

Personnel Policies City of Lampasas, Texas



City of Lampasas
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Adopted: May 22, 2006

These personnel policies were prepared exclusively for the use of the City of Lampasas by **Ray Associates, Inc.** Provisions were drafted to conform to unique conditions in the City of Lampasas, and are not necessarily transferable to conditions in other organizations.

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Revisions to Personnel Policies

Ordinance No. 1162, 9/25/06	Section 7.00 Benefits, Subsection 7.01
Ordinance No. 1312, 3/14/11	Section 8.00 Leave Time, Subsection 8.14
Ordinance No. 1326, 9/26/2011	Section 2.00 Subsection 2.04 Uniforms and Section 5.0, Subsection 5.08 Longevity Pay
Ordinance No. 1334, 01/09/2012	Section 9.00 "Holiday", Subsection 9.01 General Holiday Policy
Ordinance No. 1358, 06/25/2012	Section 2.00 Subsection 2.04 Uniforms
Ordinance No. 1363, 07/23/2012	Section 8.00 Leave Time, Subsection 8.04 Sick Leave & Section 14.00 Separations, Subsection 14.00 Calculation of Separation Pay
Ordinance No. 1364, 08/13/2012	Section 4.00 Types of Employment, Subsection 4.01 Categories of Employment & Section 14.00 Separations, Subsection 14.03 Abandonment of Position
Ordinance No. 1368, 08/27/2012	Section 6.00 Work Schedule and Time Reporting, Subsection 6.04 Overtime Worked
Ordinance No. 1431, 10/13/2014	Section 7.00 Benefits, Subsection 7.01 Medical Insurance by amending the provisions for Medical Insurance for Retirees
Ordinance No. 1479, 02/22/2016	Section 2.00 Employee Responsibilities, Subsection 2.04 Uniforms by changing this provision to provide for outerwear
Ordinance No. 1540, 11/27/2017	Section 19.00 Travel/Expense Reimbursement, Subsection 19.03 Out of City Travel and Subsection 19.04 Allowance for Meals

NOTICE TO EMPLOYEES

The City of Lampasas operates under the legal doctrine of “**employment-at-will**” and, within requirements of state and federal law regarding employment, can transfer, demote, dismiss, or administer any other form of employment discipline to an employee at any time, with or without notice, for any reason or no reason. The city will attempt to ensure that employee discipline actions, including dismissals, are not made in an arbitrary or capricious manner; however, these personnel policies do not constitute or imply a contract, agreement, promise, or guarantee of employment or of continued employment. The city has the right to change these policies at any time, without prior notice to employees.

Each reference in these policies to the city means the City of Lampasas, Texas.

CITY OF LAMPASAS PERSONNEL POLICIES TABLE OF CONTENTS

CITY OF LAMPASAS PERSONNEL POLICIES

WELCOME		VI
GENERAL POLICIES		1
1.01	AUTHORITY	1
1.02	SEVERABILITY	1
1.03	RESPONSIBILITY FOR IMPLEMENTATION OF PERSONNEL POLICIES	1
1.04	PURPOSE OF PERSONNEL POLICIES	1
1.05	APPLICABILITY OF PERSONNEL POLICIES	2
1.06	DISSEMINATION OF PERSONNEL POLICIES	2
1.07	AT-WILL EMPLOYMENT	2
1.08	EQUAL EMPLOYMENT OPPORTUNITY	2
1.09	AFFIRMATIVE ACTION	3
1.10	HARASSMENT	3
1.11	SEXUAL HARASSMENT	3
1.12	PERSONS WITH DISABILITIES	5
1.13	VIOLENCE IN THE WORKPLACE	5
1.14	WEAPONS	6
1.15	SEARCHES	6
1.16	SMOKING/TOBACCO PRODUCTS	7
1.17	CHANGES TO THESE POLICIES AND EMPLOYEE SUGGESTIONS	7
2.00 EMPLOYEE RESPONSIBILITIES		8
2.01	GENERAL EMPLOYEE RESPONSIBILITIES	8
2.02	PROFESSIONAL APPEARANCE	8
2.03	PERSONAL VISITORS IN THE WORKPLACE	8
2.04	UNIFORMS	8
2.05	TIMELINESS AND ATTENDANCE	9
2.06	OUTSIDE ACTIVITIES	10
2.07	GIFTS AND GRATUITIES	10
2.08	CONFLICT OF INTEREST	10
2.09	POLITICAL ACTIVITY	11
2.10	COMMUNICATION	11
2.11	CHAIN OF COMMAND	12
2.12	SOLICITATION OF FUNDS FOR CITY PROJECTS	12
2.13	EMPLOYEE FUNDRAISING	12
2.14	USE OF ELECTRONIC DEVICES	12
2.15	USE OF CITY COMPUTERS, INTERNET ACCESS, AND ELECTRONIC MAIL	13
2.16	NO-FRATERNIZATION	14
2.17	PURCHASING	14
2.18	REQUESTS FOR JOB CLARIFICATION	14

3.00 EMPLOYMENT PRACTICES.....	15
3.01 METHODS OF RECRUITMENT AND SELECTION.....	15
3.02 PUBLIC POSITION ANNOUNCEMENTS.....	15
3.03 QUALIFICATIONS.....	15
3.04 APPLICATION FOR EMPLOYMENT.....	15
3.05 SELECTION.....	16
3.06 AGE REQUIREMENTS.....	16
3.07 RESIDENCY.....	17
3.08 EMPLOYMENT OF RELATIVES (NEPOTISM).....	17
3.09 TESTING.....	19
3.10 DRUG TESTING.....	19
3.11 PHYSICAL STANDARDS.....	19
3.12 MEDICAL RECORDS.....	19
3.13 BACKGROUND CHECKS.....	20
3.14 DRIVING RECORD.....	20
3.15 VERIFICATION OF ELIGIBILITY TO WORK.....	22
3.16 DISQUALIFICATION.....	22
3.17 PRIOR SERVICE WITH CITY.....	22
3.18 ORIENTATION AND TRAINING.....	22
4.00 TYPES OF EMPLOYMENT.....	24
4.01 CATEGORIES OF EMPLOYMENT.....	24
4.02 INTRODUCTORY PERIOD.....	24
4.03 ASSIGNED STAFF.....	25
5.00 EMPLOYEE COMPENSATION AND ADVANCEMENT.....	26
5.01 PAY.....	26
5.02 PAYDAYS.....	26
5.03 PAYROLL DEDUCTIONS.....	26
5.04 OTHER DEDUCTIONS FROM PAY.....	27
5.05 CLASSIFICATION AND PAY PLAN.....	28
5.06 CLASSIFICATION AND PAY ADMINISTRATION.....	28
5.07 PAY GROUP ASSIGNMENTS.....	28
5.08 LONGEVITY PAY.....	29
5.09 APPRECIATION PAY.....	29
5.10 MERIT INCREASES.....	29
5.11 CAREER DEVELOPMENT.....	29
5.12 CERTIFICATION/INCENTIVE PAY.....	29
5.13 PROMOTIONS.....	30
5.14 LATERAL TRANSFERS.....	30
5.15 DEMOTIONS.....	31
5.16 DISCIPLINARY SUSPENSIONS FOR VIOLATING SERIOUS WORKPLACE CONDUCT RULES.....	31
5.17 APPROVING AUTHORITY.....	31

6.00	WORK SCHEDULE AND TIME REPORTING	32
6.01	HOURS WORKED	32
6.02	SCHEDULE ADJUSTMENTS	32
6.03	WORK PERIOD	32
6.04	OVERTIME WORKED	32
6.05	EXEMPTIONS FROM FLSA (OVERTIME COMPENSATION)	33
6.06	OVERTIME COMPENSATION	34
6.07	COMPENSATORY TIME.....	34
6.08	HOLIDAYS WORKED	35
6.09	LEAVE TAKEN AND OVERTIME	35
6.10	TIME REPORTING.....	35
6.11	STANDBY DUTY	35
6.12	OFFICE CLOSINGS IN EMERGENCIES.....	36
7.00	BENEFITS	37
7.01	MEDICAL INSURANCE.....	37
7.02	LIFE INSURANCE.....	38
7.03	ADDITIONAL INSURANCE	39
7.04	SOCIAL SECURITY	39
7.05	RETIREMENT.....	39
7.06	FLEXIBLE SPENDING ACCOUNT (FSA)	40
7.07	WORKERS' COMPENSATION	40
7.08	UNEMPLOYMENT INSURANCE.....	40
7.09	LEAVE TIME	40
8.00	LEAVE TIME.....	41
8.01	LEAVE TIME DEFINITIONS	41
8.02	APPROVAL OF LEAVE.....	41
8.03	VACATION LEAVE	41
8.04	SICK LEAVE.....	42
8.05	FAMILY AND MEDICAL LEAVE.....	44
8.06	MILITARY LEAVE.....	48
8.07	CIVIL LEAVE	49
8.08	PUBLIC SERVICE	49
8.09	EMERGENCY LEAVE	49
8.10	ADMINISTRATIVE LEAVE.....	49
8.11	ABANDONMENT OF POSITION.....	50
8.12	OTHER LEAVES OF ABSENCE WITH OR WITHOUT PAY	50
8.13	INJURY LEAVE.....	51
8.14	USING LEAVE IN COMBINATION	51
8.15	SICK LEAVE POOL.....	51
9.00	HOLIDAYS.....	57
9.01	GENERAL HOLIDAY POLICY	57
9.02	WORK DURING HOLIDAYS	57
9.03	HOLIDAYS FALLING ON NON-WORKDAYS.....	58
9.04	HOLIDAY DURING VACATION.....	58
9.05	PERSONAL BUSINESS LEAVE.....	58

10.00 HEALTH AND SAFETY	59
10.01 GENERAL HEALTH AND SAFETY POLICY.....	59
10.02 EMPLOYEE RESPONSIBILITIES AND REPORTS.....	59
10.03 EMPLOYEE SUGGESTIONS.....	59
10.04 ON-THE-JOB INJURIES.....	59
11.00 DRUG AND ALCOHOL ABUSE	65
11.01 DRUG-FREE WORKPLACE.....	65
11.02 PURPOSE OF DRUG TESTING PROGRAM.....	66
11.03 GENERAL POLICY	66
11.04 DRUG AND ALCOHOL TESTS	66
11.05 SEARCHES.....	67
12.00 USE OF AND ACCOUNTABILITY FOR CITY EQUIPMENT AND PROPERTY.....	68
12.01 GENERAL POLICY ON CITY EQUIPMENT AND PROPERTY	68
12.02 USE OF TOOLS, EQUIPMENT, PROPERTY, AND VEHICLES	68
12.03 CITY VEHICLES	68
12.04 VALID DRIVER'S LICENSE.....	69
12.05 VEHICLE INSURANCE	69
12.06 ACCIDENT REPORTING.....	69
13.00 DISCIPLINE	70
13.01 GENERAL DISCIPLINE POLICY	70
13.02 PROGRESSIVE DISCIPLINE.....	71
13.03 IMPROPER DEDUCTIONS.....	71
14.00 SEPARATIONS	72
14.01 TYPES OF SEPARATIONS.....	72
14.02 RESIGNATION	72
14.03 ABANDONMENT OF POSITION.....	72
14.04 RETIREMENT.....	72
14.05 REDUCTION IN FORCE OR REORGANIZATION	73
14.06 DISMISSAL.....	73
14.07 DISABILITY.....	73
14.08 DEATH.....	74
14.09 EXIT INTERVIEWS AND RECORDS.....	74
14.10 CONTINUATION OF GROUP INSURANCE	74
14.11 CALCULATION OF SEPARATION PAY	76
14.12 FINAL PAYCHECK.....	76
15.00 RESOLUTION OF DISPUTES/GRIEVANCES	77
15.01 GENERAL DISPUTE/GRIEVANCE POLICY.....	77
15.02 CITY'S RIGHT TO APPLY DISCIPLINE AND/OR SUSPEND DISPUTE OR GRIEVANCE PROCESS.....	77
15.03 FINAL AUTHORITY	77
15.04 PROCEDURE FOR RESOLUTION OF DISPUTES/GRIEVANCES.....	77

16.00 JOB (CLASS) DESCRIPTIONS AND PERFORMANCE EVALUATIONS	80
16.01 JOB DESCRIPTIONS.....	80
16.02 DISTRIBUTION.....	80
16.03 REQUESTS FOR CLARIFICATION.....	80
16.04 EMPLOYEE PERFORMANCE EVALUATION.....	80
17.00 PERSONNEL FILES	81
17.01 GENERAL POLICY ON PERSONNEL FILES.....	81
17.02 PERSONNEL ACTION FORM.....	81
17.03 CONTENTS OF PERSONNEL FILES.....	82
17.04 LEAVE RECORDS.....	82
18.00 PROFESSIONAL DEVELOPMENT AND EDUCATIONAL REIMBURSEMENT	83
18.01 GENERAL PROFESSIONAL DEVELOPMENT POLICY	83
18.02 REQUIRED ATTENDANCE AT SEMINARS AND CONFERENCES.....	83
18.03 PROFESSIONAL MEMBERSHIPS AND SEMINARS	83
18.04 EDUCATION ASSISTANCE REIMBURSEMENT.....	83
19.00 TRAVEL/EXPENSE REIMBURSEMENT	85
19.01 GENERAL TRAVEL/EXPENSE REIMBURSEMENT POLICY.....	85
19.02 IN-CITY TRAVEL	85
19.03 OUT-OF-CITY TRAVEL.....	85
19.04 ALLOWANCE FOR MEALS.....	85
19.05 TRAVEL TO AND FROM SCHOOLS AND SEMINARS; HOURS WORKED WHILE ATTENDING SEMINARS	86
19.06 OTHER EXPENSES	87
19.07 PERSONAL VEHICLE	87
19.08 EXPENSE REPORT	87
19.09 EXCEPTIONS.....	87
19.10 PROHIBITED EXPENDITURES.....	88
19.11 CITY CREDIT CARD USE.....	88

INDEX

WELCOME

Welcome to employment with the City of Lampasas. We are happy to have you as one of the team of employees who serves the citizens of our city. You will find public service a rewarding career.

As taxpayers ourselves, we expect nothing less than the highest quality of service from our government. As public servants, our objective is to provide the best possible service to the citizens of Lampasas in a fair, efficient, effective, and courteous manner. Your performance is important to our overall success.

As a city employee, you have a responsibility to the citizens of Lampasas. How well you do your work and how you conduct yourself on the job are both subject to public approval. Often, your contact with citizens will be the only basis on which the city government is judged; therefore, you owe it to both the city and yourself to serve the public to the very best of your ability. The city has proven to be a good place to work, but it is up to each individual employee to maintain his or her position as a result of good performance, proper attitude, and responsible action to the tax dollar.

This document, and the personnel policies contained within it, are guidelines on how we work as a team to provide that public service. Whether you are a new or experienced employee, this document will give you facts about the city, how it works, and the policies which govern us as employees.

The personnel policies and procedures of the city are adopted by the City Council, are subject to regular review, and may be updated or changed from time to time without prior notice.

City departments may have additional policies governing their employees. Be sure to check with your supervisor or department head to see which additional policies, if any, are applicable to you. If you need more details on the city-wide policies and procedures, please consult the human resource coordinator's office.

Sincerely,
The City Manager of the
City of Lampasas

CITY OF LAMPASAS PERSONNEL POLICIES

1.00 GENERAL POLICIES

1.01 AUTHORITY

These policies are established by the city council, and any deletions, amendments, revisions, or additions to the policies must be approved by the council. These policies completely replace and supersede any and all personnel policies previously adopted, individually or as a set of policies, by the city council.

In addition to these personnel policies, the city manager and department heads may establish departmental rules and regulations and written interpretation of these policies that relate specifically to their departments, as long as they do not conflict with these policies. Departmental rules are important and employees must comply with them. If there is a conflict between a departmental rule or policy and these policies or any future amendments to these policies, the terms of these policies, as amended, will prevail. Additionally, departmental rules and regulations must be approved in writing by the city manager.

1.02 SEVERABILITY

The provisions of these policies are severable, and if any provision or part of a provision is held invalid, illegal, or unenforceable, this shall not affect the validity of the remaining provisions or parts of provisions, which shall remain in force and effect.

1.03 RESPONSIBILITY FOR IMPLEMENTATION OF PERSONNEL POLICIES

The city manager is responsible for the administration of the personnel policies and procedures. The city manager may delegate authority to appropriate staff members, including department heads, to act in his or her behalf in the administration of these policies.

With the exception of matters of appointments and any other personnel actions reserved to the city council by statute or ordinance, final authority on appointments and personnel decisions is reserved to the city manager. In accordance with the terms of the city charter or other applicable state laws, the city council appoints and may remove the city manager, city secretary, city attorney and municipal judge. Department directors, referred to in these policies as department heads, are appointed by the city manager.

Neither the council nor any of its members shall in any manner dictate the appointment or removal of any city employees whom the manager or any of his or her subordinates is authorized to appoint. Nor shall members of the council intervene in employee disciplinary matters except as called upon in compliance with these policies.

1.04 PURPOSE OF PERSONNEL POLICIES

These policies set forth the primary rules governing employment with the city. The policies contained here inform employees of the benefits and obligations of employment with the city. They have been prepared and adopted in order to promote consistent, equitable, and effective practices by both employees and supervisors which will result in high quality public service to the citizens of the city.

1.05 APPLICABILITY OF PERSONNEL POLICIES

These personnel policies and procedures apply equally to all employees of the city unless a class of employees is specifically exempted. The following are not employees covered by the terms of these policies: city manager, city attorney, municipal judge, and incarcerated persons performing community service work for the city in lieu of jail time, or others employed under a written agreement with the city.

In cases where federal or state laws or regulations supersede local policy for specific groups of employees, such laws or regulations will substitute for these personnel policies only insofar as necessary to comply.

1.06 DISSEMINATION OF PERSONNEL POLICIES

The city manager maintains the official set of the personnel policies, with all revisions, for reference by employees. The human resource coordinator is responsible for providing a complete copy of this document and copies of all subsequent revisions or policy changes to each employee. If a question arises about a particular policy, the official set of policies in the city manager's office should be consulted and will control. If any policy is unclear, the policy is subject to interpretation, in writing, by the city manager.

As a part of the initial orientation process, the human resources coordinator will provide a copy of the *Personnel Policies* to new employees. This copy is the employee's to keep. Upon receipt of the personnel policies and before beginning work on the job, each employee is required to sign an acknowledgment that he or she has received a copy of the *Personnel Policies* and understands that he or she is responsible for knowing the contents. The signed acknowledgment is filed in the employee's official personnel file maintained by the human resource coordinator.

1.07 AT-WILL EMPLOYMENT

The City of Lampasas operates under the legal doctrine of "employment-at-will" and, within requirements of state and federal law regarding employment, can transfer, demote, dismiss, or administer any other form of employment discipline to a non-contract employee at any time, with or without notice, for any reason or no reason. The city will attempt to ensure that employee discipline actions, including dismissals, are not made in an arbitrary or capricious manner; however, these personnel policies do not constitute or imply a contract, agreement, promise, or guarantee of employment or of continued employment. The city has the right to change these policies at any time, without prior notice to employees.

Texas law allows the city to maintain this "at will" employment relationship with its employees. This means that either the employee or the city can decide that the employee will leave the job without either party having to give a reason. State and federal laws do require that the city not act in a discriminatory or retaliatory way in dismissing an employee.

1.08 EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the City of Lampasas to prohibit discrimination against any person in job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, or any other aspect of personnel administration based on race, age, sex, sexual orientation, religion, color, disability, or national origin.

An employee will not engage in conduct at work that involves the use of racial or ethnic joking or derogatory remarks. Reports of such conduct will be investigated, and disciplinary action will be taken, if appropriate, up to and including termination.

The city prohibits retaliation or discrimination against any employee for opposing an unlawful or discriminatory employment practice, or for alleging such a practice or participating in an investigation of an allegation of discrimination. A copy of the city's nondiscrimination policy will be posted in all city facility locations.

(Legal reference: U.S. Civil Rights Acts of 1871 and 1964, as amended; V.T.C.A. Civil Practices and Remedies Code, Chapter 106; Texas Commission on Human Rights Act, V.T.C.A. Government Code, Sec. 461; V.T.C.A. Labor Code, Chapters 21-22; U.S. Age Discrimination in Employment Act of 1967, as amended; U.S. Rehabilitation Act of 1973, as amended; U.S. Americans with Disabilities Act of 1990; U.S. Executive Order 11246; U.S. Equal Pay Act; V.T.C.A. Health and Safety Code, Chapters 592.)

1.09 AFFIRMATIVE ACTION

The City of Lampasas will take affirmative action to see that applicants are employed, and employees are treated during their employment, without discrimination based on race, color, disability, religion, sex, national origin, age, or political affiliation or belief. In addition, the city will seek actively to include qualified members of minority, disabled, and Vietnam-era veteran groups in applicant pools.

(Legal reference: U.S. Executive Order 11246; U.S. Rehabilitation Act of 1973, Section 503; U.S. Vietnam Era Veterans' Readjustment Assistance Act of 1974, Section 2012, codified as Title 38, U.S.C. Chapter 42, Sections 2011, et seq.)

1.10 HARASSMENT

It is the policy of the city to provide and maintain a work environment that is free of any and all forms of harassment based on race, age, gender, religion, color, disability, or national origin.

No city employee may engage in conduct at work that involves or could be construed as involving harassment toward any city employee, resident, customer, or visitor on the basis of race, age, gender, religion, color, disability, or national origin.

The city will not tolerate such harassing behavior at any time or for any reason. Reports of such conduct will be investigated, and, if appropriate, necessary corrective action will be taken by the city manager, or by his or her designee, up to and including termination.

1.11 SEXUAL HARASSMENT

It is the policy of the city to provide and maintain a work environment which is free of sexual harassment, sexual exploitation, and intimidation. The City of Lampasas has a "zero tolerance" policy regarding sexual harassment; sexual harassment will not be tolerated by the city. All employees are expected to comply with this policy; failure to do so will result in disciplinary action up to and including termination. This policy applies not only to city employees but also to customers, citizens, vendors, or anyone else having contact with the city. A copy of the city's sexual harassment policy will be posted at all city facility locations.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that person, or (3) such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile, or offensive work environment.

It is illegal and against city policy for anyone covered by this policy – male or female – to harass another person or create a hostile working environment by committing or encouraging:

1. Physical assaults on another employee, including, but not limited to rape, sexual battery, molestation, or attempts to commit these assaults; or
2. Intentional physical contact that is sexual in nature, including, but not limited to, touching, pinching, patting, or brushing up against another employee's body; or
3. Unwanted sexual advances, propositions, or sexual comments, including sexual gestures, jokes, or comments made in the presence of any employee; or
4. Posting, accessing on city equipment, or displaying pictures, posters, calendars, graffiti, objects, or other materials that are sexual in nature or pornographic.

The creation of an intimidating, hostile, or offensive working environment includes such actions as persistent sexual comments or the display of obscene or sexually oriented photographs or drawings. However, conduct or actions that arise out of a personal or social relationship and are not intended to have a discriminatory employment effect might not be viewed as harassment. The city will determine whether such conduct constitutes sexual harassment, based on a review of the facts and circumstances of each situation.

If an employee is either subjected to or witnesses sexual harassment (i.e., any of the above listed acts), he or she should immediately notify his or her immediate supervisor or the city manager. If the employee's immediate supervisor is the source of the alleged harassment, the employee should report the problem to the supervisor's supervisor or to the city manager.

The city's grievance procedure (see **Dispute Resolution/Grievances**) provides procedures for reporting alleged sexual harassment. The city will investigate such reports immediately.

Supervisors should not disregard any complaint of sexual harassment. As soon as an employee reports an incident to you, you are responsible for reporting it to the city manager or his designee (even if the employee does not want you to say or do anything about it). The city manager or his designee will:

1. Get both sides of the story. The person accused of discrimination or sexual harassment will be advised of the allegations and given the chance to respond.
2. Keep records of the investigation. Documentation must be kept of all phases of the investigation, from the initial complaint to any written warning or action taken.
3. Attempt to resolve the complaint. The city manager will present findings and actions to be taken to the appropriate parties.
4. Maintain confidentiality and privacy to the extent possible. All aspects of the investigation are confidential. Once the supervisor has contacted the city manager, any discussion regarding this issue should be limited to those directly involved in the investigation.

No employee will be subject to any form of retaliation or discipline for pursuing a sexual harassment complaint unless the employee willfully or fraudulently misrepresented the situation.

To emphasize the importance of this policy and ensure every employee's understanding, the city requires each employee to sign a statement acknowledging receipt and understanding of this policy. The signed acknowledgement is kept in the employee's personnel file.

(Legal reference: Title VII of the U.S. Civil Rights Act, Section 703, as interpreted by EEOC: Sex Discrimination Guidelines, Section 1604.11; Meritor Savings Bank v. Vinson, U.S. Supreme Court, 1986.)

1.12 PERSONS WITH DISABILITIES

It is the policy of the city to make its employment application process, employee activities, working environment, employee benefits, employee training, and employee advancement process accessible to persons with disabilities and to make reasonable accommodations to a qualified individual with a disability who is an applicant or employee, unless that accommodation will place an undue hardship on city finances or operations, or will pose a danger to the applicant or others. In this section, a person with a disability is defined as a person who:

1. Presently has a disability;
2. Has had a disability in the past; or
3. Is perceived to have a disability.

It is also illegal, and against city policy, to discriminate against a person because of his or her relationship or association with an individual with a known disability.

The Americans with Disabilities Act (ADA) defines disability as:

1. A physical or mental impairment which substantially limits one or more of a person's major life activities;
2. A record of such an impairment; or
3. Being regarded as having such impairment.

Conditions that are medically correctable, such that they do not substantially limit a major life function may be found not to be a disability.

Persons with disabilities must be provided equal access to the hiring process. Persons with disabilities who perform the essential functions of their job must be provided equal access to promotion, training, and other benefit opportunities. No person will be subject to any form of retaliation for pursuing a complaint based on disability-related discrimination. *(Legal reference: U.S. Americans with Disabilities Act of 1990; Vaughn v. United; Toyota Motor Mfg., Ky., Inc. v. William.)*

1.13 VIOLENCE IN THE WORKPLACE

The safety and security of all city employees is of primary importance to the City of Lampasas. Threats, threatening or abusive behavior, or acts of violence against employees, visitors, or other individuals on city property or at city-sponsored events or functions will not be tolerated. Any violation of this policy will result in disciplinary action up to and including termination and possible prosecution. The city reserves the right to take any necessary legal action to protect its employees.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on city property or at city-sponsored events or functions will be removed from the premises as quickly as safety permits, and must remain off city premises pending the outcome of an investigation. The City of Lampasas's response to violent acts, threats, or behavior may include, but is not limited to, employment suspension

or termination, suspension or termination of business relationships, or criminal prosecution of the persons involved.

