designated workplace attire and grooming standards.

Staff members may be required to meet special dress, grooming and hygiene standards, such as wearing uniforms or protective clothing, depending on the nature of their job. Uniforms and protective clothing may be required for certain positions and will be provided to employees by the City.

At the discretion of the department head, in special circumstances, such as during unusually hot or cold weather or during special occasions, staff members may be permitted to dress in a more casual fashion than is normally required. On these occasions, staff members are still expected to present a neat appearance and are not permitted to wear ripped, frayed or disheveled clothing or athletic wear. Likewise, tight, revealing or otherwise workplace-inappropriate clothing is not permitted.

The City recognizes the importance of individually held religious beliefs to persons within its workforce. The City will reasonably accommodate a staff member's religious beliefs in terms of workplace attire unless the accommodation creates an undue hardship or safety concern. Those requesting a workplace attire accommodation based on religious beliefs shall be referred to the Human Resource Department.

Violation of the policy can range from inappropriate clothing items to offensive perfumes and body odor. If a staff member comes to work in inappropriate dress, the staff member will be required to go home, change into conforming attire or properly groom, and return to work. If a staff member's poor hygiene or use of too much perfume/cologne is an issue, the supervisor should discuss the problem with the staff member in private and should point out the specific areas to be corrected. If the problem persists, supervisors should follow the normal corrective action process.

### **Tattoos**

This policy is an extension of the dress code. Employees must present a helpful attitude and pleasant demeanor in order to serve citizens of diverse ethnicities, races, religions, etc. in our community. Therefore, while on-duty, employees are prohibited from visible exhibition of tattoos that depict nudity, are sexually suggestive or obscene; racially, ethnically, or religiously discriminatory or offensive; identify or represent criminal gangs or organizations known to advocate discrimination, intolerance, or violence.

### **Prohibition on supervisors dating subordinates.**

Supervisors, Managers, Directors, Department Heads and all other supervisory personnel of any rank, title, or level shall not date or otherwise be in or seek a romantic or sexual relationship with a City employee of lesser rank who is, or may foreseeably become, subject to the supervisor's authority. Such behavior by supervisory personnel is detrimental to sound management decisions, good order, morale, and discipline in the department in which it occurs.

## **SECTION 10 DISCIPLINE**

### **10.1 Reprimands:**

A supervisor may issue a verbal or written reprimand to an employee who violates City or Departmental policies or practices. All written reprimands should be signed by the employee, a copy given to the employee, and the original placed in the employee's personnel files. An employee may appeal a written reprimand to the Department head.

### **10.2 Suspension:**

- A. An employee may be suspended by a Department Head with or without pay immediately and relieved of all responsibilities pending completion of an investigation into alleged violation of City policies.
- B. An employee may be suspended without pay for violating the City's or department's policies or practices. An employee may appeal a suspension

without pay to the next highest authority in the chain of command.

### **10.3 Dismissal from Service:**

Any employee may be dismissed after approval by the Department Head or Superintendent and shall be removed from the payroll immediately upon such dismissal. Any wages owed the employee will be paid on the next pay day following the dismissal; provided said employee has returned any City property in his possession.

### **10.4 Demotion:**

An employee may be demoted for violating the City's or department's policies or practices by a department head.

### **10.5 Disciplinary Actions:**

In certain instances, the City will use a progressive disciplinary system. The City is not obligated to use all of the progressive disciplinary steps available to it, and may begin the disciplinary process at any level, up to and including immediate discharge, depending upon the severity of the conduct. Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following: oral warning, written reprimand, suspension (with or without pay), demotion, or discharge.

Where disciplinary action above the level of verbal reprimand, and including discharge, the employee will be given an opportunity to respond to the allegations prior to disciplinary action being taken. **An employee who receives a form of discipline other than verbal reprimand shall also be immediately informed of the appeal process available.**

### **10.6 Appeal from Dismissal:**

Any employee who desires to appeal his/her termination by the City may utilize the following procedure:

The employee will submit a written appeal to the City Manager within 5 business days after the action complained of. The City Manager will set a date within two weeks of receipt of the employee's written appeal to discuss the grievance with the employee. Within one week after the meeting, the City Manager will give written notice to the employee of his decision. This will be final disposition of the matter. The City Manager may take up to one month to determine the matter due to unusual complication of the matter, the need for further investigation, or other exigent circumstances in the schedule of the City Manager or designee.

## 10.7 Employee Grievances

Any employee regardless of status or position may submit a grievance when he/she believes he/she has been wronged by a supervisor or co-worker(s) in some manner other than a disciplinary action based on Standards of Conduct or Corrective Action, which must be appealed in accordance with the Appeal procedures. The grievance process is established as a separate process for addressing other types of work place complaints that cannot be resolved between the employee and supervisor or co-workers.

### A. Actions Addressed

Possible reasons for filing a grievance may include but are not limited to these examples:

1. Disagreement with a performance evaluation comment or rating.
2. Disagreement with a commentary contained in administrative/corrective action paperwork that is filed in the employee's Personnel file.
3. Misinterpretation or misapplication of a specific law, policy, or directive.
4. Disagreement with supervisory decision regarding a safety or policy violation.
5. Disagreement with supervisory decisions regarding grant/denial of leave or other workplace conditions.

### B. Grievance Process

Failure to act within the allotted time detailed below may result in a forfeiture of grievance opportunities. (Former employees and employees on suspension are ineligible to use the grievance process.)