All city employees are responsible for notifying the appropriate responsible party (immediate supervisor, department head, city manager, or police chief) in emergency situations, of any threats that they witness or receive, in addition to any threats that they are told another person witnessed or received. Even without a specific threat, employees should report any behavior that they witness on city property or at city-sponsored events or functions that they regard as potentially threatening or violent or that could endanger the health or safety of an employee. Employees are responsible for making such reports regardless of the relationship between the individual initiating the threat or threatening behavior and the person(s) being threatened. The city understands the sensitivity of the information requested, and has developed confidentiality procedures that recognize and protect the privacy of the reporting employee to the greatest extent possible.

1.14 WEAPONS

With the exception of peace officers authorized and licensed to carry weapons, unless approved in writing by the city manager and acknowledged by the police chief, the City of Lampasas prohibits city employees from carrying weapons of any kind in city facilities or city vehicles, at a city function, or while representing the city in any capacity. Prohibited weapons include, but are not limited to, the following:

- Any form of weapon or explosive;
- All firearms; and
- All illegal knives and other knives with blades more than five inches in length.

Weapons and explosives related to the official performance of an employee's duties are permitted, but only in the areas or facilities where they are needed for the performance of those official duties, and only if they are specifically authorized by the city manager or his or her designee.

If an employee is unsure whether an item is covered by this policy, he or she should contact the city manager's office for verification. Any violation of this policy will result in disciplinary action up to and including termination.

While Lampasas has a policy prohibiting weapons, nothing in this policy shall be construed as creating any duty or obligation on the city's part to take any actions beyond those required of an employer by existing law.

1.15 SEARCHES

The city reserves the right to make general or random searches of city property, such as city vehicles, lockers, closets, and desks, for alcohol, prohibited drugs, drug paraphernalia, explosives, and all types of prohibited weapons and knives without the consent of the employee.

The use of privately owned padlocks or other locking mechanisms for city property is prohibited, unless the key or the combination to the lock is provided to the department head or to his or her designee. If an employee does use a privately owned padlock or other locking mechanism on any city property, the city may remove it at any time, and the employee will not be entitled to any reimbursement for damage to the mechanism. The use of any privately owned padlock or other locking mechanism for city property does not create an expectation of privacy with regard to any contents within the locked city property.

Any materials brought into the workplace by an employee, such as personal effects, purses, briefcases, vehicles, and so on, may be subject to search at any time if a reasonable suspicion exists that alcohol, prohibited drugs, drug paraphernalia, explosives, or any type of prohibited weapons or knives may be found. If the employee is available, he or she will be asked to consent to the search. If the employee does not consent, any attempt to conduct a search of materials brought into the workplace will not be continued. However, the employee's refusal to cooperate may result in disciplinary action and will be noted in his or her employee file, together with a statement that reasonable suspicion existed to conduct the search. No search of materials brought into the workplace by the employee will be conducted in the employee's absence.

Any search will be conducted as privately as possible, involving only persons with a need to know and only with the authorization of the supervising department head or his or her designee.

(Legal reference: U.S. Constitution, Fourth Amendment.)

1.16 SMOKING/TOBACCO PRODUCTS

In keeping with the City of Lampasas's intent to provide a safe and healthy work environment, the use of any and all tobacco products is prohibited within all city buildings, vehicles, and equipment. Smoking is prohibited within all city facilities.

1.17 CHANGES TO THESE POLICIES AND EMPLOYEE SUGGESTIONS

These personnel policies may be amended or revised, or new policies may be added, at any time, with or without notice, upon the approval of the city council. In addition, the city manager and city attorney may conduct a review of the policies contained in this document and submit any necessary or recommended changes to the city council for approval.

Employees are encouraged to make constructive suggestions for improvements to these policies or to work procedures or conditions. Any employee who wishes to suggest a personnel policy change should submit his or her suggestion(s) in writing to his or her supervisor for consideration. Employees are responsible for maintaining current knowledge and understanding of all personnel policy changes and for requesting clarification or assistance when needed.

Department heads and employees are provided copies of changes to these personnel policies by the city manager as soon as practicable.

2.00 EMPLOYEE RESPONSIBILITIES

2.01 GENERAL EMPLOYEE RESPONSIBILITIES

The city is a public tax-supported organization. Its employees must adhere to high standards of public service that emphasize professionalism, courtesy, and avoidance of even the appearance of illegal or unethical conduct.

Employees are required to give a full day's work, to carry out efficiently the work items assigned as their responsibility, to maintain honest conduct, to care properly for public property and equipment used by them, and to do their part in maintaining good relationships with the public, their supervisors, city officials, and their fellow employees.

2.02 PROFESSIONAL APPEARANCE

Employees of the city are hired to provide services to the city's citizens and to perform specific tasks in a professional manner. As representatives of the city, employees are encouraged to set and meet high standards both in performing quality work and in presenting a professional personal image to the public. While the city does not have a formal dress code, employees are expected to exercise regular hygiene care and to dress and groom themselves in a neat, professional, and tasteful manner, which is appropriate to the particular job being performed. Expensive clothes are not necessary, but a neat, clean, well-groomed appearance and a courteous attitude are necessary in creating and maintaining a professional, favorable image of the city's work force. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for time away from work.

2.03 PERSONAL VISITORS IN THE WORKPLACE

In the event that a non-work related person visits an employee during working hours, the employee is responsible for the conduct and safety of his or her visitor(s). Personal visits with city employees should be limited as so not to be unduly disruptive of the work environment.

2.04 UNIFORMS

The city will issue or arrange for the provision of city uniforms, safety head gear, safety glasses, ear protection, and gloves for all utility, public works, street, cemetery, golf course, and parks and recreation employees upon employment. In addition, the city provides for the reimbursement of up to two pairs of required footwear annually, up to a total of \$150 (One hundred fifty and no/100 dollars), for employees who are required to wear steel toe footwear with department head approval for the second pair, and the employee purchases his or her own footwear that meets the safety requirements. (Regulations governing the uniform of police and fire personnel are included in the policy manuals issued by those departments.)

The city will issue or arrange for the provision of Outerwear (protective clothing from the elements of cold, wind, rain, etc.) for all utility, public works, street, cemetery, golf course, meter readers, and parks and recreation employees. Once every three years, the employee will be provided with one of the following: Coat, Coveralls, or Bib Coveralls. A maximum of \$100 is allowed for the purchase of one (1) item of outerwear clothing every three (3) years. All Outerwear must adhere to the City's safety and code regulations and must be approved by the director of the department. (Regulations governing the uniform of police and fire personnel are included in the policy manuals issued by those departments.) The director of the department will keep records of outerwear issued, to whom it was issued, and when the employee is eligible to receive new outerwear. All outerwear issued to employees is subject to the same provisions as city uniforms issued to employees.

While on duty, all uniformed employees must wear the required uniform and safety gear, if applicable, according to the following guidelines:

- Employees must wear regulation uniforms and steel toe safety footwear, if applicable to their job, at all times while on duty.
- Employees who are required to wear steel toe safety footwear are provided a reimbursement allowance as set forth in this section for the purchase of such footwear.
- All employees (1) working in or adjacent to construction sites or other designated areas, or (2) operating motorized equipment or machinery (excluding enclosed vehicles) must wear hard hats. Employees may not wear headgear other than regulation caps and hard hats while on duty.
- Employees must wear safety gloves, ear protection, and safety glasses when appropriate, and shirts must be tucked into pants for safety reasons.
- Employees must keep their uniforms neat, clean, and in good repair at all times.
- Employees must return tattered and/or badly patched uniforms to the employee's supervisor. If an employee abuses the uniform, the employee will be required to pay for repair or replacement of the uniform.
- The city will reimburse the employees who are required to maintain a commercial driver license (CDL) and will reimburse the employee for the CDL renewal.

Employees may not wear city uniforms or regulation headgear while off duty.

Employees who have been issued city uniforms must return all uniforms before leaving city employment. If a city issued uniform is not returned, the cost to replace the uniform will be deducted from the employee's last paycheck. Employees sign a statement to this effect upon employment with the city.

2.05 TIMELINESS AND ATTENDANCE

Employees are to be punctual in reporting for work, keeping appointments, and meeting schedules for completion of work.

An employee who expects to be late for or absent from work must report the expected tardiness or absence to his or her supervisor **within 15 minutes** after the time he or she is expected to begin work, as a general rule, unless emergency conditions exist. Advance notification requirements may vary from department to department, depending upon the nature of the work and the need to secure substitute employees to carry on critical city functions.

Failure to report within the required period can be considered justification for disallowing paid sick leave for an absence, and if repeated, disciplinary action. Unless otherwise approved by the supervisor, employees are expected to call on each day of absence. Where the nature of the absence necessitates an extended period of time off, the supervisor may approve longer reporting intervals. Frequent tardiness or unexcused absence is not permissible and will result in disciplinary action up to and including termination.

In cases where an absence is known in advance, the employee must receive written approval from his or her department head in advance of the anticipated leave in accordance with the city manager's written policy. See the **Leave Time** section of these policies for matters involving planned absences.

2.06 OUTSIDE ACTIVITIES

To protect the city from potential liabilities, employees may not engage in any outside employment, activity, or enterprise determined by the city manager (1) to be inconsistent or incompatible with employment with the city; or (2) to affect the employee's job performance adversely. Examples of outside activities that may conflict with city employment include construction or installation that may be inspected or regulated by the employee's city department, employment by a major contractor of the city, or employment that results in fatigue while on city duty.

In order to avoid conflicts of interest and potential liability on the part of the city, an employee must have the advance written approval and recommendation to the city manager of his or her department head to engage in any outside employment, including self-employment. The approval and recommendation of the department head and the approval of the city manager are required and must be updated by the employee annually. In addition, when an employee's approved outside employment ceases, the employee must notify his or her department head, who must in turn notify the city manager in writing. A copy of the written approvals and notifications regarding outside employment will be sent to the employee and another copy kept in the employee's official personnel file.

If a city employee is injured on the job in the course of employment outside of his or her employment with the city, the employee may not file a workers' compensation claim against the city for benefits related to the injury, regardless of the fact that the city manager may have determined that the outside employment satisfied the city's prerequisites.

The city accepts no liability for any action, failure to act, injury to self or others, property damage, or any other damage resulting from outside employment by a city employee.

2.07 GIFTS AND GRATUITIES

A city officer or employee may not accept any gift or free services from contractors, vendors, or other persons that might tend to influence his or her official actions or impair his or her independence or judgment in performance of duties for the city. In addition, the city expects an employee to avoid any gift, food, entertainment, honoraria, transportation, or lodging that might appear to or tend to affect his or her official actions or to exceed the limitations on gifts and benefits prescribed by the Texas Penal Code. See the **Conflict of Interest** section that follows.

2.08 CONFLICT OF INTEREST

A member of the city council, the mayor, or an employee of the city shall neither have financial interests, direct or indirect, in any contract with the city, nor be financially interested, directly or indirectly, in the sale to the city of any land, or rights or interest in any land, materials, supplies or service.

An officer or employee of the city may not:

1. Solicit or accept or agree to accept a financial benefit, other than from the city, that might reasonably tend to influence his or her performance of duties for the city or that he or she knows or should know is offered with intent to influence the employee's performance;
2. Accept employment or compensation that might reasonably induce him or her to disclose confidential information acquired in the performance of official city duties;

3. Accept outside employment or compensation that might reasonably tend to impair independence of judgment in performance of duties for the city;
4. Make any personal investment that might reasonably be expected to create a substantial conflict between the officer's or employee's private interest and duties for the city; or
5. Solicit or accept or agree to accept a financial benefit from another person in exchange for having performed duties as a city employee in favor of that person.

(Legal reference: V.T.C.A., Local Government Code, Section 171; V.T.C.A. Penal Code, Chapter 36).

2.09 POLITICAL ACTIVITY

Employees of the city are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. A city employee may not:

1. Use his or her official authority or influence to interfere with or affect the result of an election or nomination for office; or
2. Directly or indirectly coerce, attempt to coerce, command, or advise a local or state officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political purpose; or
3. Be a candidate for election to the City of Lampasas City Council.

In addition, any city employee who is subject to the provisions of the federal Hatch Act may not be a candidate for elective office in a partisan election. (A partisan election is an election in which candidates are to be nominated or elected to represent a party whose candidates for presidential electors received votes in the last preceding election at which presidential electors were selected.) City employees are subject to this additional Hatch Act restriction if their principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the federal government.

All city employees are prohibited from participating in any way in any political activity while on duty or while wearing a city uniform.

In addition, no city owned property, vehicle, building, and/or office used exclusively for conducting the city's business may be used for conducting any political activity, except for the conduct of official elections. This paragraph shall not in any way limit an employee's right as a citizen to address the city council.

An employee's political activity, not in violation of this section, shall not be considered in determining his or her compensation, eligibility for promotion or demotion, work assignment, leave or travel request, or in applying any other employment practices to the employee. Likewise, no employee will be disciplined, terminated, or deprived of his or her employment rights for refusing to participate in such activities. *(Legal reference: V.T.C.A., Penal Code, Sec 36.03; U.S. Hatch Act of 1940, as amended.)*

2.10 COMMUNICATION

Matters that involve city policy, operations, and organization are brought before the city council by the city manager, or by a person designated to do so by the city manager.

Staff to City Council, Media, and the General Public. Communication with the public, the city council, and the media about city issues or problems is the responsibility of the city manager.

Employees are to refer members of the public or news media to the city manager if a question is non-routine, controversial, or outside the scope of the employee's normal duties, and are to notify the city manager of scheduled interviews with the news media.

Internal Communications. Employees may, from time to time, be given directions from persons other than their immediate supervisor. In such cases, other than emergency situations, the department head desiring to utilize an employee from another department must notify the employee's department head about the directive, its purpose, and the relevant facts of the situation, and the employee's department head must authorize the work. Failure to do so in a timely manner may result in disciplinary action.

Requests for Council Action. An employee may request that a matter be considered by the city council by submitting the item in writing to his or her department head who will forward the communication to the city manager. Final decisions as to what is to be brought forward to the council from the staff are determined by the city manager.

Council to Staff. Except for the purpose of inquiries and investigations specifically authorized under the city charter, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager. Neither the council nor any of its members shall give directions or orders to any city officer or employee, either publicly or privately, unless specifically authorized in the city charter. Employee contact with members of the city council is limited during working hours to that authorized by the employee's supervisor. However, this shall in no way limit an employee's rights as a citizen to contact a member of the city council during non-working hours.

2.11 CHAIN OF COMMAND

Individual city employees are responsible to the department head or to a supervisor designated by the department head. Department heads are responsible to the city manager. The city manager and any other positions so designated in the city charter are responsible to the city council as a whole. Directions regarding work to be done, expected results, and the adequacy of work performance will at all times follow the chain of command. Failure by an employee to follow the chain of command may result in disciplinary action.

2.12 SOLICITATION OF FUNDS FOR CITY PROJECTS

At times, projects may be undertaken whereby funds are solicited from private citizens, businesses, and organizations on behalf of the city. Before any solicitation of funds begins, the department head must notify and receive the approval of the city manager. All funds solicited are the property of the city. Participation on the part of any city employee in a fund raising effort on behalf of the city is strictly voluntary.

2.13 EMPLOYEE FUNDRAISING

City employees are free to engage in fundraising efforts for outside organizations of the employee's choice, but the solicitations shall be made during the employee's non-working hours and shall not involve using city equipment, supplies, or other public property, unless specifically authorized by the city manager. (Nonworking hours include lunch periods, work breaks, or any other period in which the employee is not on duty.) The employee must not represent himself or herself as a city employee or wear a city uniform when engaged in non-city-sponsored fundraising.

2.14 USE OF ELECTRONIC DEVICES

City telephones, including mobile and cellular telephones, pagers, and fax machines, are to be used for city business. There is no expectation of privacy for an employee using these systems. Each city

employee who is issued a city cellular telephone is responsible for that telephone and shall not loan the city cellular telephone to others.

Occasional use of local telephone service for personal communications is permissible if the length and number of such communications are kept to a minimum and if there is no charge to the city for a metered service.

Long Distance. City employees and officials may not place personal long distance telephone calls on city telephone equipment unless the charges will be billed directly by the Telephone Company to the individual's personal account. A call to notify family of city requirements to work unscheduled overtime is a city business call. If an emergency long distance call is made on a city telephone, the employee must reimburse the city for the call.

Personal Use (Employer provided). Cellular telephones or pagers are furnished to certain employees in connection with their job duties. Employees need to limit personal use of their city cellular telephones and pagers in the same way they need to limit use of their city office telephones. Employees who have excessive cellular or pager usage for personal calls will be subject to disciplinary action, up to and including termination.

Personal Use (Personally owned). Personal cell phone usage (voice or text) must not interfere with work responsibilities, true emergencies being the exception. As public employees, we have the responsibility to maintain the public's trust in us as individuals and as an organization. All City employees need to be conscientious about the computer, the internet and cell phones during working hours and how it may appear to the public. Using City equipment, systems, and time wisely and efficiently will avoid embarrassing situations and possible disciplinary actions, up to and including termination.

Use of city communications systems, including telephones, computers, internet, and fax machines, for sending or receiving offensive or harassing statements, sexually oriented materials, illegal transactions, or private business transactions is strictly prohibited.

2.15 USE OF CITY COMPUTERS, INTERNET ACCESS, AND ELECTRONIC MAIL

City computer systems, including internet access and electronic mail systems, are to be used for city business. Occasional use of electronic mail for personal communications is permissible if the length and number of such communications are kept to a minimum. However, because all computer systems are city property, there is no expectation of privacy for an employee using these systems. Employees who have excessive computer or internet usage for personal communication will be subject to disciplinary action, up to and including termination.

Unacceptable Uses of the Internet and City E-Mail. City e-mail systems and internet access may not be used for transmitting, retrieving, or storing any communications, images, or other content of a discriminatory or harassing nature or any materials that are obscene, X-rated, or otherwise inappropriate. Harassment of any kind is prohibited. (See Policy on Sexual Harassment). No messages with derogatory or inflammatory remarks about an individual's race, color, age, disability, religion, national origin, sex, physical attributes, or sexual orientation may be transmitted or forwarded using the city system. No abusive, profane, or offensive language may be transmitted through the city's e-mail or internet system. The city's harassment policy applies in full to e-mail and internet use. Employees do not have a personal privacy right regarding any matter created, received, retrieved, stored, or sent from or on the city's e-mail or internet system or computers.

The city e-mail and internet system may not be used for any purpose that is illegal, against city policy, or contrary to the city's best interest. Solicitation of non-city business or any use of the city e-mail or internet system for personal gain is prohibited.

City employees should keep in mind that even when an e-mail or voice mail message has been deleted from a location, it is still possible to retrieve that message. In addition, it is possible to identify and monitor internet sites accessed from any city computer.

Rules for Electronic Communication. Each employee is responsible for the content of all text, audio, or images that he or she accesses, places, or sends over the city's e-mail or internet system (including bulletin boards, online services, or internet sites). Employees must include their name in all messages communicated on the city's e-mail or internet system.

If any employee receives unsolicited e-mail from outside the city that appears to violate this policy, the employee should notify his or her supervisor immediately. Similarly, if any employee accidentally accesses an inappropriate web site in the normal course of business, the employee should notify his or her supervisor immediately.

System Security. The city reserves the right to routinely monitor how employees use e-mail and the internet. The city may monitor to measure cost analysis/allocation and the management of the city's gateway to the internet. All messages created, sent or received over the city's e-mail or internet system are the city's property, may be subject to disclosure under the open records provisions of Texas law, and should not be considered private information.

Violations. Any employee who violates these rules or otherwise abuses the privilege of the city's e-mail or internet system will be subject to disciplinary action up to and including termination. If necessary, the city also reserves the right to advise appropriate officials of any illegal activities.

Acknowledgement. Each employee will receive a copy of a more detailed e-mail and internet policy and will be required to sign an acknowledgement of having received, read, and understood the city's policy.

2.16 NON-FRATERNIZATION

While the City of Lampasas encourages amicable relationships between city management personnel and their subordinates, it recognizes that involvement in a romantic relationship may compromise a manager's ability to perform his or her job. Any involvement of a romantic nature between a manager or supervisor and anyone he or she supervises, either directly or indirectly, is strictly prohibited. Violation of this policy will result in either (1) the transfer of the manager's or supervisor's employment to another city department and/or (2) disciplinary action, up to and including termination, of the manager's or supervisor's employment. The subordinate employee would be transferred to another department only if it was that employee's choice.

2.17 PURCHASING

Purchases by city employees with city funds will be made only as authorized by the city's purchasing policy and in accordance with state purchasing laws as they apply to cities.

2.18 REQUESTS FOR JOB CLARIFICATION

In the absence of any request for clarification, the city will assume that each employee understands and accepts the responsibilities assigned to the position which he or she occupies, as set out in the city's job description for that job.

3.00 EMPLOYMENT PRACTICES

3.01 METHODS OF RECRUITMENT AND SELECTION

The city has several methods of recruiting and selecting persons to fill vacancies:

1. Promotion from within; or
2. Transfer from within; or
3. Public announcement (including media announcement and posting of notice for city employees) and competitive consideration of applications for employment; or
4. Referral from a job training program; or
5. Selection from a valid current eligibility list of applicants. (A valid current eligibility list is a record of applications for the same or a similar position for which recruitment was conducted within the preceding 180 days.)
6. Seasonal employees who left employment with the city in good standing may be rehired without going through the recruitment process.

The city manager determines the method of selection to be used in filling each vacancy. However, the city council must have approved funding for a position before recruitment begins.

3.02 PUBLIC POSITION ANNOUNCEMENTS

When public announcements of position openings at the city are used, and competitive consideration will be given, the announcements are disseminated by the human resource coordinator in the manner most appropriate for the particular position being filled, as determined by the city manager. Department heads wanting to fill job vacancies within their departments must submit relevant information about the position to the human resource coordinator who ensures that job opening announcements are made public through publication at least in the local newspaper, on the city's web site, and posting at city hall.

Current employees may apply for positions for which they believe themselves to be qualified. If selected for the position for which he or she applied, a city employee can transfer to another city position without loss of pay provided that his or her current pay is within the limits set by the city's classification and pay plan in effect at that time. If an employee accepts a transfer and his or her previous position is filled, but the employee is not successful in the new position, there is no remedy.

The length of time during which applications will be accepted will be determined by the city manager or his or her designee in accordance with the circumstances that exist at the time.

3.03 QUALIFICATIONS

The city maintains a job description, which establishes the required knowledge, required certificates, training, skills, and abilities for each staff position and the acceptable levels of experience and training for each. The job description sets forth the minimum acceptable qualifications to fill the position.

3.04 APPLICATION FOR EMPLOYMENT

When a specific vacancy exists, each person desiring employment with the city must submit a written application and other pertinent information regarding training and experience. To be valid, an

application must be made on the city's official application form. Each person desiring employment with the city may obtain an application for employment from the human resource coordinator.

The city will make appropriate inquiries to verify education, experience, character, and required certificates and skills of an applicant prior to extending an offer of employment. In the case of applicants for positions with the city which require driving a vehicle, the city must check the prospective employee's driving record prior to offering the applicant employment with the city.

The city does not accept applications for employment unless a specific job opening exists. Department heads should notify the human resource coordinator when an opening is available. Persons wishing to apply for a job with the city when a specific vacancy does not exist will be informed that city job openings are advertised in the manner most appropriate for the particular position being filled, as determined by the city manager; and they may file an application when an advertised vacancy exists for which they consider themselves to be qualified. Applicants are required to note on the application any deficiencies they might have in meeting the prerequisites for the job. After a city position has been filled, all applicants who were interviewed but were not chosen will be notified in writing or by telephone as soon as practicable by the person who conducted the interview.

The city should retain each employment application for two years after receipt of the application. *(Legal reference: 29 Code of Federal Regulations 1602; V.T.C.A. Government Code, Section 441.158; State Library and Archive Commission Local Schedule GR, as amended.)*

3.05 SELECTION

In accordance with the city charter, the city council appoints and may remove the city manager, city secretary, city attorney, and municipal court judge. Except for appointments reserved to the city council by statute, ordinance, or charter, the city manager has exclusive authority to select and employ personnel within the limits of these policies and the city budget. The city manager may authorize department heads to appoint and remove employees within their departments, subject to approval by the manager and within the limits of these policies and the city budget. Other supervisors may be asked for recommendations as appropriate.

Neither the council nor any of its members shall in any manner dictate the appointment or removal of any city employees whom the city manager or any of his or her subordinates is authorized to appoint or remove. However, the council or its members may express freely to the city manager their views and opinions on such matters.

Vacancies on the city staff are filled on the basis of merit, whether by promotion or by initial appointment. Selections of the best qualified persons are made on the basis of occupational qualifications and job-related factors such as, but not limited to, skill, knowledge, education, experience, and ability to perform the specific job.

3.06 AGE REQUIREMENTS

Persons under 16 years of age will not be employed in any full-time regular position. Persons under 18 years of age will not be hired in any hazardous occupation. Any prospective city employee under the age of 18 must have written permission and age verification (a signed Minor's Release Form) from his or her lawful parent or guardian on file in the city's payroll office prior to the first day of employment.

Other age limitations will be applied only as may be specifically required by state or federal law.

(Legal reference: Child Labor Regulations, Subpart C, issued pursuant to authority conferred by Section 3 (1) of the U.S. Fair Labor Standards Act of 1938, as amended; V.T.C.A. Labor Code, Chapter 51; U.S. Age Discrimination in Employment Act of 1967, as amended.)

3.07 RESIDENCY

The city does not require its employees to live within the city limits, but city residency is encouraged. The city may require certain employees to reside within a reasonable work commuting range, as determined and approved by the city manager, particularly those employees who may be required to serve on standby duty.

3.08 EMPLOYMENT OF RELATIVES (NEPOTISM)

Nepotism is the showing of favoritism toward a relative. The city forbids the practice of nepotism in hiring personnel or awarding contracts.

A person who is related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood, including adopted relatives) to any member of the city council or to the city manager may not be hired. A person who is already employed by the city and is related in a prohibited manner may not stay in city employment unless the employee had been continuously employed by the city for a period of:

1. At least 30 days, if the officer or member is appointed; or
2. At least six months, if the officer or member is elected at an election other than the general election for state and county officers.

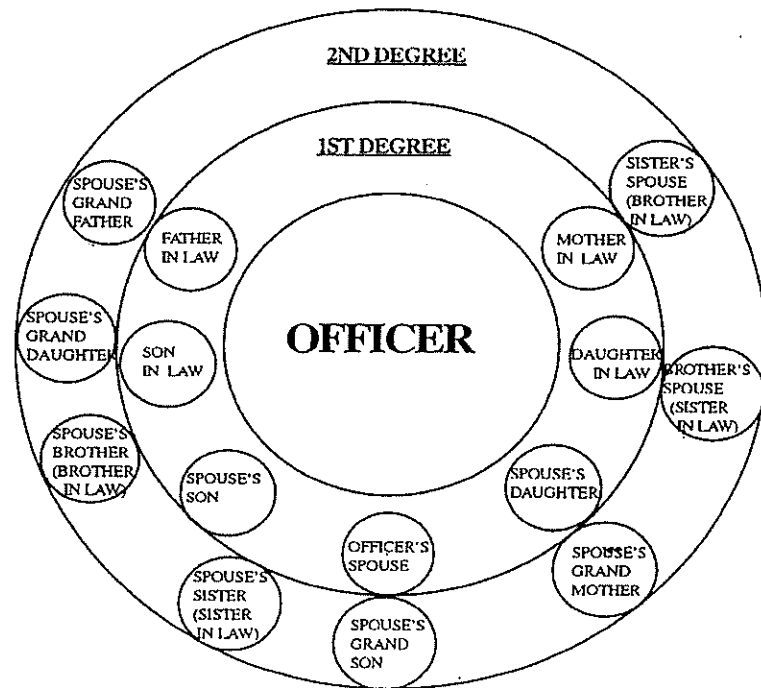
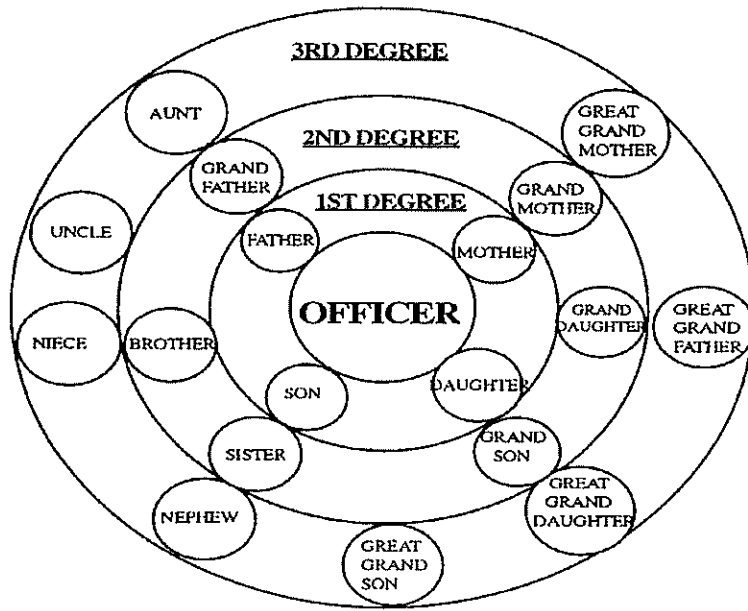
(Legal reference: V.T.C.S. Article 5996a, as amended.)

In addition, no personnel action (hiring, demotion, promotion, transfer) will be taken that would result in:

- Any employee's supervising another employee who is related within the second degree of affinity or the third degree of consanguinity to the supervisory employee; or
- The appointment of a husband and wife, joined either by legal or common law marriage, in the same department. However, hiring of relatives within the same department may be permitted when recommended by the department head and approved by the city manager.

Prohibited degrees of relationship are defined in the Nepotism Charts on the following page.

NEPOTISM CHARTS



* Spouses of relatives within the first or second degree of consanguinity (e.g., son-in-law, mother-in-law, brother-in-law, sister-in-law, etc.) are also included in the prohibition; and adopted relatives also are considered to be related by consanguinity. (Legal Reference: V.T.C.S., Article 5996h.)

3.09 TESTING

Except for drug/alcohol tests, physical examinations, psychological tests for law enforcement officers, and any other tests that may be required by state law, the only performance tests administered for employment or promotion will be specifically job related ("piece-of-the-job") tests (e.g., typing, operating a computer, operating a piece of equipment, lifting something heavy which is specifically required to be lifted in the job, tabulating columns of numbers, providing writing samples, etc.).

3.10 DRUG TESTING

In addition to the physical examination required by the city for all prospective employees, all prospective employees for any regular, full-time, part-time, and seasonal (exception: lifeguards and pool cashiers are required to sign off on employee statement of physical condition and non-use of drugs and alcohol) position in the city are required to be tested by a licensed physician and declared in writing by the physician to show no trace of drug dependency or illegal drug usage. All prospective employees are required to pass a drug/alcohol test after a conditional offer of employment has been extended, but prior to their first day of work. The offer of employment is contingent upon the prospective employee passing a drug/alcohol test. After employment, any employee may be required to submit to a test for drug dependency or illegal drug use. For more information on drug testing or drug usage, see the chapter of these policies on **Drug and Alcohol Abuse**.

3.11 PHYSICAL STANDARDS

Knowledge of physical conditions and existing health problems of employees is necessary to avoid occupational injuries and to ensure that it will be possible to differentiate any future job related injuries from existing medical problems. For these reasons employees are required to pass a drug/alcohol test and a physical examination after a conditional offer of employment has been extended, but prior to their first day of work. Employees will not be placed on the city payroll prior to passing these exams. Back X-rays are required for prospective employees whose jobs will require performing strenuous physical activity. The required physical examinations will be performed by a physician of the city's choice and will be paid for by the city.

In each instance, the examining doctor will be provided a copy of the appropriate job description or summary of duties, and will be required to certify that the prospective employee is physically able to perform the essential duties of the job.

In addition, prospective new employees for active or reserve police officer certification must undergo an examination by a licensed psychologist or psychiatrist and be declared in writing by the psychologist or psychiatrist to be in satisfactory psychological and emotional health. The city also requires all prospective active police or reserve employees to submit to a polygraph test. The required examinations will be made by a physician and psychologist or psychiatrist of the city's choice and will be paid for by the city. (*Legal reference: Police only – V.T.C.A., Government Code, Section 415.057.*)

3.12 MEDICAL RECORDS

All records relating to the medical condition, medical testing, or drug testing of an employee or prospective employee are maintained separately from employee personnel files. These medical files are confidential and are not released to anyone unless a "need to know" has been clearly established. Only the human resource coordinator has routine access to employee medical records, and any other access is on a "need-to-know" basis, which must be approved by the city manager. (*Legal reference: U.S. Americans with Disabilities Act of 1990; and 45 CFR Parts 160 and 164, Standards for Privacy of Individually Identified Health Information.*)

3.13 BACKGROUND CHECKS

The city or the city's designee will perform a background check on all prospective full-time employees, and may perform a background check on part-time, temporary, and seasonal employees. All job applicants must sign a release form permitting the background check. The release form is a part of the city's job application. All releases and background check information will be submitted to the human resource coordinator's office.

3.14 DRIVING RECORD

Every city employee who is required to drive a vehicle or operate a piece of equipment which requires a valid driver's license must maintain all applicable licenses and an acceptable driving record. The city will check a prospective employee's driving record if the applicant's employment will be in a capacity which requires operating a vehicle or piece of equipment. For this reason, any offer of employment will be contingent upon verification that the prospective employee has maintained all applicable licenses and an acceptable driving record.

The following point rating system has been developed in order to define an "acceptable driving record" for potential new employees and/or current employees who drive city vehicles and/or equipment. The point rating system applies to violations received prior to employment for new employees and to violations received on or off the job for drivers currently employed. Maximum: six (6) points in a period of three (3) years and eleven (11) points in a period of 5 years.

Violations are classified in these policies as either majors or minors.

Type of Violation - Majors	Number of Points
DWI/DUI	6.0
Driving while license suspended	6.0
Accident at fault or with ticket	4.0
Ran red light	3.0
Ran stop sign	3.0
Failure to yield	3.0
Disregard no passing zone	3.0
Leaving scene of accident	3.0
Passing school bus	3.0

Type of Violation - Minors	Number of Points
Speeding	2.0
Failure to dim headlights	2.0
Violation DL restrictions	2.0
Wrong side of road	2.0
Following too close	1.5
Improper backing; improper start from parked position	1.0
Turn from wrong lane	1.0
Violation promise to appear	1.0
Changed lanes when unsafe	1.0
Failed to drive in single lane	1.0
Disregard traffic control device	1.0
Turn across dividing section	1.0
No motorcycle endorsement	1.0
All others	1.0

- a. Persons cannot be hired in driving positions if they have traffic violations in excess of the maximum allowable points in the “point rating system.”
- b. Employees who drive city vehicles must maintain an acceptable driving record throughout their term of employment. An employee’s motor vehicle record (MVR) will be checked on January 1 each year and compared to the “point rating system” to ensure compliance. Violations must not exceed the maximum allowed. If the maximum is exceeded, the employee may be subject to review and transferred to a non-driving position (if available) or terminated.
- c. Any employee who received any type of moving violation, on or off duty, is required to notify the human resources coordinator immediately. Failure to do so will result in disciplinary action.
- d. Any employee who holds a Commercial Driver’s License (CDL) must report any change in license classification to the human resources coordinator immediately. Failure to do so will result in disciplinary action.

3.15 VERIFICATION OF ELIGIBILITY TO WORK

In order to comply with the Immigration Reform and Control Act of 1986, each new employee will be required to complete and sign an INS Form I-9 within three days of his or her first day of employment to provide proof of his or her identity and employment eligibility. Completed I-9 forms are maintained by the city in a file separate from the city's individual personnel files.

(Legal reference: P.L. Number 99-603; Federal Immigration Reform and Control Act of 1986.)

In the event the employee has not provided evidence of eligibility to work within the first three days of employment, the employee will not be allowed to continue working and shall be subject to immediate termination.

3.16 DISQUALIFICATION

An applicant is disqualified from employment by the city if he or she:

1. Does not meet the minimum qualifications for performance of the duties of the position involved;
2. Knowingly has made a false statement on the application form;
3. Has committed fraud during the selection process;
4. Is not legally permitted to hold the position;
5. Has offered or attempted to offer money, service, or any other thing of value to secure an advantage in the selection process;
6. Does not meet the physical requirements of the job description, if applicable, as a result of the required physical examination and substance abuse screening; or
7. Has not provided proof of citizenship or legal work status in the United States prior to the close of business on the third day of employment.
8. Fails to provide valid copies of current, valid licenses, certifications, or other documentation required to hold the position for which he or she applied.

3.17 PRIOR SERVICE WITH CITY

Employees entering service with the city who have had prior service with the city may be considered for appointment above the customary entry salary level, if deemed appropriate by the city manager. A break in continuous service with the city forfeits vacation and health leave benefits accrued prior to the break. However, employees rehired to fill regular full-time positions with the city will not receive credit for their prior length of service as regular full-time employees for longevity pay purposes. For details pertaining to how a break in service affects retirement benefits, please refer to your Texas Municipal Retirement System "Member Information Guide."

3.18 ORIENTATION AND TRAINING

Before an individual begins performing his or her actual duties, he or she normally will be given a brief orientation session, conducted by the supervisor for whom he or she will be working, or by that person's designated representative. The purpose of the session is to enable a new employee to understand his or her job better, as well as that job's relationship to the overall operation of the city.

An orientation session will also be provided by the human resource coordinator, including but not limited to, items on the Employee Orientation Checklist. During the orientation, employees are given a copy of the *Personnel Policies*. Employees are responsible for knowing and following the information contained in the personnel policies, and must turn in a signed and dated acknowledgment to this effect to the human resource coordinator.

The human resource coordinator prepares the necessary paperwork to place the new employee on the city payroll; obtains the signatures of the department head, the employee, and the city manager; and submits the paperwork to the finance department to place the employee on the payroll in the appropriate job title and pay rate.

Training an employee is the responsibility of the supervisor for whom the employee works. Whenever possible, employees receive on-the-job training under close supervision.

4.00 TYPES OF EMPLOYMENT

4.01 CATEGORIES OF EMPLOYMENT

The city has five categories of employment:

Regular Full Time. A regular full-time employee is employed in an authorized position that involves, at least 40 work hours per week, on an annual basis. Regular full-time employees may be either hourly or salaried, and are eligible for the city's benefits package subject to the terms, conditions, and limitations of each benefit program.

Regular Part Time. A regular part-time employee is employed in an authorized position that, involves less than 40 hours, per week, on an annual basis. Regular part-time employees may be either hourly or salaried, and are eligible for the city's benefits package subject to the terms, conditions, and limitations of each benefit program.

Temporary/Seasonal. A temporary or seasonal employee is an employee hired for a period of time normally specified in advance and is expected to last one year/season or less. The hours worked per week may vary. Temporary employees only receive those benefits that are mandated by law, such as social security and workers' compensation.

Hourly. An hourly employee is employed in an authorized position that, on average, involves work for fewer than 40 work hours per week. Hourly employees work on an irregular schedule, as called upon, and are paid at an hourly rate for the actual number of hours worked. Hourly employees are not paid for holidays and receive only those benefits that are mandated by law, such as social security and workers' compensation.

Part-time Fire Fighters. A part-time fire fighter is employed in an authorized position that involves shift work (e.g. 24 hour shifts). Part-time fire fighters work on an irregular schedule, as called upon and as available, to fill in for regular full-time employees, and are paid an hourly rate. Part-time fire fighters may not work more than 999 hours in any given calendar year and may not work more than 500 hours in any given calendar year, unless they are certified through the state to be "full-time fire fighters" with the city's fire department. part-time fire fighters receive only those benefits that are mandated by law, such as social security and worker's compensation.

See **Benefits** chapter of these policies for details of benefits available to each category of employee.

4.02 INTRODUCTORY PERIOD

All new regular employees or employees who are, demoted, or serve an introductory period of six months (1,040 hours for regular fulltime employees, 520 for part-time employees that work an average of 20 hours a week, and 1378 for fulltime. Note that the completion of the introductory period is no less than six months.) Any significant absence will automatically extend the introductory period by the length of the absence. Within the first four months of employment, the supervisor must review the employee's performance with that employee. Following completion of the introductory period, each newly hired, transferred, promoted, or demoted employee will receive an evaluation by and progress report from the appropriate department head related to the employee's job performance during the introductory period. Unfavorable evaluations may result in termination of employment.

If the department head believes it would be in the city's best interest to extend the new employee's introductory period, the department head may recommend an extension, in writing, to the city manager for final approval. The maximum length of the extension is 90 days. At the end of the 90-day extension,

the department head, in consultation with the city manager, must determine whether the employee should remain with the city or be terminated.

New employees may accrue leave benefits, but are not eligible to use vacation or sick leave benefits until they have completed the introductory period. New employees may use the personal leave day and/or compensatory time off, if applicable, during the introductory period. In the event a new employee is terminated or resigns during the introductory period, he or she will not be paid for any accumulated leave.

4.03 ASSIGNED STAFF

Staff who are assigned to the city but are paid directly by another government or private organization are not employees of the city. These employees' benefits are specified in the contract for services. Assigned staff are governed by all terms of these policies not in conflict with their contract for services.

5.00 EMPLOYEE COMPENSATION AND ADVANCEMENT

5.01 PAY

Each year, the city manager will prepare and submit for approval to the city council an employee compensation plan as part of the annual budget. This plan will take into consideration the following factors:

- The duties, responsibilities, and qualifications of each job classification;
- Prevailing rates of pay for similar employment in the private and public sectors;
- Cost of living factors (Bureau of Labor Statistics' Employment Cost Index);
- The economic climate within the city, state, and nation;
- The city's financial condition; and
- Any others factors that may be appropriate.

Rules governing salary administration and pay increases are established by the city council.

5.02 PAYDAYS

The pay period for the city is biweekly. City employees will receive paychecks every other Friday. If a regular payday falls on a city holiday, employees will receive paychecks on the preceding, regular workday.

On regular paydays, the human resources coordinator will distribute paychecks to supervisors, or to the department's authorized representative, no later 10:00 am. The supervisors or other representatives will distribute the paychecks to employees.

The city provides and encourages the option for employees to have their paychecks deposited directly into their designated bank account. If an employee chooses this option, the direct deposit recipient institution designated by the employee may not be changed more frequently than every six months.

No salary advances or loans against future salary will be made to any employee for any reason.
(*Legal reference: Texas Constitution, Article III, Sections 51, 52, and 53.*)

An employee must promptly bring any discrepancy in a pay deposit (such as overpayment, underpayment, or incorrect payroll deductions) to the attention of the appropriate department head, who will notify the finance director.

5.03 PAYROLL DEDUCTIONS

Any deductions must be approved and authorized by the city council. Deductions will be made from each employee's pay for the following:

- Federal Social Security;
- Federal income taxes;

- Medicare;
- Texas Municipal Retirement System contributions (for regular full-time and covered part-time employees);
- Court-ordered child support, bankruptcy; and
- Any other deductions required by law.

If a terminating city employee fails to return city-owned equipment or property to the city before his or her final paycheck is issued, the value of the property or equipment will be deducted from the final pay, with the balance of the final check to be paid after the employee returns the equipment or property to the city. Each city employee signs a statement to this effect when the equipment or property is issued.

In accordance with policies and general procedures approved by the city council, additional deductions from an employee's pay may be authorized by the employee for:

- Group health/medical/dental/life insurance for employees and dependents;
- Cafeteria plan;
- Prepaid legal services;
- Flexible Spending Plan
- Student loan payments; and
- Such other deductions as may be authorized by the city manager.

If there is a change in the employee's family status, address, or other factor affecting his or her payroll withholding or benefits status, the employee is responsible for obtaining, completing, and returning to the payroll office the appropriate forms for communicating these changes.

5.04 OTHER DEDUCTIONS FROM PAY

Nonexempt Employees. Nonexempt employees will be paid only for actual hours worked unless they are eligible for and authorized to receive benefits under one of the city's paid leave benefits policies.

Exempt Employees. Exempt employees are paid on a salary basis and, in general, must be paid their full salary for any week in which they perform work. Their pay may be reduced only in the following circumstances:

- Unless they are eligible for and authorized to receive benefits under one of the city's paid leave policies, employees who are absent for at least a full day because of sickness, disability, or personal reasons will not be paid for that day. If an exempt employee has exhausted his or her earned leave, the employee's pay will not be reduced if the employee is absent for less than a full day because of sickness or disability.
- Exempt employees who take leave under the Family and Medical Leave Act (FMLA) will not be paid for that time unless specified in the section of these policies relating to FMLA leave time off. Their pay will be reduced by any hours missed on FMLA leave, even if it is for less than a full day.

- c. Exempt employees who are absent from work for jury duty or attendance as a witness at a trial either (1) must surrender the check to the city for performance of the outside duty, or (2) will have their pay reduced by the amount of payment they receive in the form of jury fees or witness fees.
- d. If an exempt employee violates a safety rule of major significance, his or her pay may be reduced in an amount to be determined by the city as a penalty for that violation.
- e. Exempt employees may be suspended without pay for other types of workplace misconduct, but only in full-day increments. Their paycheck will be reduced in an amount that is proportionate to the number of days suspended as compared to the full pay period.
- f. Employees who work fewer than 40 hours during their first or last week of employment with the city will be paid a proportionate part of their full salary for the time actually worked.

Improper Deductions from Pay. The city will reimburse any exempt employee whose pay is reduced in violation of this policy. Improper deductions from pay are grievable actions under the city's grievance policy.

5.05 CLASSIFICATION AND PAY PLAN

The city maintains a classification plan by which each class of positions is assigned to a pay group based on (1) the principle of equity among positions requiring similar knowledge, skills, and abilities and having similar levels of responsibility, and (2) market factors. Pay ranges for each pay group are established by a pay plan which is recommended by the city manager and approved by the city council.

5.06 CLASSIFICATION AND PAY ADMINISTRATION

A new employee normally is hired at the entry rate of the pay group to which the position is assigned. A new employee may not be hired above the entry rate without specific written approval from the city manager.

If an employee is hired below the entry rate, the employee's performance will be evaluated after six consecutive months' employment, and a determination will be made by the employee's department head, in consultation with the city manager, as to whether:

- 1. The employee's salary should be increased to the entry rate for the pay group;
- 2. The employee's salary should remain below the entry rate for an additional period of up to 90 days; or
- 3. The employee should not be retained in the position.

Hiring below the entry rate should not be used for current employees who meet all of the job qualifications, but only for those whose qualifications fall short of the job's stated requirements, and who may take a longer than normal time to meet the job requirements fully.

5.07 PAY GROUP ASSIGNMENTS

Within the general guidelines of the pay plan and the budget, the city manager is authorized to determine the appropriate pay group to which each position is allocated and the pay to which the particular employee is assigned. An employee who is designated as not covered by the pay plan is paid within the limits set by the budget approved by the city council.

5.08 LONGEVITY PAY

Longevity pay is additional pay for each full year of service with the city to regular full-time employees. Longevity pay is distributed annually on the employee's anniversary date as a lump sum according to the schedule listed below. Longevity pay does not increase an employee's base pay.

From five (5) to nine (9) years	\$400
From ten (10) to fourteen (14) years	\$550
Fifteen (15) to Nineteen (19) years	\$700
Twenty (20) years or more	\$850

5.09 APPRECIATION PAY

Appreciation pay is predicated on city council approval during the annual budget process. When approved a check is disbursed to each employee in a lump sum during the month of December each year. This incentive award is in the amount of one week's pay at the employee's current rate of pay for employees who have satisfied the introductory period. The amount to be disbursed to employees who are still serving their introductory period at the time the checks are issued will be determined by the city council in approving the annual budget.

5.10 MERIT INCREASES

Merit increases may be granted for exceptionally good and consistent performance in a position. These increases are not used to recognize increased duties and responsibilities (a promotion), and are granted without regard to cost-of-living factors or longevity. Merit increases recognize outstanding performance and are granted in conjunction with a review of the most recent employee performance evaluation, the results of which are one factor used in merit pay decisions. Any merit increases must be approved by the city manager within the authorized budget approved by the city council.

5.11 CAREER DEVELOPMENT

The city's career development policy is to encourage employees to improve their knowledge, skills, and abilities through education, work-related seminars, on-the-job training, and career advancement with the city.

The city will notify employees, through memoranda posted in central locations, of city job vacancies for which competitive applications will be accepted. Concurrently with outside recruitment efforts, the city will post internally all position vacancies for which there will be competitive consideration. A city employee may apply for any open position for which the employee considers himself or herself to be qualified.

5.12 CERTIFICATION/INCENTIVE PAY

One form of career development that enables an employee to continue to learn and grow is to seek certifications above and beyond those that are required to hold the employee's current position. As an incentive for continuous knowledge enhancement in the fire and police departments, the city provides the following additional compensation over and above base pay. Payment for the following certifications is made in a lump sum upon attainment of the certification and only if the certification is not currently a requirement to hold the position the employee currently occupies.

FIRE – FIREFIGHTING

Basic (one-year certificate required)	\$300 per year
Intermediate	\$600 per year
Advanced	\$1,200 per year
Master’s	\$1,800 per year

FIRE – MEDICAL

ECA	No additional pay
EMT – Basic	\$300 per year
EMT – Intermediate	\$600 per year
EMT – P	\$1,200 per year
Paramedic	\$1,800 per year

POLICE

Basic	No additional pay
Certified Dispatcher	\$300 per year
Intermediate/Associate’s Degree	\$600 per year
Advanced/Bachelor’s Degree	\$1,200 per year
Master Police Officer/Master’s Degree	\$1,800 per year

OTHER

Fire Marshal (Must be Police Officer)	\$600 per year
DARE	\$50 per year
Bilingual (Spanish Translation)	\$300 per year

If a certificate or license is not required in the employee’s job description, but the city manager determines that it will benefit the city for the employee either to obtain or to maintain the additional certificate or license, the employee will be compensated at the rate of \$100 per year per certificate or license for the specified certificates or licenses. The city manager will provide written authorization for the additional certification pay, and a copy of the authorization will be placed in the employee’s personnel file.

5.13 PROMOTIONS

A promotion is a change in the duty assignment of an employee which results in advancement to a higher paying position requiring higher qualifications and involving greater responsibility. A promoted employee may receive a pay increase of at least the amount of difference from one pay group to the next higher pay group, or of whatever amount is required to place the employee’s salary on the entry rate of the new pay group, whichever is higher. Promotions are generally recommended by the department and must be approved by the city manager within the staffing pattern and budget limits approved by the city council.

5.14 LATERAL TRANSFERS

A lateral transfer is the movement of an employee between positions in the same level of pay within the city. Lateral transfers may be made within the same department or between departments of the city. An employee will not receive a pay reduction when making a lateral transfer, provided that the employee’s

current salary is within the range approved by the city council for the transfer position. If a position is reclassified but remains assigned to the same pay group, no pay adjustment will take place.

5.15 DEMOTIONS

A demotion is a change in duty assignment of an employee to a lower paid position with less responsibility. Demotions may be made for the purpose of voluntary assumption of a less responsible position, as a result of a reclassification of the employee's position, as a disciplinary measure, or because of unsatisfactory performance in a higher position. A demotion is generally recommended by the department head and must be approved by the city manager. Demotions may involve a decrease in pay.

If a position is reclassified downward because of changes in the city's needs and not because of a performance problem on the part of the employee, every attempt will be made to maintain the employee's salary at its prior level. However, if the reclassification is made because of an employee's performance problems, the employee's pay normally will be adjusted downward by at least the equivalent of a one-step decrease to reflect the revised duties.

5.16 DISCIPLINARY SUSPENSIONS FOR VIOLATING SERIOUS WORKPLACE CONDUCT RULES

If an employee is found to have violated one of the city's policies regarding proper workplace conduct, he or she will be subject to discipline in the form of an unpaid suspension. Unpaid suspensions will not be used as disciplinary action in cases involving performance or attendance issues. Both exempt and non-exempt employees may be suspended without pay when they violate any of the following policies:

- Workplace harassment
- Discrimination
- Dress and grooming (serious violations only)
- Computer usage
- Substance abuse
- Weapons in the workplace and workplace violence
- Confidential and proprietary information
- Conduct unbecoming of a city employee
- Other policies that prohibit workplace misconduct.