1. Employee must submit a written grievance to his/her Department Head no later than close of business on the third (3<sup>rd</sup>) business day after the incident or after becoming aware of the incident that is the basis of the grievance. The employee must sign and date this document. The writing must specify the details of the complaint, what the Director or other supervisor or co-worker did that is being grieved, and the relief the employee is seeking through this grievance. If the grievance is against the Department Head, then it shall be submitted to the City Manager or Human Resource Director. The Department Head or other designated official who receives a grievance shall promptly look into the matter and inform the employee in writing of the decision about the grievance and any action taken, within 5 business days after receiving the grievance.

Employees who are not satisfied with the Department Head's decision or action on the grievance and believe the issue to be unresolved, may then submit the grievance to the City Manager by the close of business on the third (3<sup>rd</sup>) business day after receiving the Department Head's written response to the grievance. The employee must submit (i) the initial written grievance, (ii) the Department Head's response, and (iii) a written memo or letter explaining why the Department Head's action did not satisfactorily resolve the issue. Within a reasonable time, the City Manager will make a final decision regarding the grievance. The decision is final and binding. A copy of the decision will be placed in the employee's personnel record along with all other materials generated in the grievance process.

### **10.8 Retaliation:**

Under no circumstances will an employee be retaliated against in any way for exercising his/her opportunity to either appeal or file a grievance. Those found guilty of retaliating against an employee exercising such opportunity, during or after the process may be subject to disciplinary action up to and including termination.

## **SECTION 11 TERMINATION**

### **11.1 Resignation:**

An employee who resigns his or her position with the City shall be deemed to be terminated in good standing if he or she gives at least two weeks' notice to his/her immediate supervisor of his or her intention to resign and if other circumstances of the termination are such as to justify good standing, i.e. ---all City property has been returned.

### **11.2 Abolition of Position and Reduction in Force:**

The City Manager may require the abolition of any position or reduction in force. When a reduction in force occurs, employees holding similar positions will be considered for retention. Selection will be based first on past performance, second on ability to perform remaining work, and third, if necessary, seniority of service.

Employees separated from employment, demoted, or reclassified as a result of a reduction in force are ineligible to appeal the employment decision.

## **SECTION 12 EMPLOYEE TRANSPORTATION AND SAFETY**

### **12.1 Use of City-owned Vehicles:**

A City-owned vehicle shall be used for city business only. Employees who are subject to call at any time may take vehicles home with Supervisor's authorization,

but shall not use the City vehicles for personal business, except for police employees assigned take-home vehicles. Vehicle operators are required to have a valid and appropriate license for the appropriate vehicle.

Employees operating City vehicles shall observe all traffic laws and dictates of common sense. When citizens observe City employees violating traffic laws, much harm is done to City public relations.

## **12.2 Use of Private Vehicles:**

Some employees are required to use their personal vehicles in City business. Such employees will be paid a monthly car allowance, or will be paid mileage for out-of-town trips.

## **12.3 Accidents Involving City-owned Vehicles:**

If, while operating a City vehicle, an employee is involved in an accident that results in personal injury or property damage, the employee shall:

----Notify the proper law enforcement and other needed emergency authorities immediately.

----Insist that all parties and property concerned remain at the scene of the accident until officers can investigate. An employee shall never use physical restraint or obstruction for this.

----Report the accident, no matter how small, to the concerned department head.

----Do not discuss the accident with anyone but the investigating officer or department head.

----Report to hospital for drug test in no more than first two hours after the accident.

## **12.4 On the Job Injury or Property Damage:**

An employee who is injured on the job shall report it at once to his or her supervisor. All accident reports shall be submitted to the Human Resource Department within 24 hours after the accident.

Any incident involving personal injury or property damage must be reported to the supervisor immediately. An employee involved in any incident resulting in personal injury or property damage will be required to submit to a drug and/or alcohol test within 2 hours after the accident.

Worker's Compensation Insurance benefits are applicable to on-the-job injuries and resulting disability of all City employees. Benefits will be in accordance with the provision of state law and this Manual.

## SECTION 13 BENEFITS

**The terms and conditions of any and every benefit program are subject to change or cancellation by the City Council in accordance with applicable law. Contact the Human Resources Department for current information about a benefit.**

### **13.1 Social Security:**

The City jointly participates with the employee in FICA (Social Security).

### **13.2 Texas Municipal Retirement System:**

All regular, full time City employees who are eligible shall participate in the Texas Municipal Retirement System (TMRS) with a 7% contribution rate. The City of Snyder contributes at a 2 to 1 ratio with employees to the TMRS. Participation begins with the first pay period.

### **13.3 Health & Life Insurance:**

The City provides a life and medical insurance plan for employees. Employees may pay the cost of including their families in the group plan. .

### **13.4 Uniforms:**

The City will furnish uniforms or will make allowances for those employees who must wear uniforms in performing their duties. Upon separation any uniforms not returned will be deducted from employee's last pay check.

### **13.5 Longevity pay:**

To encourage dependable, long-term employees, all full-time employees receive longevity pay at the rate of \$4.00 per month per year of service up to a maximum of \$100.00 a month.

An employee is eligible to receive longevity pay after completing 12 months of continuous service.

Only full-time service with the City of Snyder will be considered in computing eligibility for longevity pay. Former employees who are reemployed will receive longevity pay only for the actual time spent in the service of the City, including the duration of previous employment.

### **13.6 Incentives for Self-Improvement:**

Employees desiring to continue their education must submit in advance and in writing to their department heads a request for reimbursement. The requested

course must be directly related to the employee's present job and must improve the employee's job-related skills. If the department head and the City Manager approve the request, the employee will be reimbursed 100% of tuition, books and fees at the completion of the course of study; provided the employee receives a passing mark. Travel expenses and reimbursements are detailed in Section 18.

## **SECTION 14 DRUG AND ALCOHOL USE AND TESTING**

### **14.1 Drug and Alcohol Abuse Policy:**

It is the policy of the City of Snyder to provide employees with a workplace free of alcohol and drugs. Drinking or being impaired by alcohol while on the job, the abuse of prescription drugs, or the use of illegal drugs is inconsistent with the behavior expected of employees and subjects the City to unacceptable risks in the employee's ability to perform at a competent level, and to work place accidents or other failures that would undermine the City's ability to operate and provide services effectively and efficiently. Noncompliance with the policy set forth below may result in disciplinary action, up to and including termination of employment.

#### Definitions:

- Legal Drugs. Prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the intended purpose for which they were prescribed or manufactured, are excluded from the definition of "controlled substances" or "illegal drugs" under the terms of this policy. An employee who is prescribed or using legal drugs may continue to work as long as it has been determined that the employee does not pose a threat to his or her own safety, the safety of co-workers or others including vendors and customers, and that the employee's job performance is not significantly affected by the legal drug. Otherwise, the employee may be required to take a leave of absence. .
- Controlled Substances/Illegal Drugs. A controlled substance and/or illegal drug is defined as any drug or substance, the sale, possession or consumption of which is illegal, or is a prescription or over-the-counter drug which is legally obtained, but not being used for its intended purpose.
- Drug Testing/Screening. Testing for the presence of alcohol and/or drugs which may be done by a medical facility designated by the City.
- City Premises. City premises is defined as all City-owned or leased buildings and surrounding areas, such as sidewalks, walkways, driveways and parking lots under the City's ownership or control. City vehicles are covered by this policy at all times regardless of whether they are on City

property at the time.

Testing:

- All applicants for employment shall be required to submit to and pass a controlled substance/illegal drug and alcohol screening as a prerequisite to employment. All offers of employment will be contingent upon a negative result to the test.
- The City will require drug/alcohol testing for reasonable cause, which shall include any accident which results in bodily injury requiring medical attention or property damage. The City shall also have reasonable cause to request testing if an employee demonstrates reduced ability to perform work in a safe and productive manner, such as aberrant behavior, impairment of physical or mental abilities, slurred speech, difficulty maintaining balance or any detectable level of alcohol or controlled substances/illegal drugs, or the discovery of drug paraphernalia in the workplace.
- All employees holding a safety-sensitive positions will be subject to random testing for alcohol and controlled/illegal substances at any time. A list of safety-sensitive positions is attached as Exhibit A.
- Any employee returning from a leave of absence of more than 2 weeks due to illness or accident may be required to undergo a drug/alcohol test before returning to work.
- All employees who operate a commercial motor vehicle are subject to Department of Transportation controlled substance and alcohol testing. As a result, these employees will be subject to pre-employment testing, random testing, post-accident testing, reasonable cause testing, return to duty testing and follow-up testing.
- Testing procedures will comply with Department of Transportation regulations, to ensure the integrity of the processes, the validity of the test results and to ensure that results are attributed to the correct employee.

**Failure or refusal to participate in any such test, or to satisfactorily complete any such test, may result in the denial of employment, or may result in employee discipline, up to and including, immediate discharge. Those ordered to submit to an alcohol test or drug test shall sign a form consenting to the test and disclosure of the results to the City.**

1. The following behavior is prohibited and will subject an employee to disciplinary action, up to and including termination of employment:

- A. Use, sale, attempted sale, consumption, purchase, attempted purchase, possession, or transfer of alcohol while on City property or in City vehicles during the individual's business day.
  - B. Use, sale, attempted sale, consumption, purchase, attempted purchase, possession, or transfer of an illegal drug on City Property, or while operating a City vehicle.
  - C. Being subject to the effects of, or under the influence of, alcohol or an illegal drug while at work, or while on City property, or while operating a City vehicle.
2. Employees who believe, or have been told, that their use of a legal medication may present any sort of safety threat, must promptly report such drug use to their Department Manager or the Human Resource Director to ensure the safety of themselves, other employees, City property, and City vehicles.
3. An employee may be found to have engaged in prohibited behavior involving alcohol or illegal drugs based on any appropriate evidence including, but not limited to:
- A. Direct observation;
  - B. Evidence obtained from an arrest or criminal conviction;
  - C. A verified positive test result;
  - D. An employee's voluntary admission;
  - E. Abnormal, unusual, or dangerous conduct that creates a reasonable suspicion that an individual has engaged in the behavior prohibited by this policy;
  - F. Inspection of an employee's person and property including, but not limited to, an employee's desk, file cabinet, purse, or other container. An employee's entry upon City property or operation of City vehicles shall be considered consent to such inspections. Failure or refusal to submit to a requested inspection will be considered insubordination, which may result in disciplinary action or immediate discharge.
4. The City reserves the right to test an employee based on reasonable suspicion that the employee has engaged in behavior prohibited by this policy, or as a follow-up procedure where the employee previously has tested positive or has completed a drug rehabilitation or counseling program.