This policy also extends to off-site and after working hours conduct that has a bearing on the employee's employment with, and/or the reputation of, the city.

5.17 APPROVING AUTHORITY

The city manager is the approving authority for all payrolls and for any pay increases, decreases, or payroll transfers granted under the terms of:

1. These policies;
2. The classification and pay plans; or
3. The annual budget.

6.00 WORK SCHEDULE AND TIME REPORTING

6.01 HOURS WORKED

Normal working hours for most city employees are Monday through Friday, 8:00 a.m. to 5:00 p.m., with one hour for lunch, for a total of 40 hours per workweek. However, other hours of work and official work periods for individuals or groups of employees may be set by the department head with approval of the city manager. A morning and an afternoon break of 15 minutes each will be available to each employee, but this time does not accumulate if not taken. Breaks are a privilege and are not to be abused.

Employees are expected to report punctually for duty at the beginning of each assigned workday and to work the full work schedule established.

The city manager determines the number of hours worked by an employee for the compensation to be received subject to laws governing pay and working hours and to the provisions of the city's budget and these policies.

(Legal reference: U.S. FLSA of 1938, as amended; Garcia v. S.A.M.T.A., U.S. Supreme Court, 1985; U.S. Equal Pay Act of 1963.)

6.02 SCHEDULE ADJUSTMENTS

Adjustments to the normal hours of operation of city facilities or departments may be made by the city manager in order to better serve the public. Offices may be required to remain open during the noon hour, and lunch periods for some employees may be staggered according to the requirements of the city.

6.03 WORK PERIOD

The official work period for most city employees is a seven-day period beginning at midnight, 12:00 a.m. on Sunday and ending at 11:59 p.m. on the following Saturday.

The official work period for fire personnel is different in length from the above work period. The city has adopted the Section 207(k) exemption under the Fair Labor Standards Act (FLSA), and utilizes a 14-day official work period for certified firefighters. Details of the fire work period are included in the fire departmental policies and procedures manual.

(Legal reference: U.S. FLSA of 1938, as amended.)

6.04 OVERTIME WORKED

The policy of the city is to allow overtime only in cases of emergencies, special circumstances, or when specifically authorized in advance by the department head. Employees may be required in emergencies to provide services in addition to normal hours or on weekends or holidays. Overtime is defined as hours worked in excess of the allowable number of hours under the Fair Labor Standards Act (FLSA) and related state statutes (40 hours per seven-day workweek for non-firefighting employees and 106 hours per 14-day work period for certified firefighting employees).

For most employees, overtime begins to accrue after the 40th hour worked during the seven-day workweek. For firefighting, overtime begins to accrue after the 106th hour worked during the 14-day work period.

All overtime services by employees covered under FLSA must be authorized in advance by the employee's department head or approved by the city manager.

Exempt employees do not accrue paid overtime or otherwise earn compensation for hours worked in excess of forty (40) hours per week. However, exempt employees of the City are eligible for 'compensatory time off' after working abnormally long hours. In this regard, exempt employees are permitted to take time off, during normal City business hours, in an amount of time equal to the number of hours worked by them over the minimum required forty (40) hours, per week, if such time off is approved, in advance, by the employee's department head or City Manager. Compensatory time off that is accrued by the exempt employee may be taken either during the first or second week of the pay period during which the long hours were worked. However, an exempt employee may not take compensatory time off beyond the pay period during which the long hours were worked.

(Legal reference: U.S. FLSA of 1938, as amended.)

6.05 EXEMPTIONS FROM FLSA (OVERTIME COMPENSATION)

The following two designations indicate whether an employee is eligible for or exempt from overtime compensation. To determine whether an employee's job is exempt or non-exempt, each employee's combination of duties and responsibilities; required knowledge, skills, and abilities; and qualifications requirements are reviewed individually.

Nonexempt. A nonexempt employee is one whose position is covered under the overtime pay provisions of the Fair Labor Standards Act (FLSA) and will be compensated for overtime as required by law.

Exempt. The term exempt employee refers to an employee who is exempt from the overtime pay provisions of the Fair Labor Standards Act (FLSA) and is expected to render necessary and reasonable services beyond 40 hours per week with no additional compensation. Exempt employees' salaries are set with this consideration in mind. City employees who are in exempt positions most often qualify under the executive, administrative, or professional exemption, or a combination of these exemptions. To qualify for any of the following exemptions, employees must be paid a minimum of \$455 weekly, which annualizes to \$23,660 per year.

Executive. The executive exemption is for persons whose primary duty is "management" of the city or a department or subunit within the city's organizational structure. An employee who has management of a department or a subunit thereof as his or her primary duty, and regularly supervises two or more employees (or several part-time employees equating to two full-time equivalents), qualifies for the executive exemption. The U.S. Department of Labor regulations define "management" as interviewing, selecting, and training employees; planning and assigning work and determining how the work will be done; directing and evaluating the work of other employees; handling complaints and grievances; and disciplining employees. The employee either has the authority to hire and fire employees, or the employee's recommendations on these matters are given significant weight, whether or not the recommendations are always followed. Examples include management, department or section heads, and team leaders or other supervisors in certain circumstances.

Administrative. Administrative employees are "white collar" employees whose primary duty is performance of office or non-manual work directly related to the management or general business operations of the city or the city's customers. The primary duty also must include work requiring the exercise of discretion and independent judgment. Examples include workers whose primary duties are accounting, budgeting, purchasing, and human resources, as well as those workers whose primary duties include research, public relations, governmental relations, administration, and legal and regulatory compliance. Special provisions relate to jobs in the information technology area.

Professional. To qualify for the professional exemption, an employee must have as his or her primary duty work requiring knowledge of an advanced type in a field of science or learning customarily acquired through a prolonged course of specialized intellectual instruction and study. Advanced knowledge must be of the type attained above the high school level. The work must require the consistent exercise of discretion and independent judgment and must be predominantly intellectual and varied in character.

Combination Exemptions. Some positions may be exempt because they fall into a combination of two or more of the above categories, with most of the criteria holding true for the job.

(Legal reference: U.S. FLSA of 1938, as amended.)

6.06 OVERTIME COMPENSATION

Only **nonexempt employees** may be compensated for overtime worked by being given:

1. Equal time off, to be taken within the same workweek during which the overtime was accrued (or work period for firefighters); or
2. Payment, at the rate of one and one-half times the employee's regular hourly rate; or
3. Compensatory time off (comp time), at one and one-half times the number of hours worked, up to a maximum number of accrued comp time hours.

The **preferable method** for overtime compensation is to schedule **equal time off** for the affected employee **during the same work period** in which the overtime was worked (one week for most employees, 14 days for firefighters).

The city discourages time and one-half payment for overtime, which may be recommended by the department head only if adequate funds are available in the department's budget. The city also discourages the accumulation of compensatory time off for nonexempt employees at one and one-half times the number of hours worked, because of the contingent financial liability this creates for the city. Compensatory time should be scheduled as soon as possible after overtime hours are worked. *(Legal reference: U.S. FLSA of 1938, as amended.)*

6.07 COMPENSATORY TIME

In accordance with the Fair Labor Standards Act (FLSA), the city may grant non-exempt employees compensatory time off (comp time) in lieu of compensation for hours worked in excess of 40 hours a week, or other permissible work schedules for firefighting, emergency management, seasonal, and other employees.

Employees may accrue compensatory time off at one and one-half times the number of overtime hours worked up to a maximum number of hours. As a general rule, no more than 60 hours of compensatory time (representing 40 overtime hours worked) should be allowed to accumulate for non-fire employees, and no more than 80 hours (representing approximately 53 hours worked) for fire employees, without the expressed written approval of the city manager. [FLSA allows maximum accrual of 240 hours for non-law enforcement and non-fire employees and a maximum of 480 hours for fire and law enforcement employees. However, the City of Lampasas has chosen to allow smaller accrual amounts before mandatory usage because of the contingent liability created by carrying large amounts of compensatory time on the city's books.]

Any accumulated but unused compensatory time in an employee's account at the time of termination will be paid in the employee's final paycheck. All compensatory time paid out will be paid at the employee's regular hourly rate, as of the date of termination at one and one-half hours per hour of overtime worked.

(Legal reference: U.S. FLSA of 1938, as amended.)

6.08 HOLIDAYS WORKED

The city's basic policy is that each regular employee receives a specified number of paid holidays per year, as set forth in these policies. In most instances, if a regular employee is required to work on a holiday, he or she will be given an alternate day off in the same workweek (or work period for fire employees).

For employees whose normal work schedule is Monday through Friday, the scheduled holiday is the designated holiday observed by the city, which may or may not be the actual holiday on the calendar. For employees whose normal work schedule is something other than Monday through Friday, the scheduled holiday is the actual holiday on the calendar. See **Work During Holidays** section of this document for more discussion of this policy.

A paid holiday is considered in the same manner as hours worked for the purposes of determining when an employee has reached his or her maximum allowable hours (40 hours per week for most employees, and 106 hours per 14-day work period for firefighters). *(Legal reference: U.S. FLSA of 1938, as amended.)*

6.09 LEAVE TAKEN AND OVERTIME.

If a full-time employee who is subject to the overtime provisions of FLSA (non-exempt) is required to work extra hours during a workweek in which he or she has used sick leave, vacation leave, or any other type of released time (other than holiday time), the employee will be given either hour-for-hour time off or pay at the employee's regular straight-time rate of pay for the extra hours worked. However, if the extra hours worked are greater than the number of leave time hours taken, the employee will be compensated at one and one-half times the regular rate of pay for the number of extra hours worked which were not offset by the leave time hours taken. Released time is any paid time off that was authorized by the city.

6.10 TIME REPORTING

Department heads will keep daily records of all hours worked in 15 minute increments and released time taken and, where appropriate, hours credited to particular projects for employees in their departments. Forms for this purpose are provided by the city.

Time records must be signed by the employee and by the employee's immediate supervisor. Altering, falsifying, tampering with time records, or recording time on another employee's time record will result in disciplinary action, up to and including termination of employment.

Each department head is responsible for ensuring that all hours worked and leave time taken for all employees in the department are reported on the timesheets sent to the finance department and also are recorded on the individual department's records.

6.11 STANDBY DUTY

In the streets, electric, water and wastewater, and parks and cemetery departments that provide city services on a 24-hour basis, employees may be required, as part of their regular work duties, to serve scheduled periods of time on standby duty and be available for work in cases of emergency. Scheduling

for standby duty is done in accordance with departmental policies and procedures, as approved by the city manager.

Employees subject to standby duty must have a home telephone, city cellular phone, or other telephone readily available.

Employees on standby duty will receive compensation for an additional five (5) hours of work at their regular hourly rate of pay for each week on standby. In addition, if an employee is called out to work in an emergency, he or she will receive credit for at least one full hour minimum, regardless of the length of time worked.

Employees will be paid at one and one-half times the regular rate of pay if the extra hours called to duty exceed the allowable number of hours under FLSA as stated in the **Overtime Worked** section of this document (40 hours per seven-day workweek for non-firefighting employees; and 106 hours per 14-day work period for firefighting employees)

6.12 OFFICE CLOSINGS IN EMERGENCIES

Short-term emergency closings of city offices/departments may arise due to unexpected inclement weather, prolonged power failure, or other emergency situations. After the city manager communicates with department heads, closings will be communicated by department directors to employees. In the event that a situation occurs during non-working hours, which would necessitate emergency closings of city offices/departments, local radio and television stations will be asked by the city manager to broadcast an official city hall closing statement. Employees whose jobs are critical to public health and safety may be required to work during an official closing. If so directed, those employees must report for duty. The determination of which days or partial days will be paid and the type of payment will be made by the city manager and will depend upon the circumstances.

7.00 BENEFIT

7.01 MEDICAL INSURANCE

The City of Lampasas provides group medical and dental insurance coverage for regular full-time employees. The city pays the premium for coverage of each regular full-time employee under this plan. An eligible employee may add medical and dental coverage for his or her spouse and dependents, at the employee's expense, based on current city policy. Employees may elect not to be covered by the city's medical and dental insurance plan by providing a written notice of the election.

Upon employment, each regular full-time employee who elects to participate in the city's medical and dental insurance plan is given a medical identification card, a dental identification card, and an insurance booklet containing detailed information about the city's medical and dental insurance program. See the section of these policies on **Continuation of Group Insurance** for information on continued coverage after certain status changes.

The city also provides a prescription drug plan for regular, full-time employees. Dependents who are covered by the city's medical insurance plan also will be covered by the city's prescription drug plan. The city will issue a drug card to each covered employee.

Minimum five (5) years but less than twenty (20) years:

The City of Lampasas provides for the continuation of health insurance, at the sole cost of the retiree, comparable to that which is provided for regular employees, for those employees eligible to retire under TMRS with a minimum of five (5) years of service with the City of Lampasas and who comply with and meet the following requirements as listed under Items. 1 through 3.

Minimum of twenty (20) years:

The City of Lampasas provides for the continuation of health insurance by covering the cost of premium for the retiree only for the Scott & White Consumer Choice 30 Plan (or cheaper plan), comparable to that which is provided for regular employees, for those employees eligible to retire under TMRS with a minimum of twenty (20) years of service with the City of Lampasas and who comply with and meet the following additional requirements as listed under Items 1 through 3.

1. The employee, at the time of submittal for retirement, must elect to maintain health insurance under the City of Lampasas' group health insurance policy for self and, if the retiree so chooses, any covered dependents at the time of retirement. The retiree will not be allowed to elect health insurance coverage under the City of Lampasas' group health insurance policy after retirement.
2. If a retiree, at any time during retirement, elects to cancel his/her or dependent coverage under the City of Lampasas' group health insurance policy, the retiree's and/or his/her dependents' group health insurance coverage will cease. When this occurs, the retiree's and/or his/her dependents', as applicable, will not be allowed to participate in the City of Lampasas' group health insurance policy from the date of the cancellation forward.
3. The retiree, with a minimum of five (5) years but less than twenty (20) years, is responsible for making timely payments to the City of Lampasas if the retiree has

elected to participate in retiree health insurance coverage provided for in this section of the policies. For retirees with a minimum of twenty (20) years with the City of Lampasas, the City will cover the cost of premium for the Scott & White Consumer Choice 30 Plan (or cheaper plan) for the retiree only. The retiree is responsible for the cost difference of the Scott & White HMO Plan (or more expensive plan). The retiree is also responsible for the cost of covering any dependents.

- a. All health insurance payments are due on the 25th of each month and are to be made payable to the City of Lampasas by cash, cashier's check, money order, or personal check.
- b. The initial payment by the retiree must be received by the city no later than the 25th day of the month in which the employee retires (for example, regardless of whether the employee retires on the 1st day of the month of August or the 31st day of August, the payment is due by the 25th of August). If payment is not made by the 25th of the month, health insurance coverage will be cancelled on the third business day from the 25th, or at the time of retirement, whichever is the later.
- c. If for some unforeseen emergency (i.e., medical or family emergency), the retiree has failed to pay the monthly health insurance premium to the City of Lampasas by the 25th of the month, the retiree will have until the third business day from the 25th to notify the City of Lampasas of the legitimate unforeseen emergency and will be given until the 1st day of the following month to make payment to the City of Lampasas.
- d. If such an unforeseen emergency occurs more than once, on the third such occurrence of failure to make timely payment, the retiree's and/or dependents' health insurance coverage under the City's group health insurance policy will be cancelled by the City and there will be no opportunity for that retiree or his/her dependents to participate in the City of Lampasas' group health insurance policy from that point forward.
- e. Payment of the premium with a personal check that is returned for insufficient funds will result in cancellation of the retiree's and/or dependents' group health insurance coverage with the City of Lampasas, with no opportunity for reinstatement of the coverage in the future.

The City Council may change the policy at any time through Council action. At the age of 65, or as soon as the retiree qualifies for coverage under Medicare, the retiree will no longer be covered under the City of Lampasas' medical insurance policies and will need to find substitute coverage with a Medicare supplemental insurance policy.

7.02 LIFE INSURANCE

The City of Lampasas provides employee life insurance coverage for regular full-time employees at no cost to the employee. The amount of coverage is equal to one (1) times the employee's annual salary. Regular, full-time employees may elect to purchase additional coverage, at the employee's expense, through another outside, city-coordinated provider.

7.03 ADDITIONAL INSURANCE

The City of Lampasas also offers optional insurance plans for which employees may enroll at the employee's expense. Employees may add optional insurance coverage and/or may change to the city's cafeteria plan only during the annual enrollment process, but they may discontinue coverage at any time if the circumstances satisfy the requirements of the policy.

7.04 SOCIAL SECURITY

All employees of the city are covered by federal Social Security regulations. The city also contributes to the Social Security System on behalf of each employee.

7.05 RETIREMENT

The city is a member of the Texas Municipal Retirement System (TMRS). Regular employees who work 20 hours per week or more are required to become members of TMRS and are eligible for this benefit immediately upon employment. (TMRS defines regular employees as those working in excess of 1,000 hours per year.) Both the employee and the city contribute to the employee's retirement account.

Each member of the retirement system will contribute, by payroll deduction, seven percent (7%) of his or her biweekly salary to his or her retirement account. The city will contribute a 2:1 ratio of the employee's biweekly salary to his or her retirement account. Employees who leave city employment prior to retirement will be refunded, upon request, their portion of the retirement account plus interest earned on their portion. However, employees will receive the city's contribution to their retirement accounts only upon retirement.

Employees are eligible for full retirement benefits:

1. At the age of 60, with five (5) years of credited service; or
2. An employee may choose an early retirement at any age with 20 years of credited service.

Employee retirement rights become vested after five years of continuous service to the city. If an employee leaves city employment after vesting, but does not withdraw his or her retirement deposits, the employee will continue to be a member of the retirement system. As a member, the employee's contributions and the city's contributions will continue to earn interest until the employee retires.

In addition, the city offers employees the option of enrolling in city approved 401k plans. The city does not match employee contributions to 401k plans.

A new employee receives a brochure about the city's specific retirement coverage and options under TMRS and information on the 401k programs at the time of employment. The human resource coordinator has additional information about the retirement plans, which is available upon request.

TMRS also provides a Supplemental Death Benefit. If an employee dies while employed with the City, TMRS will pay your designated beneficiary or estate benefit approximately equal to employee's current annual salary, plus any retirement benefits due.

Additional TMRS benefits include Occupational Disability retirement, Credit for prior service in fulltime public employment in the United States and Purchase up to five (5) years of military service credit (if TMRS requirements are met).

7.06 FLEXIBLE SPENDING ACCOUNT

Regular fulltime employees may participate in the Flexible Benefit Plan, which corresponds to Section 125 of the IRS Code. The plan allows employees to set aside pre-tax dollars to pay for medical, dental, vision and health related expenses, which are not reimbursed by an insurance plan. Employees may also elect to contribute to a dependent care reimbursement account through voluntary payroll deductions. Pre-tax deductions are made prior to taxes being withheld from gross.

7.07 WORKERS' COMPENSATION

All employees of the city are covered by the workers' compensation insurance program, and the city pays the premium. This coverage provides medical and salary continuation payments to employees who receive bona fide, on-the-job, work related injuries. Detailed information about workers' compensation benefits is found in the sections of this document under the main heading **Health and Safety**. (*Legal reference: V.T.C.A. Labor Code, Title 5, Subtitle A and Chapter 504.*)

7.08 UNEMPLOYMENT INSURANCE

All employees of the city are covered under the Texas Unemployment Compensation Insurance program, and the city pays for this benefit. This program provides payments for unemployed workers in certain circumstances. (*Legal reference: V.T.C.A. Labor Code, Title 4, Subtitle A.*)

7.09 LEAVE TIME

Regular full-time city employees are eligible for holidays, vacation leave, sick leave, and other types of released time under certain circumstances. Detailed information about leave and other types of released time is found in the sections of this document under the main headings **Leave Time** and **Holidays**.

8.00 LEAVE TIME

8.01 LEAVE TIME DEFINITIONS

Leave Time. Leave time is time during normal working hours in which an employee does not engage in the performance of job duties. Leave time may be either paid or unpaid.

Holidays. Holidays are days designated by the city council on which city offices are closed, that otherwise would be regular business days.

Unauthorized Absence. An unauthorized absence is one in which the employee is absent from regular duty without prior permission of the department head. Employees are not paid for unauthorized absences, and such absences may result in disciplinary action up to and including termination of employment.

8.02 APPROVAL OF LEAVE

The employee's department head must approve leave taken by city employees prior to the time the leave commences. The city requests two-weeks' notice of planned leave. All leave requests must be made in accordance with the written policy established by the city manager. Copies of signed leave forms are sent to the human resources coordinator. Payroll records are verified against these leave records.

Requests for leave are completed on time-off request forms, which must be approved by the department head or the city manager sufficiently in advance of the requested leave date(s) to adhere to the city manager's written policy on notice requirements. One copy of the completed, approved form is filed in the employee's personnel file, and the other is sent to the department head to be attached to the employee's timesheet.

Department heads are responsible for determining that leave has been accrued and is available for use in the amounts requested by an employee. This is done in consultation with the human resources coordinator. In addition, they are responsible for ensuring that all vacation and sick leave usage is recorded on the time sheet sent to the payroll office for payroll purposes, as well as being recorded in the individual's personnel file. Finally, department heads are responsible for scheduling, coordinating, and approving leave to ensure that department and city functions are not negatively affected and ensuring that at least one senior level manager is either in attendance or available on call at all times.

8.03 VACATION LEAVE

Regular, full-time city employees are eligible to accrue paid vacation leave.

Accrual of Vacation Leave. Vacation leave is accrued on a pay period basis in accordance with the employee's length of service with the city. Regular, full-time employees accrue vacation leave according to the following schedule:

Years of Service	Vacation Workdays Per Year
Less than 3	10
At least 3, less than 6	12
At least 6, less than 16	15
At least 16 years	20

Temporary/seasonal employees do not earn vacation leave. Part-time employees who work an average of at least 20 hours per week accrue vacation leave on a pro rata basis based on how their work schedule compares to the 40-hour workweeks covered by the pay period.

Fulltime Fire Department employees accrue vacation leave on a pro rata basis.

Scheduling Vacation Leave. All leave request submissions must be in accordance with the written policy established by the city manager. Supervisors should encourage their employees to schedule vacations and to request leave well in advance; vacation schedules must accommodate the city's work schedule. Department heads are responsible for establishing vacation schedules with employees. Provided that departmental workloads and staffing in the department permit, employees should be allowed to select their desired vacation periods. If there is a conflict in vacation schedules involving two or more employees, employees are granted their preference on a "first come, first served" basis. If two requests are received at approximately the same time and cover the same requested vacation period, the employees will be granted their preference in accordance with seniority.

If the desired leave schedules conflict with city requirements, the city's requirements are given first consideration. There must always be a senior manager either on duty or available on call in each department at all times. Approval previously granted for leave requests may be withdrawn if necessary to satisfy work requirements of the city.

Use of Vacation Leave. Accrued vacation leave may be taken after six months of continuous employment, with the approval of the department head or the city manager. New employees still in the introductory period will accrue vacation leave, but they may not use it until completion of the introductory period.

Regular, full-time employees are charged with vacation leave for each full day they are absent on approved vacation leave, based on the number of hours they would have been scheduled to work if they had worked the day(s) during which they took vacation leave. Use of vacation leave for less than full day(s) is recorded in increments of 15 minutes or more.

Maximum Vacation Leave Accrual. Employees are encouraged to take a vacation each year so that they may return to the city refreshed and renewed. If city or personal circumstances prevent the use of vacation leave in the year it is earned, employees may accrue and carry forward up to a maximum of two years' accrual of vacation leave at their current accrual rate.

Payment for Unused Vacation Leave Upon Separation. When an employee leaves the service of the city, he or she will be paid for accrued but unused vacation leave not to exceed the appropriate maximum. The rate of pay will be determined by the salary rate in effect at the time of termination.

Employees terminating during the first six consecutive months of city employment will **not** be paid for accumulated vacation leave.

8.04 SICK LEAVE

An employee with accrued sick leave may use that leave if the employee is absent from work due to:

1. Personal illness or physical or mental incapacity;
2. Medical, dental, or optical examinations or treatments;

3. Medical quarantine resulting from exposure to a contagious disease; or
4. Illness of a member of the employee's immediate family who requires the employee's personal care and attention. For this purpose, immediate family is defined as the employee's spouse, child(ren) (natural, foster, step, or adopted), parent, step-parent, grandchild(ren) or any other relative of the employee who resides in the employee's household and/or is dependent on the employee for personal care.

Accrual of Sick Leave. Regular full-time and regular part-time city employees who work an average of at least 20 hours per week are eligible to accrue paid sick leave. Regular full-time non-firefighting employees accrue sick leave at the rate of 3.69 hours per biweekly pay period, regular part-time employees who work an average of at least 20 hours per week accrue sick leave on a pro rata basis determined by how their regular work schedule compares to a 40-hour workweek; and regular firefighting employees who work on 24-hour shifts earn sick leave at the rate of 5.54 hours per biweekly pay period, for a total of 144 hours per year. The appropriate number of sick leave hours is credited to an employee's account on the first day of the pay period in which the employee's employment with the city begins, and on the first day of each pay period thereafter until the employee has reached the maximum.

Temporary and seasonal employees do not earn sick leave.

Use of Sick Leave. Accrued sick leave cannot be used by a new regular employee until he or she has completed the 1,040-hour, introductory period, 1378 for firefighters (hours actually worked).

Employees must report to and remain at work until it is necessary to leave for an approved non-emergency appointment, and must return to work immediately following the appointment, unless extenuating circumstances exist. Use of sick leave is recorded in increments of 15 minutes. The unauthorized use of sick leave may result in disciplinary action against the employee, up to and including termination of employment.

Regular, full-time employees are charged with sick leave for each full day they are absent on approved sick leave, based on the number of hours the employee was scheduled to work on the day(s) he or she was sick.

Notification Requirements. Approval of sick leave for non-emergency medical, dental, or optical appointments must be secured in accordance with the written policy established by city manager. In all other instances of use of sick leave, the employee must notify his or her supervisor and request that approval of sick leave be granted before leaving work or, if not already at work, within 15 minutes of the employee's scheduled time to begin work, as a general rule, unless emergency conditions exist. Some departments may require earlier advance notification, depending upon the nature of the work and the need to secure substitute employees to carry on critical city functions. The employee is responsible for understanding the city manager's policy and his or her department's policies regarding advance notice requirements.