("Reasonable Suspicion" means the Supervisor has observed and written down behavior of the employee that would cause a reasonable person to believe the employee may be impaired by alcohol and/or drugs, such as one

or more of these behaviors: an odor of alcohol or marijuana, holding or within reach of alcohol or a drug; blood shot eyes; slurred speech; unsteady balance, dizziness, swaying while standing, stumbling when walking falling confused or rambling speech dilated pupils or constricted pupils unusually agitated/animated. Unusually subdued, or rapid swings between these paranoid hallucinations vomiting urinating of self; chills or sweating.)

5. An employee testing positive on an alcohol or drug test will be disqualified immediately from any safety sensitive positions, which could lead to termination. Such employee will be removed from positions involving access to confidential information, the health and safety of others, or a high degree of trust and confidence, until as the City determines that the employee can perform his or her job assignments without posing a risk.
6. For the first occurrence, an employee may be eligible for a temporary leave of absence (up to one month) without pay while participating in an appropriate alcohol or drug abuse treatment or rehabilitation program. The employee must first use any available sick leave and vacation time before being eligible for a leave of absence. Failure to follow prescribed treatment and, if applicable, improve attendance or work performance to an acceptable level, may be grounds for termination. An employee who undergoes treatment for drug or alcohol abuse must undergo a fitness for duty examination prior to returning to work. Upon return to work, employees will be subject to random testing for a period not to exceed 60 months.
7. Refusal to submit and consent to a drug or alcohol test will be treated in the same manner as a positive test result. An employee who distributes, is in possession of, or uses unauthorized controlled illegal drugs or alcohol on City property or while conducting City business will be terminated. The City will notify local law enforcement officials of any illegal drug or drug paraphernalia found on the premises, surrender these items to the custody of these officials and cooperate fully in the prosecution of the individuals involved.

While the City does not sponsor or endorse any specific drug or alcohol treatment program, such programs are available through public and private health care facilities in our area. In addition, the group health insurance provides coverage. The City does not offer or require participation in drug and alcohol abuse education and training programs. However, various public and private facilities in our area offer such programs and affected employees are encouraged to seek assistance.

## **14.2 Searches:**

In connection with this policy, the City may search any City facility, premises, or vehicle at any time, for the presence of alcohol, drugs and drug paraphernalia prohibited under this policy. Applicants and current employees agree, as a condition of continuing employment, to consent to searches, including but not limited to (1) searches of their person and personal belongings, including but not limited to, purses, briefcases, backpacks, and lunch boxes; (2) searches of work areas, including but not limited to desks, cabinets, lockers, storage areas; and (3) all vehicles on the City premises. An employee who refuses to consent to a search will be subject to disciplinary action, up to and including immediate termination without warning. Searches of an employee's person or clothing will be conducted privately by a Law Enforcement Officer of the same sex as the employee being searched. This personnel policy does not authorize the use of strip searches, body cavity searches. (Any such search is to occur only in the course of an official law enforcement investigation and applicable laws.)

### **14.3 Drug Statute Conviction:**

Employees who are convicted of a drug or alcohol-related violation of state or federal law, or who plead guilty or nolo contendere to such charges, must inform the Department Head or the Personnel Director within five days of such conviction or plea. Failure to do so will result in disciplinary action, which may include termination of employment. Employees convicted, pleading guilty or nolo contendere to such drug or alcohol-related violations must successfully complete a drug abuse assistance or similar program as a condition of continued employment or reemployment.

As a condition of employment, any employee who is convicted of the violation of any criminal drug statute for a violation occurring in the workplace must report such conviction to his or her supervisor no later than five days after such conviction. The City will then notify any federal agency with which it has a contract no later than ten days after receiving notice of the criminal drug statute conviction from the employee or other source.

The City reserves the right to reassess the suitability, eligibility, and qualification of an employee to continue working in his/her current position or rank, upon an occurrence described in this section.

## **SECTION 15 ELECTRONIC COMMUNICATIONS AND SYSTEMS ACCESS USE**

### **15.1 Purpose:**

The City may provide computer networks, Internet access, instant messaging, email, telephones, cell phones, digital cameras, voice mail, and fax communication systems for use by City employees in the performance of their job duties. These communication devices are referred to collectively in this policy as “electronic communications systems” or “systems.” These electronic communications systems are designed to support and enhance the communication, research and information capabilities of City employees and to encourage work-related communication and sharing of information resources within the City. This policy governs user behavior pertaining to access and usage of the City’s electronic communications systems. This policy applies to all City employees, contractors, volunteers and other affiliates who use the City’s electronic communications systems. The City’s electronic communications systems access must be used in a professional, responsible, efficient, ethical and legal manner.

### **15.2 Internet, Instant Message and email access:**

Users desiring Internet, instant messaging and/or email access must obtain permission from their Department Head and provide it to the IT Director. Users must acknowledge an understanding of this policy and its guidelines as a condition of receiving an Internet, instant message and/or email access account. Failure to adhere to this policy and its guidelines may result in suspending or revoking the offender’s privilege of access and/or other disciplinary action under City policies, up to and including termination of employment.

### **15.3 Acceptable Use:**

Acceptable uses of the City’s electronic communication systems are limited to those activities that support reference, research, internal/external communication and conducting City business in line with the user’s job responsibilities. Network users are encouraged to develop uses which meet their individual needs and which take advantage of the City’s internal network function. The City prohibits connection to sites or forwarding of information that contain materials that may be offensive to others including, but not limited to, sites or information containing sexually explicit material.

Users must understand that use of any City-provided, publicly accessible computer network such as the Internet, instant messaging and email is a privilege. Personal use of City electronic media is not permitted. Supervisors cannot alter the restrictions of this policy.

### **15.4 Unacceptable Uses of Electronic Communications Systems includes but is not limited to:**

1. Using profanity, obscenity, or other language which may be offensive or harassing to other co-workers or third parties.
2. Accessing, displaying, downloading, or distributing sexually explicit material.
3. Accessing, displaying, downloading or distributing profane, obscene, harassing, offensive or unprofessional messages or content.
4. Copying or downloading commercial software in violation of copyright law.
5. Using the systems for financial gain or for any commercial activity unrelated to City business.
6. Using the systems in such a manner as to create a security breach of the City network.
7. Looking or applying for work or business opportunities other than for internal City postings.
8. Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, genetics, color, sex, national origin, age, disability, age, physical attributes, or veteran status.
9. Transmitting or sharing information regarding a co-worker's health status without permission.
10. Expressing opinions or personal views that could be misconstrued as being those of the City.
11. Expressing opinions or personal views regarding management of the City or other political views.
12. Using the electronic communication systems for any illegal purpose or in any way that violates City policy or is contrary to the City's best interest.

### **15.5 Filtering:**

The City Uses software to filter Internet and instant message content for all employees. These filters are designed to prevent the viewing, sending, or access to any of the following types of content:

- Violence/Profanity
- Full or partial nudity
- Sexual or deviant acts

- Satanic/Cult
- Militant/Extremist
- Illegal activities

The City will review this filtering on a periodic basis and may modify this list of prohibited content without notification to City employees, contractors, volunteers or other affiliates. The City Manager (or designee) may grant exceptions and exemptions to Internet and instant messaging filtering only after a review of the requested information has been conducted and a determination that the City's current filtering practice impedes the requestor's ability to perform his/her job duties.

#### **15.6 Responsibility:**

The person in whose name a City provided Internet, email or other electronic communications system account is issued is responsible at all times for its proper use, regardless of the user's location. Exchanges that occur in the course of conducting City business on the City's electronic communications systems will be considered a communication of the City and held to the same standards as formal letters.

#### **15.7 No Right of Privacy/Monitoring**

Users of City electronic communications systems may not assume they are provided any degree of anonymity and employees have no right to privacy with regard to such systems. Personal passwords are not an assurance of confidentiality. To ensure proper use of its electronic communications systems, the City will monitor their use. Management staff has the ability and will, with or without notice, monitor and view usage, including but not limited to: employee email, voice mail and instant messages, text messages, information and material transmitted, received or stored using City systems and user Internet access and usage patterns to assure that the City's Internet resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy. Therefore, there is **no** privacy and an employee has no reason to expect privacy when using his/her computer or any other type of Information Technology of the City.

#### **15.8 Virus Protection**

Virus protection has been installed on every City owned and leased personal computer and some other types of Information Technology. At no time will any employee deliberately disable, inhibit, or seek to avoid the virus protection. Failure to abide by this directive can result in costly damage to the City's LAN or other Information Technology, so it will result in severe disciplinary action, up to and including termination.

## **15.9 Copyright Restriction**

Any software of other material, including music, downloaded into a City computer may be used only in ways consistent with the licenses and copyrights of the vendor, author or owner of the material. Prior written authorization from the IT Director is required before introducing any software into the City's computer system. Employees may not download entertainment software, games or any other software unrelated to their work.

## **SECTION 16 SOCIAL MEDIA**

### **16.1 Policy:**

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. This policy is designed to ensure good order in the workplace.

The term "social media" encompasses: Twitter, Facebook, LinkedIn Snapchat, Instagram, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media.

### **16.2 Use of City's Internet:**

Use of the City's Internet is a privilege and City employees must responsibly and ethically use it. The City may monitor an employee's access, use, and posting to the City's Internet to: ensure compliance with internal policies; support the performance of internal investigations; assist management of information systems; and for all other lawful purposes. The City expects all employees to follow the Guidelines below when posting information on the city's Social media sites.

### **16.3 Other City Policies:**

This policy should be read and interpreted in conjunction with other City policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior. Violations of the Social Media Policy many lead to disciplinary action. The City provides an effective system for employee complaints "off-line" through the "Grievance" policy without resorting to social media.

### **16.4 Employee Guidelines: Use of City's Social Media on Work Time**

Any blogging or posting of information on the Internet or other City social media site must comply with the City's guidelines, regardless of where the blogging or posting is done.

- Blogging, or posting information of a personal nature on the Internet or other City social media sites is prohibited during work hours.
- Employees are not permitted to engage in social networking of a personal nature while using any of the City's electronic social media sites.
- Employees must obtain authorization from the City Manager or the IT Director to update or post on social media sites on behalf of the City. All of the employee's time spent updating or posting on City social media sites as part of the employee's job duties is compensable time that must be reported and counted in the calculation of overtime.
- No use of social media on work time and on City equipment on 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.
- Never disclose any confidential information concerning another employee of the City or information about citizens gained through your city employment. Posting of confidential information of the City or others may violate state law and subject the user to criminal penalty. All requests for City documents must be processed through the Public Information Act.
- Employees must abide by all federal and state law and policies of the City with regard to information sent through the City's Internet.
- Individual supervisors do not have the authority to make exceptions to these guidelines.