Department heads will notify employees in their department if more than 15 minutes' advance notice is required to ensure adequate staffing. The employee also must call the supervisor within the required time frame each subsequent day he or she will be out on sick leave unless other arrangements are made. Failure to provide the required notice may result in the employee's being placed on leave-without-pay status, and could result in disciplinary action against the employee up to and including termination of employment.

Medical Statement. A department head or the city manager may request an employee in his or her department to furnish, and the employee must provide upon request, written verification by a physician and/or other licensed health care provider of medical disability precluding availability for duty at any time that sick leave benefits are requested for three or more consecutive days.

Maximum Accumulation of Sick Leave. Sick leave not used by regular employees during the year in which it accrues accumulates and is available for use in succeeding years up to a maximum allowable accumulation of 1,040 hours (one-half of a regular work year of 2,080 hours) for regular full-time employees. Paid, certified fire personnel who are regular, full-time employees of the city are allowed a maximum of 1378 hours (one-half of a regular work year of 2756 hours). After an employee has reached the maximum accrual amount, no additional sick leave is accrued until the employee's sick leave balance drops below the maximum level.

Exhaustion of Sick Leave. An employee who has exhausted earned sick leave benefits may request to use accumulated vacation or other paid leave, or may request a leave of absence without pay. No advance of unearned sick leave benefits will be made for any reason.

Illness While on Vacation Leave or on a Holiday. When an illness or physical incapacity occurs while an employee is on vacation leave, accrued sick leave may be granted to cover the period of illness or incapacity, and the charge against vacation leave reduced accordingly. Application for such a substitution must be supported by a medical certificate or other acceptable evidence, if requested. If an employee is sick on a holiday, he or she may not use sick leave for these hours and will not get an alternative day off.

Upon Termination. Unused sick leave is canceled upon termination of employment without compensation to employees with less than twenty (20) years of service with the City. When an employee leaves the service of the city with 20 or more years of service, he or she will be paid for accrued but unused sick leave as follows:

From twenty (20) to twenty-four (24) years	130 hours
From twenty-five (25) to twenty-nine (29) years	260 hours
Thirty (30) years or more	520 hours

The rate of pay will be determined by the salary rate in effect at the time of termination. See Section 8.14 Sick Leave Pool (b) "Contribution of Days and Membership Terms", for provisions related to the donation of unused sick leave at termination.

8.05 FAMILY AND MEDICAL LEAVE

Eligible Employees. Family and medical leave is unpaid unless the employee has accrued leave for which the specific absence qualifies. To be eligible for family and medical leave, an employee must have been employed continuously by the city for at least 12 consecutive months, and must have worked at least 1,250 hours during those 12 months in a regular position. This policy applies equally to male and female employees. However, if the city employs both spouses, and the reason for the leave is to care for a newly arrived child or a sick child or parent, 12 weeks is the aggregate (i.e., combined) family and medical leave limit for both. Temporary/seasonal and part-time employees who work fewer than 1,250 hours per year are not eligible for family and medical leave.

Eligible Circumstances. An eligible employee is entitled to 12 unpaid workweeks of leave during any 12-month period for three purposes:

1. Birth or placement for adoption or foster care of a child (only within 12 months of the

birth or placement);

2. A serious health condition of a spouse, child (including step-child), or parent; or
3. The employee's own serious health condition.
 - A serious health condition is one that requires either inpatient care or continuing treatment by a licensed health care provider.
4. Eligible employees with a spouse, son, daughter, or parent, or covered serviceman on covered active duty or call to covered active duty status in the National Guard or Reserves may use their 12-week leave entitlement to address certain qualifying exigencies.

Qualifying exigencies may include:

- Attending certain military events;
- Arranging for alternative childcare;
- Addressing certain financial and legal arrangements;
- Attending certain counseling sessions;
- Attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

Calculation of 12-Month Period. The 12-month period during which an employee may use a maximum of 12 workweeks of this type of leave is measured forward from the date on which the employee's first Family and Medical Leave Act (FMLA) leave begins.

Definition of Family Members. "Son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in the place of a parent. The child must be under 18 years of age or an individual 18 years of age or older who is incapable of self-care because of a mental or physical disability. "Spouse" means a husband or wife as defined or recognized under state law for purposes of marriage, including common law marriage.

Limitations/Restrictions. Leave may be taken on an intermittent or reduced basis for the birth or adoption of a child only if the arrangement is agreed to by the department head and approved by the city manager. However, leave for serious health conditions - either of an eligible family member of the employee or for the employee himself or herself - may be taken intermittently or on a reduced schedule if medically necessary, provided that the other conditions of these policies are met.

Temporary Transfer. If the employee's request for intermittent leave is foreseeable, based on planned medical treatment or known circumstances, the city may require the employee to transfer temporarily to an alternative position, with equivalent pay and benefits, that better accommodates recurring periods of leave.

Maximum Duration. The total cumulative maximum period of time which an employee may be absent from work on family leave during any 12-month period is 12 weeks, regardless of whether all or a portion of the leave period is paid or unpaid. If an employee has accrued sick, vacation, or personal leave on the books at the time that the family leave commences, the employee must exhaust those leave balances, if applicable to the circumstance, before being eligible for unpaid family leave. Once the employee's applicable leave balances have been exhausted, the city will then provide enough unpaid family leave to total 12 weeks of combined paid and unpaid leave. During the unpaid portion of an employee's family leave period, the employee accrues no additional vacation leave, sick leave, or any other type of leave. Other employee benefits remain in place.

Part-Time/Variable Hour Employees. If an employee works a part-time schedule, the amount of leave to which the employee is entitled is determined on a pro rata or proportional basis, provided that the other requirements for family and medical leave eligibility are met.

Notice. When an eligible FMLA circumstance occurs for an employee, the employee must contact the human resource coordinator and complete a written request for family leave, with the leave request specifying the first date of absence or expected absence. In the case of leave for the birth or placement of a child, an employee must provide at least 30 days' advance notice before the date on which the leave is expected to begin. If the employee is unable to provide 30 days' notice, he or she must provide as much notice as is practicable, usually within one or two business days of the date on which the employee is aware of the need to request leave. In the case of leave for a serious medical condition, if the leave is foreseeable, based on planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to disrupt the city's operations unduly. The same advance notice requirements apply.

City Designation of FMLA Leave. If the employee does not request family and medical leave, yet requests the use of accrued leave, and a condition of FMLA eligibility exists, then the city will designate the leave as family and medical leave. A decision for city-designated family and medical leave will be made and communicated to the employee as soon as the city learns that the employee's situation or condition qualifies for family and medical leave. If the city designates an employee's leave as FMLA leave, without a request by the employee, then the city must notify the employee of the FMLA designation. The city's notification to the employee of FMLA designation may be communicated orally, but the oral communication must be documented and must be confirmed in writing no later than the next regular payday (unless less than a week remains until the next payday).

If a supervisor is asked to approve a request for leave that causes him or her to question whether the circumstance might qualify for family leave designation, the supervisor must notify the human resource coordinator immediately so that an accurate determination can be made as quickly as

possible. Supervisors and other employees must not communicate an employee's specific personal health information to others unless the employee has authorized such communication or the employee has communicated the information openly to others. The human resource coordinator is required to keep employees' personal health information confidential, releasing the information only on a limited "need to know" basis, and must maintain such information in a secure file separate from the employee's

personnel file. (Legal reference: U.S. Americans with Disabilities Act of 1990; Health Insurance Portability and Accountability Act of 1996, as amended; and *Ragsdale v. Wolverine Worldwide Inc.*)

Certification of Condition. An employee requesting a family and medical leave of absence (paid or unpaid) for extended illness or temporary disability must submit to the human resource coordinator (1) a medical doctor's and/or other licensed health care professional's statement as to the date upon which the employee is no longer able to perform his or her duties, or (2) a statement that the employee is needed to care for a spouse, parent, or child, with the expected length of the recuperation period, or an estimate of the time required to care for the family member, and appropriate medical facts regarding the condition. In addition, the employee must also provide the human resource coordinator with a written statement from the employee concerning his or her intentions about returning to work at the city. An employee on family and medical leave must contact his or her department head or the human resource coordinator at least once each workweek unless another schedule satisfactory to the city has been established in writing and signed by the department head and the employee, and approved by the city manager. The city may also require subsequent re-certifications be provided to the human resource coordinator as reasonably needed to determine need for the continued leave. Failure to provide required medical status reports or to contact the office on the schedule required by the department head will result in disciplinary action up to and including termination of employment.

Second, Third Opinions. The city may require a second opinion, and, if conflicting, a third opinion from a health care provider as to the need for and scheduling of family and medical leave. The second and third opinions, if sought and obtained by the city, will be paid for by the city and will be obtained from independent health care providers who are not employed by the city. If a third opinion is necessary, the third opinion obtained is final.

Return to Work/Assurances. After completion of an approved family and medical leave period, an employee will be returned either to the same position he or she held before the leave began or to a position equivalent to the previously held position in pay, benefits, and other terms and conditions of employment. This policy may be modified for "key employees," defined as those salaried employees in the top 10 percent of the city's workforce. Key employees will be notified in advance of their status.

If the reason for family leave was an employee's own personal health condition, the employee must provide the following before being allowed to return to work: a written statement from the appropriate physician and/or other licensed health care provider certifying that the employee has been released to return to work and that the employee can perform the essential functions of the job, as well as any limitation(s) on the employee's ability to perform the essential functions of the job.

An employee must return to work as soon as the reason for the family and medical leave has ended. Failure to return to work when the reason for the leave has ended will result in disciplinary action, up to and including termination of employment. If an employee on family and medical leave returns to work in the department to which he or she is assigned, the department head must notify the human resource coordinator immediately before allowing the employee to resume work, to ensure that the appropriate documentation has been filed.

Health Insurance Coverage while on FMLA Leave. Regardless of whether the family and medical leave period is paid, unpaid, or a combination of paid and unpaid, the health insurance coverage for the employee (not the employee's dependents) will be continued in the same manner and at the same level as it would have been had the employee continued in employment for the duration of the family leave period. If the employee wishes to continue dependent insurance, the employee must pay the premium for that coverage to the city no later than the last working day of each month the employee is on leave without pay (deductions will be made as usual while the employee is in pay status, using approved leave

time). However, should the employee decide, at any time after family and medical leave begins, that he or she will not return to work at the city, the employee must reimburse the city for health coverage premiums paid by the city that normally would have been paid by the employer during the family leave period, unless the reason for not returning to work is the continuation, recurrence, or onset of a serious health condition, or other circumstances beyond the employee's control. This is subject to certification at the request of the city, provided by the employee's physician and/or other licensed health care provider.

Retention of Benefits. An employee on family leave does not lose any previously accrued seniority or employment benefits, but does not earn any leave credits or other benefits during the unpaid portion of the leave. However, when the employee returns to work, any benefits remaining on the books when the employee left on family leave will be restored.

Posting of Summary of Act. The city has posted a summary of the Family and Medical Leave Act at all physical city building locations for employees' information. (*Legal reference: Family and Medical Leave Act of 1993 (P.L. 103-3).*)

Request for Leave without Pay or Extension of Paid Leave Immediately Following Family and Medical Leave. If an employee requests additional paid or unpaid leave beyond the 12-week maximum allowable under the family and medical leave provisions of these policies, any extension granted will be under the terms set out in the section of these policies headed **Other Leaves of Absence With or Without Pay**. Employees should read the referenced section carefully and understand the differences between these two types of leaves before requesting an extension of paid or unpaid leave following the conclusion of FMLA leave.

If an employee has accrued sick leave on the books in excess of that necessary to cover the 12 weeks of FMLA leave, the city manager may grant extended paid leave, depending upon the circumstances of the case, the employee's record with the city, and whether the situation qualifies for sick leave benefits under the city's sick leave policy and definition. Approval of any paid leave beyond the conclusion of FMLA leave requires review and authorization by the city manager on a pay period by pay period basis. Any leave in addition to the 12 weeks allowed under FMLA will not be considered to be FMLA leave and will not carry with it the re-employment rights conferred under FMLA.

Documentation. All documentation regarding family leave will be filed in the employee's medical file, which is maintained separate from the personnel files, and is accessible to a limited number of persons, and only on a "need-to-know" basis. (*Legal reference: U.S. Americans with Disabilities Act of 1990; Health Insurance Portability and Accountability Act of 1996, as amended.*)

8.06 MILITARY LEAVE

Regular employees who are members of the State Military Forces, or are members of any of the Reserve Components of the Armed Forces of the United States, are entitled to leave of absence from their duties for annual maneuvers, without loss of time or efficiency rating, leave time, or salary on all days during which they are engaged in authorized training or related duty ordered by proper authority, normally not to exceed 15 days in any one calendar year. Requests for approval of military leave must have copies of the relevant military orders attached. The City of Lampasas will pay an employee on such temporary military leave the difference between his or her military pay and the employee's regular salary with the city for the temporary period covered, normally not to exceed 15 days in any one calendar year.

Regular employees who are ordered to extended active duty with the state or federal military forces are entitled to all of the reemployment rights and benefits provided by law upon their honorable release from active duty. Before returning to duty, the employee must provide the city with the appropriate notice and documents specified in the state and federal statutes in effect at the time.

(Legal reference: V.T.C.A., Government Code, Section 431.005 and Section 613.001-613.005; Fed. 38, U.S. Code Ann., Chapter 43; Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994, as amended.)

8.07 CIVIL LEAVE

Employees are granted civil leave with pay for jury duty, for serving as a subpoenaed witness in an official proceeding, and for the purpose of voting. Employees who are absent from work for jury duty or attendance as a witness at a trial either (1) must surrender the check to the city for performance of the outside duty, or (2) will have their pay reduced by the amount of payment they receive in the form of jury fees or witness fees. *(Legal reference: V.T.C.A. Labor Code, Sec. 52.051; Election Code, Sec. 276.004.)*

Employees must notify the appropriate supervisor as soon as possible prior to taking civil leave. When an employee has completed civil leave, he or she must report to the city for duty for the remainder of the workday if the employee is able to return to his or her work station before the end of the scheduled work day. If the employee will be absent from work for more than one workday on civil leave, he or she must notify the appropriate supervisor daily at the beginning of each workday on which he or she will be absent.

An employee who is called for jury duty must provide his or her supervisor with an acknowledgement of service from the court.

8.08 PUBLIC SERVICE

The City supports employee's participation in public service activities. To that end, subject to work load and Departmental needs, and with approval from your supervisor, employees will be allowed compensated time off for service to the Lampasas Volunteer Fire Department, for mentoring at School, to give blood, or to volunteer for public service activities providing said service does not disrupt working needs of the City.

8.09 EMERGENCY LEAVE

Emergency leave with pay may be granted to regular and regular part-time employees by the city manager in the event of a death or life-threatening illness in an employee's family. Emergency leave is limited to three days per in-state occurrence and five days for out-of-state occurrences, and no more than two occurrences per year of either in-state or out-of-state, or a combination thereof per calendar year. The length of time granted for funeral leave must be approved by the department head in advance and will depend on the circumstances. The terms of and reasons for the leave must be documented and filed in the employee's personnel file. Emergency leave, which can only be taken with advance approval and must be properly coordinated with the employee's supervisor, cannot be accumulated or carried forward.

For purposes of emergency leave, "family" includes spouse, child (natural, step, foster, or adopted), parent, brother, sister, grandparent of an employee or employee's spouse, or any other relative living in the employee's household.

8.10 ADMINISTRATIVE LEAVE

The city manager may authorize administrative leave, with or without pay, when warranted by unforeseen circumstances not otherwise provided for in these policies.

8.11 ABANDONMENT OF POSITION

Unauthorized absence from work for a period of two consecutive working days may be considered by the city manager as a resignation. Unless the city manager determines otherwise, the resignation is not in good standing, and the former employee is not eligible for reemployment.

8.12 OTHER LEAVES OF ABSENCE WITH OR WITHOUT PAY

Leave of absence, whether with or without pay, is an approved absence from duty in either a paid or a non-paid status. Granting a leave of absence, whether with or without pay, is at the discretion of the city manager. This type of leave is not authorized unless there is a reasonable expectation that the employee will return to employment with the city at the end of the approved period. Employees on leave of absence without pay receive no compensation and accrue no benefits. However, previously accrued leave balances, benefits, and seniority are retained during leaves of absence unless otherwise prohibited by the terms or provisions of the benefit programs or by these policies. Medical insurance can be continued during approved leaves if the employee pays the premiums (including the city's portion) in full in a timely manner or if the city council authorizes the city to make payment.

Revocation of Extended Leave With or Without Pay. An extended leave of absence, with or without pay, may be revoked upon receipt of evidence submitted that the cause for granting such leave was misrepresented or has ceased to exist, or if the needs of the city to fill the position arise.

Authorized Reasons for Extended Paid Leave or Leave Without Pay. A leave of absence, with or without pay, may be appropriate for the following reasons:

- Recovery from extended illness or temporary disability, including using either accrued paid leave or leave without pay to add to the allowable 12-week period of family leave; pregnancy is treated in the same manner as any other extended illness or temporary disability (see also the section on **Family and Medical Leave** for the portion of the pregnancy that prevents an employee from working because of medical reasons);
- Educational purposes when successful completion will benefit the city;
- Public service assignments (typically leave without pay);
- Seeking public office (leave without pay);
- Personnel exchange programs which emphasize intergovernmental relations (typically leave without pay); or
- Any other reason which, in the judgment of the city manager, merits a leave of absence without pay or qualifies for the use of accrued leave time under the city's policies.

An approval of a request for leave of absence without pay is at the sole discretion of the city manager and is based upon the employee's length of service with the city and past attendance record, the department's needs, and the prospect for temporary replacement of the employee or reassignment of the employee's duties. Under normal circumstances, a leave of absence without pay is limited to a maximum of one month. However, in extraordinary circumstances, the city manager, with the approval of the city council, may extend the leave-without-pay period in increments not to exceed 30 days each. Extended paid leave using accrued leave time may be authorized only by the city manager and can be authorized only on a pay period by pay period basis and not to exceed the total accrued leave time on the employee's records.

Return to Work After Leave Without Pay or Extended Leave With Pay. Upon returning to work after an authorized leave of absence without pay, an employee receives an adjusted employment date and adjusted anniversary date which reflect the period of time that the employee used for leave of absence. This adjusted date will be used for the purpose of calculating vacation leave accrual and any other benefits that may be based on longevity.

At the expiration of an authorized leave of absence without pay, or an extended leave of absence with pay, reasonable and prudent efforts will be made to reinstate the employee in the same, or a comparable, position. However, if no vacancy exists and a reasonable effort to place the employee in another position has been unsuccessful, the employee will be separated and paid any applicable accrued benefits. See also sections on **Family and Medical Leave** and on **Military Leave** for specific provisions relating to leaves of absence for those purposes.

8.13 INJURY LEAVE

For information on occupational disability or injury leave for bona fide, on-the-job, work-related injuries, please see the sections in this document under the main heading **Health and Safety**. Injuries that do not occur on the job are not subject to the city's injury leave.

8.14 USING LEAVE IN COMBINATION

When an employee who is on sick leave has exhausted his or her accrued sick leave, the employee will automatically be placed on vacation leave if the employee:

1. has accrued vacation leave available, and
2. has not requested a temporary leave of absence without pay.

A regular employee who is requesting extended leave has the option of choosing to use all or part of his or her accrued sick and vacation leave in any combination with the requested leave without pay, contingent solely upon approval of the city manager. This does not apply to family and medical leave, which requires that the employee exhaust all eligible, applicable leave balances before family leave without pay may commence.

Sick leave cannot be used for vacation purposes when accrued vacation leave is exhausted.

With the approval of the employee's department head and the city manager, other types of leave may be used in combination or coupled with holidays if it is determined to be in the best interests of the city and the employee.

8.15 SICK LEAVE POOL

The purpose of the sick leave pool is to provide additional sick leave time to City employees in the event of a catastrophic illness or injury, surgery, or disability that prevents an employee from active employment. Hours shall be applied from the Pool only after the employee has exhausted all accrued sick, vacation and compensatory time off, has met the provisions set forth by the policy, and has been granted the time from the pool.

a. Definitions

- (1) Employee – a regular full time employee, either exempt or salaried non-exempt, with twelve (12) or more months of continuous employment with the City. Only those employees that accrue sick and vacation leave shall be eligible.

- (2) Member – is an eligible employee as described in the definition of “Employee” above who has enrolled in the sick leave pool by contributing at least one day of sick leave, per year.
- (3) Catastrophic illness or injury – is defined as a terminal, life-threatening, and/or severe condition or combination of conditions affecting the mental or physical health of the employee that requires the services of a health care practitioner for a prolonged period of time and that forces the employee to exhaust all accrued leave time (sick leave, vacation, and compensatory time off), thereby resulting in the loss of all compensation from the City.
- (4) Health Care Practitioner – as defined by the Texas Insurance Code, is one who is practicing within the scope of his/her license.
- (5) “Sick Leave Hours from the Pool” – those hours granted to a member who has a qualifying condition and is unable to perform the duties of his/her position. Members shall be limited to a benefit maximum of 480 hours of sick leave from the Pool per catastrophic illness or injury.
- (6) Qualifying Conditions – a catastrophic illness or injury as defined above and documented by a health care practitioner.
- (7) Council – the Lampasas City Council.
- (8) “Unit of sick leave hours” – the number of sick hours which are awarded from the Pool and which shall be within the discretion of the Committee, up to and including 80 hours per Sick Leave Pool request.
- (9) Committee – the Sick Leave Pool Committee, an elected body of Pool members which serve as the administrator of the Pool including the granting authority for benefits from the Pool.

b. Contribution of Days and Membership Terms

Contributing to the Sick Leave Pool is voluntary; however, all eligible employees are encouraged to participate. A member may contribute 8 to 40 hours of sick leave each year from his/her accrued sick leave. An employee who terminates his/her employment with the City may donate 8 to 80 hours of his/her accrued sick leave to the Pool.

Eight (8) hours of sick leave contributed to the Pool provides the employee with one year of membership in the Pool, after which the employee must contribute, an additional 8 hours per year to remain eligible for benefits through the Sick Leave Pool. Beginning January of 2012, membership shall only be valid for the year(s) in which a contribution was made on February 28th or earlier. Contributions made after February 28th of each year shall qualify an eligible employee for membership in the following year(s). Contributions for the initial membership in 2011 shall only be valid if made by March 31.

During January of each year the Committee shall conduct a “contributions drive”, encouraging eligible members to make an annual contribution of 8 to 40 hours of accrued sick leave to the Pool. During any year in which the number of hours accumulated exceeds 4,000 hours members do not have to contribute during that year. During such years current members shall remain active and eligible for benefits for an additional year. If the pool falls

below 1,440 hours the Committee shall request that members voluntarily contribute an extra 8 hours, up to a maximum of 24 hours, until the Pool reaches 1,600 hours.

Newly hired eligible employees may contribute between 8 to 40 hours of their accrued sick leave upon completion of twelve (12) months of continuous employment with the City. Hours donated shall be subtracted from the members' accrued sick leave record by the Payroll Administrator. The sick leave hours shall become the property of the Pool and cannot be returned. On December 31 of each year, the number of unused hours in the Pool shall be determined and carried forward for the next year.

Members who terminate their employment with the City of Lampasas forfeit at that time their membership in the Pool and the hours they have contributed. Members on approved leaves of absence shall retain membership in the Pool during the year in which they contributed.

c. Applying for Sick Leave Days

- (1) If a member has a qualifying condition requiring additional sick leave hours after all accrued sick leave hours, vacation hours, and compensatory time off have been used, the member may submit a request for sick leave hours from the Pool to the Human Resource Coordinator. A copy of the request shall be forwarded to the Department Head.
- (2) Sick Leave Pool Request Forms are available from the Human Resources Office.
- (3) A member who requests sick leave hours must submit to the Human Resources Coordinator a Sick Leave Pool Request form and a copy of the attending health care practitioner's statement identifying:
 - a. The nature of the qualifying condition (optional);
 - b. The date of initial onset of the qualifying condition; and
 - c. The anticipated date the member will be eligible to return to work, either on an unrestricted full-time or part-time/limited duty basis.
- (4) Sick Leave Pool Request Forms must be submitted no more than ten (10) working days before the exhaustion of all the members' accrued sick leave, compensatory time off and/or vacation hours.
- (5) The Committee may refuse to consider a request that does not contain the required information.
- (6) If a member is critically ill and unable to file a request for sick leave hours from the Pool, the Department Head may submit an application at the request of the employee's family.
- (7) After a unit of sick leave hours has been exhausted, a member requesting an additional unit of sick leave hours from the Pool may be required to undergo a medical review by a second physician, at the member's expense.
- (8) A member may also be required by the Committee to undergo periodic return visits to his/her health care practitioner to assess progress and make reports to the Committee.

d. Granting of Hours from the Pool

- (1) The Sick Leave Pool may not be used for the first 160 working hours absent from a qualifying illness or injury. The “160 working hours absent” for a qualifying illness need not be consecutive days/hours, but must be for the same or related illness or injury as described in the Application and must have been taken during the previous twelve (12) months. The purpose of this paragraph is to encourage employees to save some of their leave time in case of a catastrophic illness or injury and not to rely solely on the Sick Leave Pool for such events.
- (2) Hours granted from the Pool shall be in units of not more than 80 consecutive hours. At the end of the 80 hours, the member may apply for an extension by submitting an updated statement from the health care practitioner on the proper form. A member may draw out only as many hours as the Committee approves. Until such time that a Committee is appointed, the City Manager has authority to award time from the Pool.
- (3) The Committee may not consider requests or grant hours from the Pool for employees that will or that have been out of work for 12 weeks under FMLA, without approval from the City Manager. The Human Resource Coordinator shall forward requests from employees that have or will exceed 12 weeks under FMLA to the Director of the Department. The Director will then meet with the City Manager to determine if the request will be forwarded or not to the Committee. **NO HOURS FROM THE POOL SHALL BE GRANTED ANY EMPLOYEE PAST THE 12 WEEKS FMLA WITHOUT THE CITY MANAGER’S APPROVAL.** Employees should read Section 8.04 Family and Medical Leave.
- (4) The Pool may be used only by the individual member for his/her personal qualifying condition. The Pool may not be used by the member to assist a family member who is ill or disabled.
- (5) The Committee shall review and forward to the Human Resources Department its decision on all requests to draw on the Pool within five (5) working days after a request is received by the Human Resources Coordinator.
- (6) A member may not use time in the Pool in an amount that exceeds the lesser of one-third (1/3) of the total amount of time in the pool or 480 hours.
- (7) A member absent on sick leave assigned from the Pool will be treated for all purposes as if the employee were absent on earned (accrued) sick leave.
- (8) The estate of a deceased member is not entitled to payment for unused sick leave acquired by that member from the Pool.
- (9) Sick leave hours from the Pool may not be granted for the period of disability when monies are paid to the member under the Texas Workers’ Compensation Act.
- (10) All unused hours shall be returned to the pool.

e. Composition of Committee

- (1) The Committee shall be composed of five members. Committee Members shall be elected at large for positions one through five. Odd numbered positions shall expire in odd numbered years and even numbered positions shall expire in even numbered years. However, Committee Members shall serve until replaced through an election. Positions

will be assigned based on the number of votes received, with the person receiving the highest number of votes appointed to the lowest position number available for that year. Tie votes shall be settled by drawing names. No Department shall have more than two representatives on the Committee. In those instances where a Department has three or more representatives among the top five candidates receiving votes, all except the top two shall be automatically disqualified. In those instances where the number of eligible employees nominated for a position on the Committee does not exceed the number of positions available, it shall not be necessary to conduct an election.