### **16.5 Employee Guidelines: Use of Personal Social Media While not on Work Time**

The City recognizes that many City employees utilize social media when not at work. The City requires that employees be aware of guidelines regarding posting of work-related information on personal social media sites, and they are listed below.

- If the employee's social networking includes any information related to the City, the employee 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.
- Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media. Recognize that postings on your social media site, even if done off premises and while off duty, could have an adverse effect on the City's legitimate business interests or maintaining good order in the City government.
- Respect coworkers and the City. Do not put anything on your personal

social media site that may defame, embarrass, insult, demean or damage the reputation of the City or any of its employees. Airing of personal grievances against the City that should be brought for review via the City's Grievance policy may result in disciplinary action. Matters that could be of general public concern (rather than mere personal grievance) may be protected by the First Amendment.

- Do not put anything on your personal social media site that may constitute violation of the City's Harassment policy. Do not post any pornographic pictures of any type that could identify you as an employee of the City. Be mindful that the City's harassment policy that protects employees covers both work and non-work time, including posting on social media sites.
- Do not post pictures of yourself or others on your personal social media site containing images of City uniforms or insignia, City logos, City equipment or City work sites.

**Nothing in this policy is intended to violate an employee's First Amendment right to free speech on matters of public concern, or right to act together to address conditions at work. If there is an apparent conflict between the wording of this Social Media policy and those other legal rights just mentioned, then the City will first endeavor to balance the competing concerns and, if that is not feasible, then those other rights shall prevail over the part of the policy in question.**

## SECTION 17 CELL PHONE USAGE

### 17.1 Inappropriate Use:

- A. The use of cell phones at work must not interfere with job duties or performance.
- B. Employees must not allow cell phone use to become disruptive or interfere with their own or a co-worker's ability to do their jobs.
- C. Employees who use cell phones to violate City policy, including the City's Sexual and Other Unlawful Harassment Policy, will be subject to disciplinary action.
- D. Except in emergency circumstances, employees should not use a cell phone while operating a motor vehicle, including both making and receiving phone calls and texting.

### 17.2 City Issued Cell Phones:

A cellular phone issued by the City to an employee shall be primarily for business purposes. Incidental personal use is acceptable and excludable from an employee's income as a *de minimis* fringe benefit. Personal usage resulting in fees or charges beyond the base amount are subject to reimbursement by the employee. The employee is responsible for the cellular phone issued. If the employee loses or damages the cellular phone while on duty or off-duty due to his/her negligence,

the employee may be required to reimburse the City for the cost of replacing or repairing the cellular phone.

### **17.3 Monitoring of Cell Phone Calls:**

Employees should be aware that cellular telephone calls are not secure and can be monitored. Caution should be used whenever confidential or sensitive information must be discussed on a City provided cell phone.

### **17.4 Public Information Act:**

Employees are advised that records related to calls, text messages, emails, pictures and videos made and received on City owned cell phones, computers, mobile data terminals, and business calls made on personal cell phones may all be subject to legal disclosure as public information. Information related to telephone numbers called, length of call, and time and date of call are typically obtainable through the Texas Public Information Act, except in narrowly defined circumstances.

## **SECTION 18 TRAVEL**

### **18.1 PURPOSE**

The Purpose of this section is to establish rules for all travel and training arrangements and the timely reporting and requesting of reimbursements of the related expenses while conducting City business.

### **18.2 POLICY**

No policy can specifically address every scenario that might occur related to official travel. However, this policy provides foundational rules that are applicable for employees traveling on City business. Department Heads may impose additional requirements as well as more restrictive rules for their employees, so long as such rules are in writing, distributed, and written acknowledgement to all members of the department and, have been approved by the City Manager.

### **18.3 TRAVEL/TRAINING**

#### **A. LOCAL/REGIONAL**

Every effort should be made to use local and regional sites for business training and conferences due to their corresponding lower cost impact on the City.

### **18.4 ACCOUNTABILITY FOR TRAVEL EXPENSES**

All expense reports must be accompanied by receipts (except mileage costs and per diem food allowance). A Mileage Form must accompany an expense report for mileage reimbursement.

## **18.5 TRAVEL PAY ADVANCES**

**18.5.1** All advances to support official travel must be greater than \$100. Employees must complete and submit the Advance Form at least 10 business days prior to travel

The advance request must be signed by the employee's supervisor or next higher level of authority prior to submitting to Accounting for distribution.

**18.5.2** Advances will not be approved for registration fees, airline tickets, etc., as these should be directly charged to the City.

**18.5.3** Advances will not be requested for more than the anticipated out-of-pocket allowable expenses the employee expects to incur.

**18.5.4** Unused advances must be returned to Accounting with the expense report within 5 business days after concluding travel.

## **18.6 TRANSPORTATION REIMBURSABLES**

When attending conferences, seminars and professional meetings, employees are expected to choose the most economical means of travel available.