- (2) Eligible employees may submit a Nomination Form to the Human Resources Coordinator to have their name placed on the ballot for the next election. The Nomination Form must be signed by the eligible employee requesting to be placed on the ballot. The letter must be received by the Human Resources Coordinator no later than November 1st of each year, although the City Administrator may extend the deadline if necessary to receive a minimum number of candidates.
- (3) The Committee shall be initially elected by the City Council and shall be composed of five regular full time employees. On or before January 1st, 2012, the City shall conduct an election to select new members to the Committee. Thereafter the City shall conduct an election in November or December of each year for those positions whose terms will expire on January 1st of the following year. Numbered Ballots will be distributed with the employee payroll and must be returned to the Human Resources Coordinator by the deadline date on the Ballot. Those Ballots returned after the deadline date shall not be counted. All employees eligible for participation in the Sick Leave Pool shall be entitled to cast one vote for each position to be elected on the ballot (i.e. – odd numbered years each eligible employee can vote for up to three nominees; even numbered years each eligible employee can vote for up to two nominees.)
- (4) In the event that a Committee Member requests time from the Pool, that Committee Member may not be present to deliberate the request or vote on the request.
- (5) In the event that a Committee Member chooses to resign from the Committee or leaves the employment of the City prior to the expiration of the term for that position, the vacancy shall be filled by the City Council until the next regular election.
- (6) The Human Resources Coordinator shall serve as the Committee's Secretary and shall provide guidance and administrative assistance to the Committee but shall not be a voting member.

f. Committee Duties and Responsibilities

- (1) At the initial yearly meeting the Committee shall elect a Chairman and Vice-Chairman.
- (2) Requests for Sick Leave Pool hours shall be confidentially and individually reviewed by the Committee in a called meeting. A member may be required to appear before the Committee to substantiate a request.
- (3) The Committee shall approve, disapprove, or modify the number of hours requested from the Pool. Sick leave hours shall be awarded in amounts up to the maximum 80 hours unit.
- (4) The decision of the Committee shall be based on a majority vote of the quorum. A quorum shall be based on at least three (3) committee representatives.

- (5) The Committee Chairperson shall notify the Department Head of all approved sick leave requests.
- (6) The Committee Chairperson shall forward all approved sick leave requests to the Human Resources Coordinator.
- (7) The Committee reserves the right to modify or waive any requirement listed above, with the approval of the City Council, to address any special circumstances that arise.

g. Appeals

A member may appeal the Committee's decision by submitting a written request to appear before the Committee. If a member requests an appeal to the Committee, the Committee shall hear the appeal from the member or his/her designee. The Committee shall respond to the appeal within ten (10) working days after receipt. The Committee's decision shall be final.

h. Amendments

This policy may be amended at any time through Council action. Requests for amendments by staff/employees must be presented to the Committee for their recommendation and approved by the City Council.

9.00 HOLIDAYS

9.01 GENERAL HOLIDAY POLICY

Holidays are days designated by the city on which city offices are closed, that normally would be regular business days. Paid holidays are **established each year by the city council**. The following are normally observed as paid holidays for regular city employees:

1. New Year's Day
2. Martin Luther King, Jr. Day
3. Good Friday
4. President's Day
5. Memorial Day
6. Independence Day
7. Labor Day
8. Veteran's Day
9. Thanksgiving Day
10. The Friday after Thanksgiving
11. Christmas Day, plus one additional business day

In addition, the city provides one personal business day off per year to each employee. See Section 9.05

The city manager may designate other holidays in accordance with directions from the city council. A list of holidays approved by the city council for the current year, specifying days of the week and dates, will be distributed to all employees at least once each year. Whenever an approved legal holiday falls on a Saturday or Sunday, it will be observed on the Friday preceding or the Monday following the holiday, as determined by the city council or designated as a national holiday, for employees whose scheduled workweek is Monday through Friday.

9.02 WORK DURING HOLIDAYS

It is not always feasible to grant holidays at the scheduled time, especially for employees who are assigned shifts in an "around-the-clock" or "on call" operation. With the approval of the city manager, a department head who finds it necessary to do so may direct some or all employees of the department to report for work on any holiday.

Regular employees whose jobs are not exempt from overtime under FLSA, who are required to work on a holiday, either (1) will be paid time and one-half for the total number of hours worked on the holiday, or (2) will be provided an alternate day off in exchange for the holiday.

For employees whose normal work schedule is Monday through Friday, the scheduled holiday is the designated holiday observed by the city, which may or may not be the actual holiday on the calendar. For employees whose normal work schedule is something other than Monday through Friday, the scheduled holiday is the actual holiday on the calendar.

Temporary/seasonal, part-time, and hourly employees working fewer than an average of 20 hours per week are not paid for holidays not worked. Regular part-time employees who work at least 20 hours per week are paid for holidays based on the number of hours they would have worked if the holiday had been a regular work day.

If a firefighter works on a holiday, employee is paid the number of hours worked at one and one-half times rate of pay. In addition, employee is also paid 12 hours holiday pay at one times rate of pay. Police Officers that work a 10 hour shifts that work on a holiday are paid the number of hours worked at one and one-half times rate of pay. If employee does not work on the holiday, the employee is paid 10 hours holiday pay at one times rate of pay.

9.03 HOLIDAYS FALLING ON NON-WORKDAYS

This section applies only to employees who work on shifts other than Monday through Friday. Whenever a legal holiday on the current year's list of approved holidays falls on a regular employee's regular day off and the employee does not work that day, he or she:

1. Will be provided with an alternate holiday on what would otherwise have been a regular workday for the employee within the week; or
2. With the approval of the city manager, will be paid time and one-half for the hours actually worked for the holiday. This excludes traded workdays within a department.

9.04 HOLIDAY DURING VACATION

If an official holiday falls within a regular employee's vacation, the employee will be granted the holiday and not charged for a day of vacation.

9.05 PERSONAL BUSINESS LEAVE

Regular employees earn personal business leave each year as follows:

- a. Full-time employees earn eight hours of paid personal business leave, and
- b. Part-time employees who work at least 20 hours per week earn four hours of paid personal business leave.

Personal business leave is accrued annually on January 1. Employees must schedule personal business leave in advance, and must receive approval of the leave from their supervisors.

Personal business leave must be used in the year in which it is accrued, and may not be carried forward. Employees leaving employment with the city will not be paid for any unused personal business leave.

10.00 HEALTH AND SAFETY

10.01 GENERAL HEALTH AND SAFETY POLICY

It is the policy of the city to make every effort to provide healthful and safe working conditions for all of its employees.

10.02 EMPLOYEE RESPONSIBILITIES AND REPORTS

Employees are responsible for conducting their work activities in a manner that is protective of their own health and safety, as well as those of other employees and citizens of the city.

After consultation with the department head, a supervisor may require an employee to obtain a medical evaluation of his or her ability to operate equipment or vehicles safely. Such a medical evaluation may be required only if a supervisor has a reason to believe that an employee is incapable of safe operation of assigned equipment or vehicles. The city will pay for required medical evaluations.

An employee must report every on-the-job accident and/or injury, no matter how minor, to his or her supervisor immediately, who notifies the department head. Department heads must notify the city manager of any accident, regardless of how minor. The employee's supervisor reports the incident to the human resource coordinator, who in turn notifies the city's workers' compensation insurance carrier.

The following rules are designed to promote the safety and well-being of city employees and are to be observed by employees at all times:

- No employee may engage in horseplay, wrestling, or practical joking while on duty or operating city equipment;
- Employees should maintain awareness of potentially dangerous situations that may cause injury to themselves, fellow employees, or the public;
- Employees must report immediately to their supervisors any conditions that in their judgment threaten the health or safety of employees or the public;
- An employee who is unable to perform his or her duties safely due to illness must promptly notify his or her supervisor; and
- Employees must immediately seek proper first aid treatment for all on-the-job injuries, including minor injuries, and must immediately report all injuries to their supervisor unless emergency circumstances prevent such a report.

Failure to report an on-the-job, work-related injury or illness as required by state law and city policy could result in loss of compensation benefits and will result in disciplinary action, up to and including termination of employment.

10.03 EMPLOYEE SUGGESTIONS

Employees are encouraged to make suggestions to their supervisors for improvements that would make the city workplace safer or more healthful.

10.04 ON-THE-JOB INJURIES

Insurance. The city provides workers' compensation insurance for all of its employees. This insurance provides medical expenses and a weekly payment if an employee is absent from work because of a bona

fide, on-the-job, work-related injury for more than one week. All workers' compensation insurance claim forms must be submitted to the human resource coordinator immediately for appropriate action to be taken. (*Legal reference: Workers' Compensation Act, V.T.C.A. Labor Code, Title 5, Subtitle A.*)

Medical Attention. An employee who sustains a bona fide, on-the-job, work-related injury may seek medical attention from the medical facility or professional of his or her choice. The city encourages employees to return to work as soon as they are able to do so. An employee returning to work **must submit a physician's or other health care provider's statement of medical condition and release to return to full capacity work.** As determined by the city manager, at the city's expense, an employee may be required to submit to examination by an independent physician. (*Legal reference: Workers' Compensation Act, V.T.C.A. Labor Code, Title 5, Subtitle A.*)

Post-Accident Substance Abuse Testing. When an employee sustains an on-the-job, work-related injury or illness that requires outside medical treatment, the employee will also be subject to completing a screening for the presence of drugs and/or alcohol in the employee's system. In addition, when an employee is involved in a mobile equipment accident, the employee will be subject to completing a screening for the presence of drugs and/or alcohol in the employee's system. Any employee who refuses screening for the presence of drugs and/or alcohol will be subject to immediate termination.

Statutory Benefits. Employees who sustain an injury while at work with the city may be eligible to receive benefits prescribed by the Texas Workers' Compensation Act. These benefits include compensation payments, medical care as reasonably required to cure and relieve the effects of the injury or occupational disease(s), and/or death benefits.

Workers' compensation benefits are subject to a seven-calendar-day waiting period. After 14 calendar days of lost time, the seven-day waiting period will be paid retroactively under workers' compensation. All workers' compensation insurance claim forms must be submitted to the human resource coordinator's office immediately after injury for appropriate action to be taken. (*Legal reference: Workers' Compensation Act, V.T.C.A. Labor Code, Title 5, Subtitle A.*)

Exclusion. Injuries caused by willful intent and attempt to injure self or to unlawfully injure another, intoxication, horseplay by the injured employee, an act of God except in certain limited circumstances (i.e., assigned to official duty during a tornado, lightning storm, etc.), or an act of a third party for personal reasons are excluded specifically from coverage by injury leave with pay. Workers' compensation fraud is a crime (misdemeanor or felony, depending upon the dollar value of the benefits received) punishable by fines and/or jail time. The city will prosecute any individual found to be claiming a work-related illness or injury fraudulently and terminates employment with the city. (*Legal reference: Workers' Compensation Act, V.T.C.A. Labor Code, Title V, Subtitle A.*)

Initiation of Injury Leave. An employee who is put on leave for a bona fide, on-the-job, work related injury will be provided with a copy of the city's policy on "On-the-Job Injuries" prior to or as soon after the beginning of the leave as is feasible. Injury leave begins on the first scheduled workday of absence due to on-the-job injury and continues until the employee returns to work, his or her eligibility expires, or the employee is removed from injury leave coverage by the city manager after consultation with the city attorney.

Compensation. If an employee sustains a bona fide on-the-job, work-related injury which renders him or her unfit for performing all required duties of the job, that employee must file a workers' compensation claim and will receive workers' compensation payments as authorized under state statute.

However, payment for the workdays within the first seven calendar days is not received by the employee until he or she has been off work 14 days. Therefore, the city will allow the employee to use accrued sick leave, vacation leave, or compensatory time off, if balances exist in the employee's leave accounts, during the first seven calendar days missed because of injury leave. After the seventh calendar day, when worker's compensation payments commence, the employee will receive only the amount paid by the city's worker's compensation carrier. An employee receiving workers' compensation payments may not use accrued sick or vacation leave to supplement the workers' compensation payments.

Once an employee on injury leave is no longer on the city payroll, he or she is personally responsible for any amounts that would have been deducted from his or her paycheck when he or she was previously on the city payroll. The employee must provide the city with a check or cash for any such amounts, such as dependent coverage for medical/dental and life insurance, not later than the first of each month.

An employee receiving workers' compensation payments does not accrue vacation or sick leave and is not entitled to receive holiday pay.

Continuation of Group Medical Insurance for Employee and/or Dependent. To continue medical insurance for the employee and/or the employee's dependent(s) while the employee is on injury leave and no longer receiving a regular city paycheck, the city will continue to pay the city's portion of the employee's medical insurance for a period of time not to exceed one year following the employee's injury. During this time period, the employee must remit to the city the employee's portion of insurance premiums in a timely manner each month. Thereafter, the employee must pay both the employee's and the city's portions of these insurance premiums to the city on the schedule established by the city manager, if allowed by the city's insurance carrier, in order to maintain coverage.

Reporting Requirements. While on leave because of a bona fide, on-the-job, work-related injury, or any other type of injury, each time the employee sees the physician or other health care provider for consultation or treatment, he or she must provide a progress report to the human resource coordinator, who will notify the city manager of return-to-work expectations. Whether or not the employee has seen a physician or other health care provider, the employee must provide a written report on the status of his or her condition at least once every two weeks. Any change in the employee's condition, which might affect his or her entitlement to workers' compensation payments, must also be reported to the human resource coordinator. In addition, the injured employee must contact the human resource coordinator on a regular basis, as established by the city manager, to report on his or her condition and expectations for return to work. Failure to provide the required medical status reports or to contact the human resource coordinator on the schedule required by the city may result in revoking the employee's leave and may result in disciplinary action up to and including termination of employment.

Duration of Injury Leave. The maximum duration of occupational disability or injury leave is six months unless an extension is expressly authorized by the city manager. Requests for extension may be authorized after careful review by the city manager, in no more than 30-day increments. Any extension(s) must be reported to the city council. No extension will be granted if the city's requirement is for the position to be filled.

Termination of Injury Leave. After consultation with the city attorney, the city manager will terminate the injury leave upon receipt of evidence that the employee, while able to return to work, has not done so. Injury leave with pay may be terminated at any time without prior notice.

Return to Service. A written statement from an appropriate physician or other health care provider certifying that the employee has been released to return to work and specifying the type(s) of work he or she is capable of performing, as well as any limitation(s), must be received by the city before an

employee may return to work. Such a statement must be provided to the human resource coordinator immediately prior to the employee's return to work in his or her department. All employees on injury leave must return to work after approval of either the employee's attending physician or other health care provider, or an independent physician or other health care provider, paid by the city. Failure to return to work when directed will result in appropriate disciplinary action, up to and including termination.

If the employee reports for work in his or her department without a statement from the human resource coordinator relating to having received appropriate paper work from the physician and having received authorization from the city manager for the employee to resume his or her duties, the employee's supervisor must notify the human resource coordinator immediately. The employee may not be allowed under any circumstances to resume his or her duties until assurance has been received that the proper documentation has been filed and the city manager has approved the employee's return to work. Once the appropriate authorizations are in place, the city will resume recordkeeping for purposes of payroll, benefits, leave, and length-of-service accruals. (See also Temporary Light Duty Status, below.)

Temporary Light Duty Status. It is normally not the policy of the city to allow an employee to return to work on light duty status. However, in certain limited circumstances, light duty may be permitted. During the course of an on-the-job injury leave of absence, if an employee is released by his or her physician or other health care provider for light duty, the employee's job or alternative job assignment(s) will be evaluated carefully by the city manager, in consultation with the department head and legal counsel, to determine whether a position is available in which the city can use the employee's limited services for a temporary period of time. If no acceptable light duty assignment can be found, the city manager will deny the request and the employee will be placed on inactive status until released by the physician or other health care provider to return to his or her previous job.

An employee who is able to return to work in light duty status is in a temporary status and may be required to work in a different department and perform duties not contained within his or her current job duties. While in light duty status, the employee will be paid the appropriate pay for the job being performed. A light duty assignment cannot exceed 60 days. In addition, the employee may be eligible for workers' compensation payments in a reduced amount.

Inactive Status. The city may place an employee on injury leave on inactive status:

1. At any time that a city department head, in consultation with the city manager, determines that it is a business necessity to hire a temporary replacement for an employee on injury leave; or
2. When an employee on injury leave is unable to return to regular duty for a total of six months, unless an extension of injury leave is expressly authorized by the city manager.

When an employee on injury leave is placed on inactive status, the employee's department head is free to hire or promote a temporary replacement.

Temporary replacements may be used for a period of six months. If, at the end of that six-month period, the injured employee remains unable to return to work, the temporary replacement may become a regular employee. The injured employee will remain on the city's records in an "inactive" status (not terminated) for the duration of the approved injury leave.

When the injured employee has reached maximum recovery, but is on inactive status, the city will consider the employee for employment in a capacity for which the employee is qualified, if a position is available.

Total Disability/Retirement. A determination of total disability may be rendered at any time during the course of the occupational disability or injury leave. Upon such a determination, the human resource coordinator will make the necessary arrangements for an eligible employee's retirement under the "disability retirement" clause of the coverage provided by the city's retirement plan.

Reasons for Termination of Employment During Injury Leave. An employee may be terminated while on leave for an on-the-job injury, after consultation with the city's legal counsel, for the following reasons:

1. Refusal to return to duty on the workday on which the employee has been released by the treating physician or other health care professional; **or**
2. Failure to accept a "light duty" assignment; **or**
3. Refusal to return to duty after proof was established that the employee was able to work; **or**
4. Refusal to keep the city informed of their status in accordance with the reporting requirements of these policies.

Final Release or Settlement. At the time of final release or settlement of a workers' compensation claim, the employee must furnish the city with a certificate from the employee's physician or other health care provider stating that the employee is able to return to work. The certificate must also specify any limitation(s) on the employee's physical condition and the estimated duration of the limitation(s).

The city will then evaluate the employee's physical condition and determine whether he or she can perform the essential duties of the job previously held. If:

1. The employee cannot perform his or her previous duties, **or**
2. No vacancy exists, **or**
3. No other suitable position is available, **and**
4. A reasonable effort has been made to place the employee in a suitable position, **then**
5. He or she will be separated and paid accrued benefits, if any.

If the employee is separated from city employment at this point, the city manager or his or her designee will:

1. Send the employee a certified, return receipt requested letter;
2. Explain the circumstances, outlining the reasonable effort made to place the employee in a suitable position; and
3. Inform the employee that he or she has been separated from city employment and that he or she will be mailed a final paycheck, if applicable, for any accrued and payable leave benefits.

Injury Leave and the FMLA. If a bona fide, on-the-job, work-related injury requires injury leave and involves a serious health condition that is eligible under the Family and Medical Leave Act of 1993, the city will designate the leave taken as FMLA leave, to run concurrently with the employee's injury leave. See the section of these policies on **Family and Medical Leave.** (*Legal reference: Family and Medical Leave Act of 1993 (P.L. 103-3).*)

Privacy Protection. The privacy of individuals' medical records and personal health information will be protected in all transmittals to and from insurance carriers and health care providers. In addition, city personnel and elected officials who receive personal health information about employees will protect the privacy of individuals' personal health information: any conversations regarding an employee's personal health condition or status will be held only with city personnel with a need to know the information, and only in locations where the conversation may not be overheard. The only exception is when the employee has released the information to others himself or herself. (*Legal reference: Health Insurance Portability and Accountability Act of 1996, as amended.*)

11.00 DRUG AND ALCOHOL ABUSE

11.01 DRUG-FREE WORKPLACE

The following policy has been adopted to implement the City of Lampasas's desire to establish itself as a Drug-Free Workplace. In all instances where reference is made to alcohol, drugs, or other controlled substances, the references include inhalants.

1. All employees of the city are hereby notified that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or alcoholic beverage is prohibited in the workplace of the city and while representing the city off premises. Employees who violate this policy will be subject to immediate disciplinary action up to and including termination.

At the city's discretion, as a part of discipline, an employee may be required to obtain substance abuse education, substance abuse counseling, and/or enter and complete a substance abuse treatment program.

2. The city has established a drug-free awareness program providing:
 - Information about the dangers of drug and alcohol abuse in the workplace;
 - The city's policy of maintaining a drug-free and alcohol-free workplace;
 - Information about available drug and alcohol counseling and rehabilitation; and
 - Information about the penalties that may be imposed on employees for drug or alcohol abuse violations occurring in the workplace.
3. Each employee of the city will be furnished a copy of this policy, as well as the city's complete drug/alcohol testing policy. Employees will be asked to sign an acknowledgment form indicating that they have received a copy of the drug/alcohol testing policy.
4. All employees of the city will abide by the terms of this policy and will notify the city of any drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
5. The city will notify any funding agency which requires notification within 10 days after receiving notice under the above paragraph from an employee or otherwise receiving actual notice of such conviction.
6. Any employee so convicted will be subject to disciplinary action up to and including immediate termination.
7. The city will make a good faith effort to continue to maintain a drug-free and alcohol-free workplace through the implementation of this policy and any Drug and Alcohol Abuse Policy.

(Legal reference: V.T.C.A. Labor Code, Chapter 411, Subchapter G.)

11.02 PURPOSE OF DRUG TESTING PROGRAM

The purpose of this policy is to ensure a safe working environment and to protect the health and safety of the public by requiring that employees and applicants be free from drug or alcohol dependence, illegal drug or controlled substance use, and drug or controlled substance abuse.

The intent of the policy is as follows:

1. To provide clear guidelines and consistent procedures for handling incidents of employees' use of alcohol, drugs, or controlled substances that affect job performance, and to make every effort to institute and maintain a drug-free workplace;
2. To ensure that employees conform to all state and federal regulations regarding alcohol, drugs, or controlled substances; and
3. To provide substance abuse prevention education for all employees.

11.03 GENERAL POLICY

All city employees shall not take any narcotic or dangerous substance unless prescribed by a person licensed to practice medicine. Employees who are required to take prescription medicine must notify their supervisor if the medication is likely to impair their ability to perform their job. Any statutory defined illegal use of drugs by an employee, whether during or outside city employment hours, will not be tolerated.

City employees who have a reasonable basis to believe that another employee is illegally using drugs, alcohol, or narcotics must report the facts and circumstances immediately to their supervisor.

Failure to comply with the intent or provisions of this policy may be used as grounds for disciplinary action up to and including termination of employment. Refusal by an employee to take the required drug test or follow this general policy will result in immediate relief from city duties pending disposition of any additional administrative personnel action.

Employees who fail a drug or alcohol test may be terminated by the city immediately, in which case the city will inform the employee where he/she may seek help. (*U.S. Department of Transportation 49 CFR Part 382, Subsection 382.605.*)

11.04 DRUG AND ALCOHOL TESTS

Employees who operate vehicles or equipment that require possession of a commercial driver's license or who occupy safety sensitive positions are subject to five types of testing for both drugs and alcohol: pre-employment, post-accident, random, reasonable suspicion, and return to duty. All other city employees are subject to four types of testing: pre-employment, post-accident, reasonable suspicions, and return to duty.

Pre-Employment Testing. The city performs pre-employment drug/alcohol tests on all new employees, after extending a conditional offer of employment, but prior to the first day of work. In addition, the city must and will request the results of U.S. Department of Transportation (DOT) drug tests from previous employers for employees required to hold a commercial driver's license.

Post-Accident Testing. The city may test an employee involved in any accident, no matter how serious, for drug and alcohol use.

Random Testing. For vehicle operator positions requiring a commercial driver's license, the city is required to perform unscheduled, random tests of covered employees at a rate of 50 percent of the total

number of covered positions per year. Certain other safety sensitive positions (licensed peace officers, fire personnel, and dispatchers) also may be subject to random testing.

Reasonable Suspicion Testing. All supervisors of covered employees are required to attend two hours of U.S. Department of Transportation approved training in how to identify the symptoms of drug and alcohol abuse. If a supervisor believes a reasonable suspicion exists that an employee under his or her supervision is abusing alcohol or drugs, the supervisor must obtain the concurrence of the department head or the city manager, or in both of their absences, of one other department head, before sending an employee to be tested.

Return-to-Duty Testing. Before an employee is allowed to return to duty after having been sent home or suspended as a result of a drug or alcohol test, he or she will be tested for illegal drugs and alcohol and must be found to be drug and alcohol free. In addition, an individual randomized drug testing schedule will be developed for the employee or driver for a time period not to exceed 60 months.

(Legal references: U.S. Drug-Free Workplace Act of 1988, as amended; Texas Workers' Compensation Commission Act, V.T.C.A. Labor Code, Chapter 411, Subchapter G; Omnibus Transportation Employee Testing Act of 1991, and U.S. Department of Transportation 49 CFR Part 382.)

11.05 SEARCHES

The city reserves the right to make general or random searches of city property, such as lockers, closets, and desks, for alcohol, prohibited drugs, or drug paraphernalia without the consent of the employee. The use of privately owned padlocks or other locking mechanisms for city property is prohibited, and the employee should have no expectation of privacy.

Any materials brought into the workplace, such as personal effects, briefcases, vehicles, and so on, may be subject to search at any time if a reasonable suspicion exists that alcohol, prohibited drugs, or drug paraphernalia may be found. A request to search is not an accusation of wrongdoing but merely part of an investigation. If the employee is available, he or she will be asked to consent to the search. If the employee does not consent, any attempt to conduct a search of materials brought into the workplace will not be continued. However, the employee's refusal to cooperate will be noted in his or her personnel file, together with a statement that reasonable suspicion existed to conduct the search. Refusal to submit to a search may lead to disciplinary action. No search of materials brought into the workplace will be conducted in the employee's absence.

Any search will be conducted as privately as possible, involving only persons with a need to know and only with the authorization of the city manager or his or her designee.

If illegal materials or drug paraphernalia is found, it will be confiscated and sent to the city's police department for appropriate disposition, and the employee will be subject to appropriate disciplinary action, up to and including termination, as well as criminal prosecution, if appropriate.

(Legal references: U.S. Constitution, Fourth Amendment)

12.00 USE OF AND ACCOUNTABILITY FOR CITY EQUIPMENT AND PROPERTY

12.01 GENERAL POLICY ON CITY EQUIPMENT AND PROPERTY

The city attempts to provide each employee with adequate tools, equipment, and vehicles for the job being performed, and expects each employee to observe safe work practices and safe and courteous operation of vehicles and equipment in compliance with all applicable regulations.

12.02 USE OF TOOLS, EQUIPMENT, PROPERTY, AND VEHICLES

City property, uniforms, materials, supplies, tools, equipment, and vehicles are purchased or rented with taxpayer funds and are intended for use in the operations of the city. Employees who are assigned tools, equipment, vehicles, or any other city property are responsible for them and for their proper use and maintenance. Employees who lose, abuse, or negligently damage assigned tools, equipment, uniforms, or vehicles may be required to pay for repair or replacement costs. Repairs to vehicles must be done in accordance with city purchasing policies.

City computers and computer software are to be used for city business. No software other than software approved by the city or individual department may be installed, kept, or used on a city computer. This limitation on software is to avoid software that may interfere with the operation of the city's computer systems or may contain computer viruses that could cause operational problems or the loss of city data. Access to the internet through city computers is to be used for city and departmental business only. See also the chapter of these policies on **COMMUNICATION**.

City property, including facilities, desks, files, lockers, vehicles, cellular telephones, and computers, is subject to inspection and removal of illegal or unauthorized items. There is no expectation of privacy.

No personal or political use of any city property, materials, supplies, tools, equipment, or vehicles is permitted. However, if an employee is on-call and subject to receive an emergency call, the employee may use a city vehicle for reasonable personal use in order to ensure prompt response to a call. The only passenger(s) permitted in a city vehicle at any time are those persons who have an official city business reason to be in the vehicle.

12.03 CITY VEHICLES

An employee may drive a city owned vehicle home under any of the following conditions:

1. An employee who has been "designated the primary on call person" for the individual department shall be furnished a city vehicle during the time period the employee is designated as such. These vehicles will remain within a 20-mile radius of the city limits for commuting purposes to and from their primary residence.
2. An employee is authorized to use a city vehicle.
3. Emergency response vehicles, i.e. police, fire, and animal control, shall be allowed take home vehicles at the discretion of the responsible director with the approval of the city manager.

If an employee is in doubt about a circumstance, he or she must check with the department head before proceeding. Violations of this policy may result in termination and possible prosecution.

12.04 VALID DRIVER'S LICENSE

Operators of city vehicles and equipment are required to have the valid State of Texas driver's license necessary for legal operation of that vehicle, and are required to keep supervisors informed of any changes in status of the license. Department heads or supervisors will periodically check the driving records of employees who operate city vehicles. Failure to maintain a safe driving record may result in dismissal or reassignment. An employee may be required to participate in a defensive driving course if the employee is cited with a moving violation. Suspension or revocation of the driver's license of an employee who is assigned as a vehicle or equipment operator will result in dismissal or reassignment.

12.05 VEHICLE INSURANCE

The city maintains up-to-date insurance coverage on vehicles owned by the city. Employees who drive a personal vehicle on city business are required to maintain up-to-date insurance coverage and to provide the human resource coordinator with proof of automobile liability insurance as required by the State of Texas. Failure to do so is grounds for disciplinary action, up to and including termination.

12.06 ACCIDENT REPORTING

An employee involved in an accident while operating city equipment or vehicles, or a personal vehicle while on city business, must report the accident and any injury to persons or any property damage to his or her supervisor and to the police department immediately, or, in the case of injury to the employee, as soon as the employee is able. In addition, any employee who is required to drive a vehicle or operate equipment for the city must report any accident, even on personal time in a personal vehicle, regardless of how minor, to the city manager.

Each vehicular accident, no matter how minor, must be reported to the police department so that an official accident report can be filed. Employees involved in accidents may be required to submit to a drug and alcohol test immediately following the accident. Refusal to submit to the drug and alcohol test will result in disciplinary action up to and including termination of employment.

A copy of each accident report involving city equipment or vehicles must be forwarded to the city manager by the police department as soon as the police report is completed. In cases where an accident involves a police vehicle, the police department will request the Texas Department of Public Safety to conduct an investigation of the accident and file an official accident report with the city manager. A copy of the accident report will also be filed with the human resource coordinator for placement in the personnel file of the employee involved in the accident. The respective department head and the city attorney will also receive copies of each accident report.

Must comply and fill out necessary forms for Accident Committee review. Accidents will be reviewed according to procedures established by the City Manager through the City staff accident committee.

13.00 DISCIPLINE

13.01 GENERAL DISCIPLINE POLICY

Employees of the city serve "at will" and, within the requirements of state and federal law regarding employment, can be dismissed at any time, with or without notice for any reason or no reason.

Discipline begins at the departmental level. Some of the actions that may result in discipline include, but are not limited to, the following:

- Insubordination;
- Absence Without Leave or Excessive Absence including absence without permission, failure to notify a supervisor of sick leave, and repeated tardiness or early departure;
- Endangering the Safety of the Employee and/or Other Persons through negligent or willful acts;
- Use of Alcohol or Illegal Drugs while on duty or in a city vehicle;
- Alcohol or Drug Abuse which may affect the performance or safety of the employee or other persons;
- Involvement with Alcohol or Drugs in the workplace in violation of the city's "Drug Free Workplace Policy";
- Unauthorized Use or Theft of Public Funds or Property;
- Conviction of a felony, or class A or B misdemeanor;
- Conviction of Official Misconduct, oppression, or perjury;
- Possession of Unauthorized Firearms or Lethal Weapons on city property or in city vehicles;
- Falsification of Documents or Records;
- Unauthorized Use of Official Information or unauthorized disclosure of confidential information;
- Unauthorized or Abusive Use of Official Authority;
- Violation of the Sexual Harassment Policy;
- Incompetence or Neglect of Duty;
- Disruptive Behavior which impairs the performance of others;
- Failure to Observe the City's Policies Regarding Communications With the Public (see **Communications** section in **Employee Responsibilities** chapter); or
- Other Violation of the Requirements of These Personnel Policies, or of any departmental policies not in conflict with these policies.

13.02 PROGRESSIVE DISCIPLINE

The city manager may take disciplinary action, including termination, against an employee at any time. The city may, but not necessarily will, use a progressive discipline system.

While the disciplinary steps may not occur in this order, the progressive discipline system may include, but is not limited to, any or all of the following steps when appropriate to the circumstances. The severity of the discipline depends on the nature of the infraction.

- Oral Warnings, with written records of each warning maintained by the appropriate department head, and a copy forwarded to the employee's official personnel file;
- Conference with Supervisor and Department Head, and employee, with a written summary of the conference, prepared by the supervisor, one copy of which is given to the employee, and another copy of which is placed in the employee's personnel file;
- Written Reprimands, which the department head must in all cases cause to be transmitted through the human resource coordinator to the employee's personnel file;
- Probation (not to exceed 90 calendar days), during which time the employee's performance and behavior will be monitored very closely by the supervisor, and which will be evaluated at the end of the probationary period, if appropriate;
- Reduction in Pay without demotion;
- Suspension from duty, with or without pay, for up to 30 days and renewable after informal review of the circumstances;
- Demotion; and/or
- Separation by involuntary dismissal.

The progression of disciplinary measures listed above is a general guideline only. The city may deviate from this progressive system, skip or eliminate any step(s), or apply any other form or process of discipline, at its sole and absolute discretion, at any time.

Any written notice of disciplinary action will be included in the employee's personnel file.

For additional information regarding procedures to be followed if the discipline results in separation by involuntary dismissal, see the following sections of this document relating to **Separations**. Terminations may only occur after consultation with and approval of the city manager and the city's legal counsel. The city manager reserves the right to discuss the situation with the employee and/or to conduct an investigation.

13.03 IMPROPER DEDUCTIONS

Improper deductions will not be made from any employee's pay for disciplinary reasons stemming from performance or attendance issues. If an improper deduction is made, the employee will be reimbursed promptly upon the city's learning of the improper deduction. Deductions for full or partial days are permissible in cases of serious workplace misconduct. See the chapter on **Employee Compensation and Advancement** for additional details.

14.00 SEPARATIONS

14.01 TYPES OF SEPARATIONS

All separations of employees are designated as one of the following types:

- Resignation;
- Abandonment of Position;
- Retirement;
- Reduction in Force;
- Dismissal;
- Disability; or
- Death.

14.02 RESIGNATION

A resignation occurs when an employee notifies his or her department head, either orally or in writing, that the employee does not intend to continue working for the city. Once an employee has resigned, either orally or in writing, the department head will acknowledge the resignation immediately in writing and forward the paperwork to the city manager.

An employee who intends to resign is requested to notify his or her department head in writing at least 10 working days prior to the last day of work. The department head is responsible for notifying the city manager immediately.

14.03 ABANDONMENT OF POSITION

An unauthorized absence from work for a period of two consecutive working days may be considered by the city manager as a resignation. Unless the city manager determines otherwise and notes the same in the employee's personnel file, the employee who abandons his or her position is not eligible for reemployment.

A part-time fire fighter who refuses or is unavailable or unable to work at least one 24 hour shift over the course of three consecutive months, may be considered by the city manager to have voluntarily resigned their employment position.

Unless the city manager determines otherwise and documents the exception in the employee's personnel file, any employee who abandons his or her position is not eligible for reemployment with the City.

14.04 RETIREMENT

The same notice requirements for resignation apply in the case of retirement except that a longer period of advance notice may be required to start retirement payments promptly.

See the Texas Municipal Retirement System's information guide for additional information on retirement.

14.05 REDUCTION IN FORCE OR REORGANIZATION

An employee may be reassigned or separated when his or her position is abolished, or when there is either a lack of funds or a lack of work.

When reductions in force are necessary, decisions on individual separations will be made after considering:

1. The relative necessity of each position to the organization,
2. The performance record of each employee,
3. Qualifications of the employee for remaining positions with the city, and
4. The employee's length of service with the city.

Employees who have been laid off may reapply to the city for another position. Qualified former employees will be given priority consideration in the event of a vacancy.

When a regular employee who has been employed by the city for 12 continuous months is dismissed as a result of a reduction in force, he or she will be given a minimum of two weeks' written notice and paid in full to the time of discharge including accrued benefits. In addition, the city department head will attempt to guide the employee to any available, suitable job openings in the area for which the employee qualifies.

14.06 DISMISSAL

The city operates under the legal doctrine of "employment-at-will" and, within requirements of state and federal law regarding employment, can dismiss an employee at any time, with or without notice, for any reason or no reason. The city will attempt to ensure that employee dismissals are not made in an arbitrary and capricious manner; however, these personnel policies do not constitute or imply a contract, agreement, promise, or guarantee of employment or of continued employment. The city has the right to change these policies at any time, without prior notice to employees.

The city manager may delegate dismissal authority to a department head, but the city manager and city attorney must be consulted on any prospective termination. In addition, the city manager's signature is required on all personnel action forms involving dismissal.

After an employee has been dismissed, he or she may appeal the dismissal to the city manager in writing, stating the basis for his or her appeal. The city manager will review the facts of the case, conduct such investigation as may be necessary to ensure an understanding of the circumstances, and will respond to the employee in writing, stating whether the employee's dismissal is upheld or the employee is reinstated, or any other determination based on the merits of the case. The written determination will be prepared and sent to the terminated employee within a maximum of 20 working days unless extraordinary circumstances exist. The city manager's decision is final.

14.07 DISABILITY

In cases of long-term disability during which an employee is unable to return to work for a period of time that would cause an undue hardship for the city to hold the position open, and if no position is available which the employee could perform with a reasonable accommodation by the city, the employee will be separated from employment with the city. (*Legal reference: U.S. Americans with Disabilities Act of 1990.*)

See chapter of these policies on **Health and Safety** for details on occupational disability resulting from bona fide, on-the-job, work-related injuries.

14.08 DEATH

If a city employee dies, his or her estate receives all pay due and any earned and payable benefits as of the date of death.

14.09 EXIT INTERVIEWS AND RECORDS

Whenever possible an exit interview is conducted with a departing city employee, especially in instances of voluntary resignation. The exit interview record is important and may be instrumental in determining the city's responsibility, or lack of responsibility, for unemployment insurance costs.

14.10 CONTINUATION OF GROUP INSURANCE

The federal Consolidated Omnibus Reconciliation Act of 1985 (COBRA), as amended, allows certain individuals the option of continuing their group health insurance, at the individuals' full expense, under specific conditions. The following is a summary of the benefits provided under COBRA.

Eligible Employee. To be eligible for continuation coverage, an individual must be an employee of the city covered by the city's group health plan or an individual who is otherwise covered under the plan.

Eligible Circumstance. An eligible employee has the right to choose continuation coverage if he or she loses group health coverage because of a reduction in his or her hours of employment or the termination of his or her employment (for reasons other than gross misconduct on the employee's part).

The spouse of an employee or other worker covered by the city's group health plan has a right to choose continuation coverage if he or she loses coverage under the city's group health plan for any of the following reasons:

1. The death of the employee;
2. Termination of the employee (for reasons other than gross misconduct);
3. Divorce or legal separation from the employee; or
4. The employee applies for and becomes entitled to Medicare.

The dependent child of an employee or other worker covered by the city's group health plan has a right to choose continuation coverage if he or she loses coverage under the city's group health plan for any of the following reasons:

1. The death of a parent;
2. The termination of a parent's employment (for reasons other than gross misconduct), or reduction in a parent's hours of employment with the city;
3. Parents' divorce or legal separation;
4. A parent applies for and becomes entitled to Medicare; or
5. The dependent ceases to be a "dependent child" under the city's group health plan.

Notice. Under COBRA, the covered worker or family member has the responsibility to notify the plan administrator of a divorce, legal separation, or a child losing dependent status under the city's group health plan within 60 days of the event or within 60 days of the date on which coverage would be lost because of the event. The City of Lampasas has the responsibility to notify the plan administrator of the covered worker's death, termination of employment, reduction in hours, or entitlement to Medicare.

When the plan administrator is notified that one of the above events has occurred, he or she will notify the covered worker or family member that he or she has the right to choose continuation coverage. The covered worker or family member then has at least 60 days from the date on which he or she would otherwise lose coverage to inform the plan administrator that he or she wants continuation coverage. If the covered worker or family member does not choose continuation coverage, group health insurance coverage will end. If the covered worker or family member chooses continuation coverage, The City of Lampasas will provide coverage that, as of the time that coverage is being provided, is identical to the coverage provided under the insurance plan to similarly situated employees or family members. The premium is to be paid by the individual who is covered by the policy.

Limitations and Extensions. Continuation coverage is limited to 36 months, unless the covered worker or family member lost group health coverage because of a termination of employment or reduction in hours. In that case, the continuation coverage period is 18 months. The 18-month period may be extended to 36 months if other events (e.g., divorce, legal separation, death, or Medicare entitlement) occur during that 18-month period. Moreover, the 18-month period may be extended for an additional 11 months (for a total of 29 months) if an individual is determined to be disabled (under the rules for Social Security disability benefits) and the plan administrator is notified of that determination within 60 days. An individual who receives the extended coverage due to a disability must notify the plan administrator when it is determined (for the purposes of Social Security disability benefits) that the individual is no longer disabled.

Continuation coverage may be cut short of the full coverage for any of the following reasons:

1. The city no longer provides group health coverage to any of its employees;
2. The premium for continuation coverage is not paid by the employee in a timely manner;
3. The covered worker or family member becomes eligible for Medicare;
4. There has been a final determination that the covered employee or family member is no longer disabled (in the case of beneficiaries who qualified for the extra 11 months of continuation coverage based on their disability at termination); or
5. The covered worker or family member becomes covered under another group health plan that does not contain any provision restricting or limiting coverage of a "preexisting medical condition."

An individual does not have to show that he or she is insurable to choose continuation coverage. A minimum 30-day "grace period" will be allowed for the covered worker or family to pay regularly scheduled premiums. At the end of the continuation coverage period, the covered worker or family member will be allowed to enroll in an individual conversion health plan provided by the current health plan.

(Legal reference: U.S. C.O.B.R.A. of 1985, as amended; Health Insurance Portability Act of 1996, as amended; and ERISA Technical Release No. 96-1.)

14.11 CALCULATION OF SEPARATION PAY

Unused sick leave will be canceled upon termination of employment and any employee with less than twenty (20) years of service with the City will not be compensated for it. A regular employee who has worked for the city for 20 plus years will be paid for unused sick leave, up to the limit established by these policies. See Section 8.04 Sick Leave, "Upon termination".

Payment for such leave balances will be included in the employee's final paycheck and will be calculated in the following manner:

- The total work time and allowable vacation, allowable sick leave, and compensatory leave time will be calculated as a total number of hours for which compensation is due. The employee's regular hourly rate will be determined for most employees by dividing the employee's regular annual salary by 2,080 working hours per year.
- For employees who are subject to the Fair Labor Standards Act (FLSA), any overtime hours worked during the employee's final pay period which have not been compensated through either of the time-off methods described under "**Overtime Worked**" section in these policies, will be paid in the final paycheck at a rate of one and one-half times the employee's regular hourly rate for each overtime hour worked.
- Compensatory time which has been entered and carried on the employee's records at one and one-half times the number of hours worked will be paid at the employee's regular straight-time rate for the total number of hours on the employee's compensatory time record. (Since the compensatory time was recorded at one and one-half times the number of hours worked, the straight-time payment for these hours is equivalent to time and one-half pay for the hours actually worked.)

14.12 FINAL PAYCHECK

A separated employee will receive his or her final paycheck on the scheduled payday that immediately follows the employee's last workday.

15.00 RESOLUTION OF DISPUTES/GRIEVANCES

15.01 GENERAL DISPUTE/GRIEVANCE POLICY

It is the policy of the city, insofar as possible, to prevent the occurrence of disputes or grievances, and to deal promptly with those that occur. No adverse action will be taken against an employee for reason of his or her exercise of the grievance right.

A regular employee may file a grievance on one or more of the following grounds:

- Improper application of rules, regulations, and procedures (but not the rules, regulations, and procedures themselves);
- Unfair treatment;
- Illegal discrimination based on race, religion, color, sex (including sexual harassment), age, disability, or national origin;
- Improper application of fringe benefits, including improper deduction from pay; or
- Improper working conditions.

The city follows a grievance procedure which ensures the employee due process in the city's consideration of his or her work-related disputes or grievances: the right to be represented, the right to mount a defense, and the right to present written response(s) regarding resolution of the grievance. Terminations are grievable directly to the city manager.

15.02 CITY'S RIGHT TO APPLY DISCIPLINE AND/OR SUSPEND DISPUTE OR GRIEVANCE PROCESS

The city specifically reserves the right to apply discipline and/or suspend the dispute/grievance process at any time, and without notice, as it deems appropriate in its sole discretion and as circumstances require. This dispute/grievance procedure in no way affects or alters the city's employment "at will" status.

15.03 FINAL AUTHORITY

Grievances can be appealed through the employee's supervisor to the city manager whose decision is final. Employees in a position at the department head level may appeal the city manager's decision to the city council only if the grievance alleges discrimination against the department head by the city manager based on race, color, religion, national origin, sex (including sexual harassment), age, disability, or refusal to obey an unlawful order given them by the city manager.

15.04 PROCEDURE FOR RESOLUTION OF DISPUTES/GRIEVANCES

The following procedures are applicable to regular employees.

Informal Disputes/Grievances. The first step in the grievance procedure is for the employee to attempt to resolve the dispute or grievance by informal conference with his or her supervisor. If this informal conference does not result in a resolution of the problem(s) that is satisfactory to the employee, he or she must file a formal, written grievance.

Formal Disputes/Grievances. Formal disputes/grievances must be in writing, signed by the employee, and presented to the employee's supervisor (or in the case of a disputed termination, directly to the city manager) within 10 working days after the alleged dispute/grievance occurred. A statement of the specific remedial action requested by the employee must be included in the written grievance.

An employee may be represented throughout the grievance process by another city employee of his or her choosing who has not been an employee representative in any other city grievance proceeding within the previous 12-month period.

After being presented with a written and signed grievance, the supervisor will:

1. Meet with the employee and such other persons as may be necessary to gather the facts;
2. Notify his or her supervisor and department head, who must notify the city manager's office immediately upon learning that a grievance has been filed;
3. Attempt to resolve the grievance with the employee and, if requested by the employee, with the employee's representative; and
4. Communicate the decision to the employee in writing generally within 15 working days after receipt of the grievance, sending a copy of the proposed resolution to the city manager and the department head.

If an employee either receives no written resolution from the supervisor within 15 working days from the date on which the grievance was filed, or if the employee is not satisfied with the proposed resolution, he or she must file a written appeal with the department head within 10 working days after the time period for the receipt of a proposed resolution has elapsed. The department head will review the facts and the file; meet with the parties involved; conduct any other appropriate investigative procedures; attempt to resolve the grievance within five working days after receipt of the grievance appeal; and respond in writing to the employee within 10 working days of the date on which the appeal was received in the department head's office, sending a copy of the appeal response and all accompanying investigative materials to the city manager. The city manager may extend the review time if additional time is necessary to ensure a thorough investigation.

If the employee either receives no written resolution from the department head within 10 working days from the date on which the appeal was filed with the department head, or if the employee is not satisfied with the department head's proposed resolution of the appeal, the employee must file a written appeal with the city manager within 10 working days of the date the department head's response was either received or due to be received, whichever occurs first. The city manager will then review the facts and the file and meet with the parties involved, if deemed appropriate, before responding in writing to the employee generally within 15 working days of the date the appeal was received in the city manager's office. The city manager's decision is final, except for grievances filed by department heads, who may appeal to the city council if they are alleging discrimination or sexual harassment against them by the city manager, or discrimination based on their refusal to carry out an illegal order given by the city manager.

Maximum Time Periods. At each stage of the dispute/grievance process, the time periods specified are maximums. Disputes/grievances should be dealt with promptly and written responses provided as quickly as possible, preferably within five working days in simple grievance matters.

The maximum time periods may be extended if circumstances require more time, but extensions must be agreed to in writing by the grieving employee or failure to respond within the time period will be deemed a final denial and will entitle the employee to take his or her appeal to the next level of review.

Documentation. Copies of all documentation relating to the dispute/grievance will be forwarded to the city manager's office immediately upon conclusion of each step in the dispute/grievance process and will be placed in the employee's personnel file.

Disputes/Grievances Relating to Sexual Harassment or Discrimination. Any employee may file a dispute/grievance related to alleged sexual harassment or discrimination on the basis of race, religion, color, sex, national origin, age, or disability. The initial written grievance may, at the employee's option, be submitted directly to the city manager immediately. If the grievant is a city department head alleging discrimination or sexual harassment by the city manager, or alleging discrimination against them for failing to carry out an illegal order given by the city manager, he or she may file a dispute/grievance directly with the city council within 10 working days of the alleged discriminatory act. In such instances, to allow adequate time for proper investigation, the total cumulative time period which would have been allowed at the other steps in the dispute/grievance process is available to the appropriate authority before his or her written resolution of the dispute/grievance is required to be received by the employee. In all instances of alleged discrimination or sexual harassment, the city attorney will be consulted before a written resolution is provided to the grievant.

Requirement for Appeal if Dissatisfied. If the employee is dissatisfied with any proposed resolution during the dispute/grievance process, he or she must appeal to the next step within the established time period. Failure to appeal will be interpreted as a statement that the employee is satisfied with the latest resolution, and the employee will have waived the right to carry the dispute/grievance forward for additional review or determination.

16.00 JOB (CLASS) DESCRIPTIONS AND PERFORMANCE EVALUATIONS

16.01 JOB DESCRIPTIONS

The city manager establishes and periodically reviews an official job (class) description for each position in the city.

16.02 DISTRIBUTION

During the employee's orientation, the job description for his or her position:

1. Will be given to each employee;
2. Will be reviewed by the employee; and
3. Will be placed in the employee's personnel file along with a certification signed by the employee indicating that the employee reviewed it.

Each employee is also given a copy of the job description to keep.

16.03 REQUESTS FOR CLARIFICATION

In the absence of any request for clarification, each employee is considered to (1) understand the responsibilities assigned to the position that he or she occupies, and (2) agree to perform the responsibilities shown on the job description.

16.04 EMPLOYEE PERFORMANCE EVALUATION

Supervisory personnel conduct a written performance evaluation of and an evaluation interview with each city employee at least annually.

Performance evaluations have the primary purpose of improving the employee's understanding of his or her progress on the job and the department head's understanding of the employee's viewpoints about factors that affected his or her performance during the evaluation period. Scheduled evaluations provide a required opportunity to assess progress and plan for future performance improvements. These formal reviews should never replace day-to-day communication between the supervisor or department head and the employee regarding performance expectations and actual performance.

Performance evaluations are used for developmental purposes in identifying strengths and opportunities for improvement. Additionally, performance evaluations may be used when considering any performance-based pay adjustments for employees, if authorized by the city council and included in the city's annual budget.

All performance evaluations are subject to the review and approval by the employee's department head and must be signed by the city manager. Completed and signed performance evaluations are submitted to the human resource coordinator for inclusion in the employee's personnel file.

17.00 PERSONNEL FILES

17.01 GENERAL POLICY ON PERSONNEL FILES

The Personnel Department maintains personnel records. Medical records, including initial physical examination records, workers' compensation records, drug and alcohol testing records, and any other records containing personal health information are filed in a separate, confidential file maintained by the Personnel Department. *(Legal reference: U.S. Americans with Disabilities Act of 1990 and Health Insurance Portability and Accountability Act of 1996, as amended.)*

Information in an employee's personnel file, other than confidential health-related information, is public information and must be disclosed upon request unless specific items are excepted from disclosure by law. No information from any record placed in an employee's file will be communicated to any person or organization except by the city manager or by an employee authorized to do so by the city manager.