**18.6.1 City Vehicle** - City-owned vehicles are to be used when practical and available.

**18.6.2 Air Travel** - All air travel tickets will be purchased for the most economical fare available. In all cases, airline reservations should be made as far in advance as possible in order to receive airline discounts. The following costs are not authorized for reimbursement:

1. Flight insurance;
2. Excess or overweight baggage charges;
3. Express check-in or early boarding charges;
4. In-flight entertainment.

**18.6.3 Taxi Service** - Taxi service is reimbursable. Receipts are required for reimbursement for individual charges in excess of \$25.

**18.6.4 Car Rental** – The following provisions apply:

1. Employees travelling solo can rent up to a mid-size vehicle when it is more cost effective than using a taxi or shuttle service. Employees may accept complimentary upgrades offered by the rental car company.
2. When more than two employees are traveling together, a full-size car may be rented. Only one of the employees can claim this cost on the travel reimbursement form. Employees may accept complimentary upgrades offered by the rental car company.
3. When more than three persons are traveling together, a mini-van or sport utility vehicle may be rented. Only one of the employees can claim this cost on the travel reimbursement form. Employees may accept complimentary upgrades offered by the rental car company.
4. Employees will decline the liability/collision damage waiver offered on the rental contract, as this coverage is already provided through the City.

**18.6.5 Mileage** – When an employee drives a personal vehicle, the City will pay mileage from City Hall to the address of the facility at which the training, conference or business meeting is held, as indicated in Google Maps. No other mileage calculators are authorized.

1. Mileage will be reimbursed according to the IRS approved rate at the time of travel.
2. The maximum mileage allowed for airport travel is 89 miles each way to/from Lubbock. This mileage reflects the distance from the City Hall to the Lubbock airport.
3. “On call” employees are not authorized mileage reimbursement for responding to after-hours calls. This is considered a job requirement.

**18.7 OTHER RELATED EXPENSES**

**18.7.1 LODGING**

When City business, including approved training, requires overnight lodging, an employee is authorized to reserve a conference hotel room or nearby reasonable rate hotel room. Receipts are required for reimbursement.

## **18.7.2 REGISTRATION FEES**

Any basic registration fee associated with attendance at an approved conference, seminar or professional meeting should be charged directly to the City. In a situation when this is not feasible, the expense will be reimbursed to the employee. Receipts are required for reimbursement.

Fees for special activities such as golf tournaments, personal sightseeing tours, etc., are not reimbursable expenses.

## **18.7.3 PER DIEM FOOD ALLOWANCE**

1. While attending out-of-town training, conferences, or business meetings that are beyond a 50-mile radius from the City Hall, an employee will be reimbursed up to \$45.00 per day for the costs of meals, including tips. No receipts are required for this per diem.

2. Daily per diem calculations are set at a rate of:

\$10.00 for breakfast: 5:00 a.m. – 9:30 a.m.

\$15.00 for lunch: 10:30 a.m. – 2:00 p.m.

\$20.00 for dinner: 5:15 p.m. – 8:00 p.m.

These times reflect actual training or conference session times—not travel time.

Example 1: An employee who attends a conference that includes an agenda from 8:00 a.m. until 1:00 p.m. is eligible to file for reimbursement for both breakfast and lunch since those time fall within the eligible meal reimbursement windows.

Example 2: An employee who attends a conference that ends at 4:00 p.m. will not be reimbursed for dinner, even though travel time back to Snyder will extend past the 4:15 p.m. dinner reimbursement “start” time.

3. When prior day travel is necessary, the employee is permitted to claim per diem beginning at the reasonable start of auto travel time or arrival at the airport, and concluding no later than the evening of the day the meeting or seminar concludes.

4. Where an employee combines business with personal expenses, such as bringing a spouse, or taking a side trip or vacation

before, during or after the City business function, the employee must keep City business expenses separate and distinct from personal expenses.

5. Department Heads are authorized to approve and/or delegate approval for reimbursement for meals associated with an in-town (less than 40 miles from City Hall) business meeting.

## **18.8 TIPS**

Non-food tips are reimbursable expenses, which should be itemized, if not included in receipts used to document other expenses. Suggested rate is in the 15-18% range for taxi service and \$1.00 per bag for porters.

## **18.9 PARKING FEES**

Toll fees, airport parking, and hotel parking fees are reimbursable expenses. Receipts are required for reimbursement.

## **18.10 MISCELLANEOUS CHARGES**

Alcoholic beverage charges, dry cleaning or laundry, health club or spa and pay TV movies are not reimbursable expenses. Valet services will be considered reimbursable if the situation is one in which the employee has no other option.

Example: An employee may be reimbursed for valet charges when the hotel in which he/she is staying does not have on-site parking available.

## **18.11 TAXES**

The City is exempt from the State of Texas Sales and Use Tax, and thus will not reimburse this cost. When making a purchase for City business, an employee should claim an exemption at the time of purchase by providing a properly completed exemption certificate in lieu of paying tax.

The City is not exempt from taxes on the rental of motor vehicles or state and local hotel occupancy tax. These costs, when incurred on official City business will be reimbursed when receipts are provided.

## **18.12 REPORTING EXPENSES AND REQUESTING REIMBURSEMENT**

Employees will submit expense reimbursement requests within 5 business days following the completion of travel.

## SECTION 19 MISCELLANEOUS

### 19.1 Open Door Policy:

Any employee who has a question about the meaning or specific application of a City policy, rule or regulation as applied to him or her is encouraged to discuss that complaint with the immediate supervisor. The employee may also contact the Human Resource Director.