Each employee may choose whether the city discloses the employee's home address and telephone number to the public on request. If a new employee does not request confidentiality within the first 14 days of employment, the home address and telephone number on file are considered public information, with the exception of police officers, whose addresses and telephone numbers are not public information. However, employees may change their election for disclosure or confidentiality at any time. A form for designating this information as confidential or public is available from the Personnel Department. *(Legal reference: Public Information Act, V.T.C.A. Government Code, Sec. 552.024.)*

An employee or his or her representative designated in writing may examine the employee's personnel file, including confidential health-related information, upon request during normal working hours at the city offices. An employee may request copies of items or materials in his or her personnel file but may not remove anything from the file.

When a supervisor requires access to the personnel file of an employee under his or her supervision for the handling of personnel matters, the Human Resources Coordinator will provide access to the specific file(s).

Employees must inform their supervisor of any changes in or corrections to information recorded in their individual personnel files such as home address, telephone number, person to be notified in case of emergency, or other pertinent information.

(Legal reference: V.T.C.A. Government Code, Sec. 552.102)

17.02 PERSONNEL ACTION FORM

The Personnel Action Form is the official document for recording and transmitting each personnel action to the personnel file. A Personnel Action Form must be signed by the supervisor and the city manager and submitted to the payroll office before it becomes effective. This form is used to promote uniformity in matters affecting:

- Employment Category,
- Position Title and Classification,
- Pay Group and Rate, and
- Other Actions Affecting the Employee's Status.

Each Personnel Action Form becomes a permanent part of the employee's personnel file; a copy is given to the employee each time an action occurs.

17.03 CONTENTS OF PERSONNEL FILES

An employee's official personnel file contains all documents related to an employee's employment relationship with the city, except for medical records and I-9 forms.

I-9 forms for all city employees are filed chronologically in a single file that is separated from individual personnel files.

An employee's personnel file does not contain information regarding an employee's medical record(s), nor does it contain any information relating to on-the-job injuries, drug or alcohol testing, or any other personal health information. These medical files are confidential and are not released to anyone unless a "need to know" has been clearly established. Only the human resource coordinator has routine access to employee medical and personal health records. *(Legal reference: U.S. Americans with Disabilities Act of 1990 and Health Insurance Portability and Accountability Act of 1996, as amended.)*

17.04 LEAVE RECORDS

Official records of vacation leave and sick leave accrual and of leave usage are kept for each employee by the human resource coordinator. Leave records are updated at the end of each biweekly pay period. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled. Supervisors must submit a copy of an approved leave request to the payroll office for any paid leave time used by an employee under his or her supervision. The approved leave request forms must be attached to the payroll information sent to the payroll office at the end of each pay period.

18.00 PROFESSIONAL DEVELOPMENT AND EDUCATIONAL REIMBURSEMENT

18.01 GENERAL PROFESSIONAL DEVELOPMENT POLICY

The city encourages its regular full-time employees to take advantage of educational or training opportunities and professional memberships that are related to and will enhance their performance of work with the city.

18.02 REQUIRED ATTENDANCE AT SEMINARS AND CONFERENCES

When the city requires, or approves an advance request for, an employee to attend any educational or training course, conference, or seminar, the city will provide the necessary time off with pay and will reimburse the employee for associated costs, including tuition or registration fees and authorized travel, meals, and lodging. When appropriate, the city may prepay registration fees, hotel costs, and/or airline or other public transportation costs directly to the entity involved. See additional information in the chapter of these policies **Travel/Expense Reimbursement**.

18.03 PROFESSIONAL MEMBERSHIPS AND SEMINARS

Subject to the prior approval of the city manager, an employee who joins a professional association related to his or her work at the city may be reimbursed for dues and necessary travel expenses when meetings are judged to offer special training or information of value to the employee in his or her work at the city. Likewise, subject to the city manager's prior approval, an employee may be reimbursed for conference or seminar expenses if the conference or seminar is related to his or her work.

18.04 EDUCATION ASSISTANCE REIMBURSEMENT

To encourage employees to improve their job knowledge and experience, the City of Lampasas provides for reimbursement for educational expenses for employees in certain circumstances.

A regular, full-time city employee is eligible for reimbursement of educational expenses only if:

1. The employee has completed at least one year of service with the city;
2. The course(s) is part of an accredited college, university, or technical school, is directly related to the employee's job, and/or is required for a job-related degree;
3. The employee applies in advance of the semester or session to obtain approval of job relatedness and class schedules;
4. The employee's supervisor and department head concur that the course(s) is job related;
5. Course time and schedules that interfere with daily city work routines must be approved in advance by the employee's supervisor and department head, and any change in working hours or total hours worked must be deemed to be in the best interest of the city, with the city's and department's needs being fully satisfied before approval of any change; and
6. The employee attains a grade of "C" or better, or "passing" on a pass/fail system, in the course(s).

Educational assistance reimbursement by the city will be made in the following manner:

1. For job-related or degree plan courses, the city will assist with the costs for tuition, laboratory fees, and other school service fees, up to a maximum of \$300 per semester and a maximum of \$900 per year, provided that sufficient funds are budgeted to cover the cost.
2. The employee must be employed by the city at the time of reimbursement unless absent through no fault of the employee, i.e., layoff, military service.
3. Reimbursement is subject to the grade provisions of this policy and the submission to the human resource coordinator of an official transcript grade slip or other means of proof of grades received for the course. Each payment will be made only after presentation by the employee of official, detailed receipts from the educational institution offering the course(s).
4. Assistance from other sources, such as scholarships, grants, or subsidy programs (G.I. Bill) will be deducted from total associated costs before reimbursement is made.
5. If an employee wishes to obtain his or her GED, the city will pay the base fee and also allow a paid day off for the employee to take the test. This privilege is limited to two tests per person.

Employees must recognize that participation in the program is intended to assist them with improving their knowledge and qualifications, so that their present duties or future assignments may be performed in a more effective and efficient manner. However, the city is unable to foresee what effect, if any, participation in the program may have on an individual employee's salary or promotional opportunities.

19.00 TRAVEL/EXPENSE REIMBURSEMENT

19.01 GENERAL TRAVEL/EXPENSE REIMBURSEMENT POLICY

The policy of the city is that employees are to be reimbursed, within budgetary limitations, for necessary and reasonable job-related expenses incurred in the authorized conduct of city business, including business related travel. Except in cases involving in-city use of a personal vehicle, employees must submit an approval request to the department head before initiating travel that involves reimbursable expenses. The request should include an estimate of costs to be incurred. All travel expenses are subject to requirements of documentation and reasonableness, and will be honored in conformance with adopted policies and procedures, provided that the travel was properly authorized and that funds are available in the department's budget. Whenever possible, the city will prepay such expenses as registration fees, hotel costs, and airline or other public transportation costs directly to the entity involved.

Employees should be conscientious in their use of city funds. In all cases, travel expenses should be limited to those that are reasonable and necessary and employees should always strive to spend no more than is necessary for adequate, safe lodging and other travel expenses. Additionally, when two or more employees are traveling to the same location for the same purpose, they should travel together whenever possible to avoid unnecessary travel expenses. Employees are expected to use the least expensive means of travel for the city, including avoiding unnecessary overtime whenever possible.

Expenses which are not permitted under the terms of grants, contracts, or agreements with other agencies, will not be charged as costs to those grants, contracts, or agreements.

19.02 IN-CITY TRAVEL

It is city policy that a city-owned vehicle be used for work-related travel. If a city-owned vehicle is not available, or use of that vehicle is not practical, the supervisor may authorize use of an employee's personal vehicle. Reimbursement for the use of private automobiles by employees is made biweekly upon submission to the finance director of the required report and request forms. Mileage is reimbursed at the maximum rate allowed by the Internal Revenue Service at the time the mileage is incurred, and the distances are determined by the *Rand McNally.com website*. Reimbursement for meals within the City of Lampasas is subject to approval by the city manager.

19.03 OUT OF CITY TRAVEL

Travel by city employees outside the city is permissible, provided that it is authorized in advance by the department head and does not exceed budgetary limitations. Travel advances or reimbursement for travel are based upon the most economical conveyance that is reasonably available. When private automobiles are used by city employees for city related travel, reimbursement to the employee is allowed on the basis of mileage traveled, calculated from the City Administration Building address to the destination address, and for the return trip, as that total round trip mileage is noted by a reasonable source, e.g. the Federal IRS mileage guide. The difference in cost between first class air accommodations and less-than-first-class air accommodations is not an allowable expense, except when less-than-first-class air accommodations are not reasonably available.

In cases where a rental car is used, employees must choose the optional insurance coverage; the city will pay for the insurance cost.

19.04 ALLOWANCE FOR MEALS

In an effort to simplify employees' and the city's recordkeeping related to travel expenses, the city has established standard meal and incidental allowance rates that apply generally to travel within the state.

Standard Meal and Incidental Allowances. If the travel requires an overnight stay, and a full day or full days are involved, the employee will be allowed a daily amount for meals. If the travel does not require an overnight stay, the employee will be allowed a specific amount for each meal that would normally fall during the time required for travel. Receipts are not necessary, unless the expense was charged on the city's credit card, in which case receipts must be turned in with the travel expense report. Standard meal and incidentals allowances within the State of Texas are as follows:

Meal	Allowance	Requirements for Reimbursement
Breakfast	\$10.00	Allowable if the employee must begin travel before 7:00 a.m. When returning to Lampasas, the employee must arrive after 9:00 a.m.
Lunch	\$10.00	Allowable if the employee must begin travel at any time between 9:30 a.m. and 12:30 p.m. When returning to Lampasas, the employee must return after 1:00 p.m.
Dinner	\$20.00	Allowable if the employee must begin travel after 3:00 p.m. When returning to Lampasas, the employee must return after 7:00 p.m.
Full Day	\$40.00	Allowable if the employee must begin travel before 7:30 a.m. and is required to be in travel status continuously until at least 7:00 p.m.

19.05 TRAVEL TO AND FROM SCHOOLS AND SEMINARS; HOURS WORKED WHILE ATTENDING SEMINARS

Generally, if public transportation is available, non-exempt employees are required to use it or to ride as a passenger in a vehicle driven by an exempt employee, unless no exempt employee is going on the same trip, or to pool together with another non-exempt employee so that only one is driving.

The City shall compensate for time spent at training and travel time at regular time subject to all overtime/compensatory policies. Employees are expected to use the most efficient means of travel possible.

Business travel on Saturday or Sunday counts as work time for the portion of the day that cuts across the normal workday (normally 8:00 a.m. to 5:00 p.m.). Required attendance at a seminar on Saturday or Sunday counts as work time, and non-exempt employees will be given equal time off on another day during the same workweek unless this is not practicable. The alternate day off may be in advance of the weekend seminar attendance or after the fact, as long as it is within the same workweek.

Mealtime during a seminar does not count as work time unless (1) there is a business-related speaker at the breakfast, luncheon, or dinner and the non-exempt employee's attendance is required or (2) the mealtime is used to conduct business.

Non-exempt employees are expected to avoid, or at least to minimize, overtime while attending schools or seminars and to schedule their travel in such a way, within reason, as to accomplish this objective. (*Legal Reference: Portal to Portal Act, Code of Federal Regulations, Part 790.*)

19.06 OTHER EXPENSES

Within the limits of approved departmental budgets, employees engaged in necessary and authorized travel in the conduct of city business will be reimbursed for actual costs of reasonable and documented expenses necessary to conduct the business for the city, provided the expenditures satisfy the other provisions of this chapter. Reimbursable subsistence expenses will generally be for registration, lodging, official telephone calls, parking, tolls, and taxis. Receipts or other documentation acceptable to the city manager must accompany any request for reimbursement.

19.07 PERSONAL VEHICLE

Where use of a personal vehicle is judged by the city manager to be the most reasonable means of transportation in the conduct of official city business, reimbursement will be at the maximum rate allowed by the Internal Revenue Service. Mileage reimbursements will be in accordance with the *State of Texas Official Mileage Guide Rand McNally.com website*. Travel between an employee's residence and city offices is not eligible for reimbursement. See the paragraph on "Out-of-City Travel" for additional information about the use of a personal vehicle for out-of-town travel in lieu of reasonably available public transportation.

19.08 EXPENSE REPORT

As soon as an employee returns from a trip, he or she must document all expenses incurred on the trip, including the expenses which were prepaid directly by the city to the entity involved. Meal allowances should also be documented on this form, either by the meal allowance amount or by the daily allowance amount, as appropriate. Trip receipts should be attached to the expense report and should be turned into the finance director no later than five (5) days following the employee's return. The city will issue a reimbursement check to the employee for allowable out-of-pocket expenses over and above any advance. The department head and the city manager must approve all reimbursements.

19.09 EXCEPTIONS

Employees who receive monthly automobile allowances are not eligible for mileage reimbursements unless the round trip exceeds 150 miles. Employees who travel in a city-owned vehicle will be reimbursed for the documented actual cost of fuel, oil, or other expenses related to the safe operation of the vehicle which were necessary during the course of the employee's use of the vehicle on official business.

When two or more employees travel in a single automobile, only one employee will receive per mile or other automobile reimbursements.

Conference registration checks will be made payable only to the organization sponsoring the conference.

The city manager may authorize, as an exception, a travel advance to an employee if circumstances merit such an advance. If a travel advance is authorized and provided, it must be in accordance with an itemized request listing expected business related expenses, and upon conclusion of the trip, the employee must submit an expense report within five working days, detailing the necessary expenses, providing receipts where necessary, and must return any overage with the expense report.

19.10 PROHIBITED EXPENDITURES

Costs of personal entertainment, spouse's expenses, amusements, social activities, alcoholic beverages, traffic citations, or illegal activities are not eligible for reimbursement.

19.11 CITY CREDIT CARD USE

All city credit cards are the property of the City of Lampasas and are issued to departments for authorized use only. It is the responsibility of each supervisor to monitor and properly control the use of city credit cards by employees.

City credit card use is subject to all normal city purchasing regulations in addition to the following:

- Purchases are limited to approved travel expenses;
- City credit cards may not be used for local purchases, with the exception of approved local meals in connection with local city business or training; and
- All expenses must be submitted to the finance director within five (5) days of the employee's return from travel.

Index

A

ABANDONMENT OF POSITION.....	50, 72
ACCIDENT REPORTING.....	69
ACCRUAL OF SICK LEAVE.....	43
ACCRUAL OF VACATION LEAVE.....	41
ADDITIONAL INSURANCE.....	39
ADMINISTRATIVE LEAVE.....	49
AFFIRMATIVE ACTION.....	3
AGE REQUIREMENTS.....	16
ALLOWANCE FOR MEALS.....	85
APPEALS (SICK LEAVE POOL).....	56
APPLICABILITY OF PERSONNEL POLICIES.....	2
APPLICATION FOR EMPLOYMENT.....	15
APPLYING FOR SICK LEAVE DAYS.....	53
APPRECIATION PAY.....	29
APPROVAL OF LEAVE.....	41
APPROVING AUTHORITY.....	31
ASSIGNED STAFF.....	25
AT-WILL EMPLOYMENT.....	2
AUTHORITY.....	1
AUTHORIZED REASONS FOR LEAVE WITHOUT PAY.....	50

B

BACKGROUND CHECKS.....	20
BENEFITS.....	37

C

CALCULATION OF SEPARATION PAY.....	76
CAREER.....	29
CATEGORIES OF EMPLOYMENT.....	24
CERTIFICATION/INCENTIVE PAY.....	29
CHAIN OF COMMAND.....	12
CHANGES TO THESE POLICIES AND EMPLOYEE SUGGESTIONS.....	7
CITY CREDIT CARD USE.....	88
CITY VEHICLES.....	68
CITY'S RIGHT TO APPLY DISCIPLINE AND/OR SUSPEND DISPUTE OR GRIEVANCE PROCESS.....	77
CIVIL LEAVE.....	49
CLASSIFICATION AND PAY ADMINISTRATION.....	28
CLASSIFICATION AND PAY PLAN.....	28
COBRA.....	75
COMMITTEE (SICK LEAVE POOL) DUTIES & RESPONSIBILITIES.....	55
COMMUNICATION.....	11
COMPENSATORY TIME.....	34
COMPOSITION OF (SICK LEAVE POOL) COMMITTEE.....	54
CONFLICT OF INTEREST.....	10
CONTENTS OF PERSONNEL FILES.....	82
CONTINUATION OF GROUP INSURANCE.....	74
CONTRIBUTION OF DAYS AND MEMBERSHIP TERMS (SICK LEAVE POOL).....	52

D

DEATH..... 74
DEMOTIONS..... 31
DISABILITY..... 73
DISCIPLINARY SUSPENSIONS FOR VIOLATING WORKPLACE CONDUCT RULES 31
DISCIPLINE 70
DISMISSAL..... 73
DISPUTES/GRIEVANCES RELATING TO SEXUAL HARASSMENT OR DISCRIMINATION..... 79
DISQUALIFICATION..... 22
DISSEMINATION OF PERSONNEL POLICIES 2
DISTRIBUTION OF JOB DESCRIPTIONS 80
DRIVING RECORD 20
DRUG AND ALCOHOL ABUSE..... 65
DRUG AND ALCOHOL TESTS 66
DRUG TESTING 19
DRUG-FREE WORKPLACE..... 65
DURATION OF INJURY LEAVE..... 61

E

EDUCATION ASSISTANCE REIMBURSEMENT..... 83
EMERGENCY LEAVE 49
EMPLOYEE COMPENSATION AND ADVANCEMENT 26
EMPLOYEE FUNDRAISING..... 12
EMPLOYEE PERFORMANCE EVALUATION..... 80
EMPLOYEE RESPONSIBILITIES 8
EMPLOYEE RESPONSIBILITIES AND REPORTS..... 59
EMPLOYEE SUGGESTIONS..... 59
EMPLOYMENT OF RELATIVES (NEPOTISM) 17
EMPLOYMENT PRACTICES 15
EQUAL EMPLOYMENT OPPORTUNITY 2
EXCEPTIONS..... 88
EXEMPTIONS FROM FLSA (OVERTIME COMPENSATION) 33
EXHAUSTION OF SICK LEAVE 44
EXIT INTERVIEWS AND RECORDS..... 74
EXPENSE REPORT 87

F

FAMILY AND MEDICAL LEAVE..... 44
FINAL AUTHORITY 77
FINAL PAYCHECK..... 76
FINAL RELEASE OR SETTLEMENT..... 63
FLEXIBLE SPENDING ACCOUNT (FSA) 40
FMLA 44, 46
FORMAL DISPUTES/GRIEVANCES..... 78

G

GENERAL DISCIPLINE POLICY 70
GENERAL DISPUTE/GRIEVANCE POLICY..... 77
GENERAL DRUG AND ALCOHOL POLICY 66
GENERAL EMPLOYEE RESPONSIBILITIES 8
GENERAL HEALTH AND SAFETY POLICY..... 59
GENERAL HOLIDAY POLICY..... 57
GENERAL POLICIES 1
GENERAL POLICY ON CITY EQUIPMENT AND PROPERTY 68
GENERAL POLICY ON PERSONNEL FILES..... 81
GENERAL PROFESSIONAL DEVELOPMENT POLICY 83

GENERAL TRAVEL/EXPENSE REIMBURSEMENT POLICY	85
GIFTS AND GRATUITIES	10
GRANTING OF HOURS FROM THE POOL	54

H

HARASSMENT	3
HEALTH AND SAFETY	59
HOLIDAY DURING VACATION	58
HOLIDAYS	41, 57
HOLIDAYS FALLING ON NON-WORKDAYS	58
HOLIDAYS WORKED	35
HOURS WORKED	32

I

ILLNESS WHILE ON VACATION LEAVE OR ON A HOLIDAY	44
IMPROPER DEDUCTIONS	28, 71
INACTIVE STATUS	62
IN-CITY TRAVEL	85
INFORMAL DISPUTES/GRIEVANCES	77
INITIATION OF INJURY LEAVE	60
INJURY LEAVE	51
INJURY LEAVE AND THE FMLA	64
INTRODUCTORY PERIOD	24

J

JOB (CLASS) DESCRIPTIONS AND PERFORMANCE EVALUATIONS	80
JOB DESCRIPTIONS	80

L

LATERAL TRANSFERS	30
LEAVE RECORDS	82
LEAVE TAKEN AND OVERTIME	35
LEAVE TIME	40, 41
LEAVE TIME DEFINITIONS	41
LIFE INSURANCE	38
LONGEVITY PAY	29

M

MAXIMUM ACCUMULATION OF SICK LEAVE	44
MAXIMUM VACATION LEAVE ACCRUAL	42
MEDICAL INSURANCE	37
MEDICAL RECORDS	19
MEDICAL STATEMENT	44
MERIT INCREASES	29
METHODS OF RECRUITMENT AND SELECTION	15
MILITARY LEAVE	48

N

NEPOTISM CHARTS	18
NON-FRATERNIZATION	14
NOTIFICATION REQUIREMENTS	43

O

OFFICE CLOSINGS IN EMERGENCIES..... 36
ON-THE-JOB INJURIES..... 59
ORIENTATION AND TRAINING 22
OTHER DEDUCTIONS FROM PAY 27
OTHER EXPENSES 87
OTHER LEAVES OF ABSENCE WITH OR WITHOUT PAY 50
OUT-OF-CITY TRAVEL 85
OUTSIDE ACTIVITIES 10
OVERTIME COMPENSATION 34
OVERTIME WORKED 32

P

PAY 26
PAY GROUP ASSIGNMENTS..... 28
PAYDAYS 26
PAYMENT FOR UNUSED VACATION LEAVE UPON SEPARATION..... 42
PAYROLL DEDUCTIONS 26
PERSONAL BUSINESS LEAVE..... 58
PERSONAL VEHICLE 87
PERSONAL VISITORS IN THE WORKPLACE..... 8
PERSONNEL ACTION FORM..... 81
PERSONNEL FILES 81
PERSONS WITH DISABILITIES 5
PHYSICAL STANDARDS..... 19
POLITICAL ACTIVITY..... 11
POST-ACCIDENT SUBSTANCE ABUSE TESTING 60
POST-ACCIDENT TESTING 66
PRE-EMPLOYMENT TESTING 66
PRIOR SERVICE WITH CITY 22
PRIVACY PROTECTION..... 64
PROCEDURE FOR RESOLUTION OF DISPUTES/GRIEVANCES 77
PROFESSIONAL APPEARANCE..... 8
PROFESSIONAL DEVELOPMENT AND EDUCATIONAL REIMBURSEMENT 83
PROFESSIONAL MEMBERSHIPS AND SEMINARS 83
PROGRESSIVE DISCIPLINE..... 71
PROHIBITED EXPENDITURES..... 88
PROMOTIONS 30
PUBLIC POSITION ANNOUNCEMENTS 15
PUBLIC SERVICE 49
PURCHASING..... 14
PURPOSE OF DRUG TESTING PROGRAM 66
PURPOSE OF PERSONNEL POLICIES 1

Q

QUALIFICATIONS 15

R

RANDOM TESTING..... 66
REASONABLE SUSPICION TESTING..... 67
REASONS FOR TERMINATION DURING INJURY LEAVE 63
REDUCTION IN FORCE OR REORGANIZATION 73
REQUEST FOR CONSIDERATION OF HIGHER PER DIEM ALLOWANCE FOR SPECIFIC AREA..... 86
REQUESTS FOR CLARIFICATION..... 80
REQUESTS FOR JOB CLARIFICATION..... 14
REQUIRED ATTENDANCE AT SEMINARS AND CONFERENCES 83

RESIDENCY.....	17
RESIGNATION.....	72
RESOLUTION OF DISPUTES/GRIEVANCES.....	77
RESPONSIBILITY FOR IMPLEMENTATION OF PERSONNEL POLICIES.....	1
RETIREMENT.....	39, 72
RETURN TO SERVICE.....	61
RETURN TO WORK AFTER LEAVE WITHOUT PAY.....	51
RETURN-TO-DUTY TESTING.....	67
RULES FOR ELECTRONIC COMMUNICATION.....	14

S

SCHEDULE ADJUSTMENTS.....	32
SCHEDULING VACATION LEAVE.....	42
SEARCHES.....	6, 67
SELECTION.....	16
SEPARATIONS.....	72
SEVERABILITY.....	1
SEXUAL HARASSMENT.....	3
SICK LEAVE.....	42
SICK LEAVE POOL.....	51
SMOKING/TOBACCO PRODUCTS.....	7
SOCIAL SECURITY.....	39
SOLICITATION OF FUNDS FOR CITY PROJECTS.....	12
STANDARD MEAL AND INCIDENTAL ALLOWANCES.....	86
STANDBY DUTY.....	35

T

TEMPORARY LIGHT DUTY STATUS.....	62
TERMINATION OF INJURY LEAVE.....	61
TESTING.....	19
TEXAS MUNICIPAL RETIREMENT SYSTEM.....	39
TIME REPORTING.....	35
TIMELINESS AND ATTENDANCE.....	9
TOTAL DISABILITY/RETIREMENT.....	63
TRAVEL/EXPENSE REIMBURSEMENT.....	85
TRAVEL TO AND FROM SCHOOL AND SEMINARS, HOURS WORKED WHILE ATTENDING SEMINARS.....	86
TYPES OF EMPLOYMENT.....	24
TYPES OF SEPARATIONS.....	72

U

UNAUTHORIZED ABSENCE.....	41
UNEMPLOYMENT INSURANCE.....	40
UNIFORMS.....	8
UPON TERMINATION (SICK LEAVE).....	44
USE OF AND ACCOUNTABILITY FOR CITY EQUIPMENT AND PROPERTY.....	68
USE OF CITY COMPUTERS, INTERNET ACCESS, AND ELECTRONIC MAIL.....	13
USE OF ELECTRONIC DEVICES.....	12
USE OF SICK LEAVE.....	43
USE OF TOOLS, EQUIPMENT, PROPERTY, AND VEHICLES.....	68
USE OF VACATION LEAVE.....	42
USING LEAVE IN COMBINATION.....	51

V

VACATION LEAVE 41
VALID DRIVER'S LICENSE..... 69
VEHICLE INSURANCE 69
VERIFICATION OF ELIGIBILITY TO WORK 22
VIOLENCE IN THE WORKPLACE 5

W

WEAPONS..... 6
WORK DURING HOLIDAYS 57
WORK PERIOD 32
WORK SCHEDULE AND TIME REPORTING 32
WORKERS' COMPENSATION..... 40