### 19.2 Personnel Records:

Important events in each employee's history with the City will be recorded and kept in the employee's official personnel file. Regular performance reviews, change of status records, commendations, corrective action warnings and educational and professional attainment records are examples of records maintained in your file.

Every employee and departing employee shall elect in writing whether his/her personal address, phone number, and family information may be released to the public or not. The HR Department shall place each employee's election form at, on, or near the top of each file so it is readily visible before determining whether to release requested information about that employee or former employee.

Employees are responsible for keeping the Human Resource Department informed of any changes in name, address, home phone number, and family status (births, marriage, death, divorce, legal separation) and name and address of dependents (for benefits and tax withholding purposes only), beneficiary designations, persons to be notified in an emergency, educational accomplishments, and relevant certifications or licenses. This responsibility also applies to employees on leaves of absence.

The City relies on the accuracy of information provided by individuals in their resume and employment application, as well as other data provided throughout the hiring process and during employment. Any misrepresentations, falsifications, or material and/or purposeful omissions in any of this information may result in the exclusion of the applicant from further consideration for employment or, if the person has been hired, termination from employment.

Personnel files of employees are the property of the City and access to the information they contain is restricted. However, access to the information in an employee's personnel file may be subject to disclosure in accordance with the Texas Public Information Act.

### 19.3 Weapons Prohibition/Violence:

A. PROHIBITIONS: (1) Threats of or engaging in violence, damage to property,

bodily harm, or physical intimidation by City employees are prohibited and will not tolerated.

(2) Likewise, such or similar threats or acts toward City employees, by individuals who are not City employees, will not be tolerated. Employees receiving such a threat or attack must immediately notify their supervisor. If threatened harm may occur imminently, then the employee shall leave the area and call 9-1-1. (3) Weapons of any kind (e.g. clubs, handguns, rifles, shotguns, knives larger than 5-1/2", etc.) are prohibited in all City owned or leased buildings, shops, other facilities, and vehicles, except as allowed, below.

B. EXCEPTIONS: A firearm may be possessed in a City workplace by a City employee, as follows: 1) a certified law enforcement officer, either openly or concealed; 2) an employee, such as animal control or another position that requires or permits the possession and use of a weapon for City duties, so long as such firearm is carried in a City vehicle, not on the employee's person; and 3) an employee with a state issued license to carry (LTC), if approved by the City Manager to carry at work. A LTC employee approved to carry shall do so only in a concealed manner and must use a holster, not lose in a pocket, purse, brief case, or waist band. *Firefighters will additionally adhere to SFD SOG 303. For clarification, appointed Fire Marshals for the City are not required to carry concealed.*

C. RULES: An employee who is allowed to possess or carry a firearm at work in accordance with this policy SHALL/MUST:

(1) NEVER leave a firearm anywhere except in a locked secure container or vehicle.

(2) NEVER clean, repair, display, or fire the firearm at work for any reason, unless it is being displayed or used lawfully to protect self or another from imminent serious bodily injury or death, or otherwise in the course of discharging an official City duty.

(3) NEVER use the firearm to stop a crime or intimidate anyone, unless it is to stop a crime as described in clause No. (2); and

(4) OBEY firearm laws, including restricted places where a firearm is not allowed to be carried (for example: a school or jail). This policy does NOT change state law as to where an LTC or peace officer may lawfully carry or not carry.

D. PENALTY: The nature of firearms requires strict adherence to this policy and safety rules and practices for firearms, as well as applicable laws. A violation of this policy is a serious infraction. It will result in discipline up to and may include termination of employment.

E. RESERVATIONS: By law, employers may prohibit all carrying of firearms in a workplace. Therefore, it is a privilege to be allowed to do so, not a right. The City Manager reserves the right to deny or revoke the privilege to any city employee. The City Manager reserves the right to require an employee to undergo evaluation by a mental health professional

to determine fitness either for carrying a firearm specifically or, more generally, fitness for duty consistent with the provisions of this workplace violence policy.

#### **19.4 Accepting Gifts:**

Employees may not accept any gifts, goods, gratuities, or services. Violation of this policy will result in discipline up to and including termination.

#### **19.5 Immigration Law Compliance:**

The City is committed to employing only those individuals who are authorized to work in the United States and who comply with the requirements of the Immigration Reform and Control Act of 1986 (IRCA). Under IRCA, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form (I-9 Form) and present legally acceptable documentation establishing identity and employment eligibility. This must be done within 3 days of beginning employment. **Failure to provide the necessary documentation within 3 days will result in termination of employment.** Former employees who are rehired must also complete an I-9 Form if they have not completed an I-9 Form with the City within the past 3 years, or if their previous I-9 Form is no longer retained or valid.

Employees with questions regarding this policy should contact the Human Resource Department.

Human Resources

Theleca Wilson

325/573-9362

**EXHIBIT A**  
**SAFETY-SENSITIVE POSITIONS**

1. Inspector
2. Code Enforcement
3. Community Service Supervisor
4. Meter Reader
5. Meter Repairman
6. Meter Reader/Repairman Supervisor
7. Police Department (excluding clerks)
8. Fire Department
9. Animal Warden
10. Water & Sewer Crew
11. Street Crew
12. Heavy Equipment Operators
13. Garage (excluding clerk)
14. Sanitation Crew
15. Landfill (excluding clerk)
16. Water Treatment Plant
17. Sewage Treatment Plant