THE CITY OF SCHERTZ, TEXAS

Employee Handbook

SCHERTZ
COMMUNITY ★ SERVICE ★ OPPORTUNITY

1400 SCHERTZ PARKWAY
SCHERTZ, TEXAS 78154

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FOREWARD

AUTHORITY

This policy manual contains statements of Human Resources policies and philosophy. In accordance with the City of Schertz Charter Section 6.02 - Operational and Personnel Policies, the City Manager shall be responsible for the preparation of operational and personnel policies. Personnel policies which affect the budget and employee discipline and/or adverse actions shall be approved by City Council. All other operational and personnel policies will be approved by the City Manager but provided to City Council for their information.

This manual is designed to be a working guide for supervisory and non-supervisory staff to ensure equitable treatment to all employees. Policies contained in this manual are intended to provide guidance on most situations that may arise. They do not constitute part of an employment contract, nor are they intended to make any commitment to any employee concerning how individual employment actions can, should, or will be handled. In cases where circumstances are not specifically addressed by policy, the Human Resources Department should be contacted.

Policies are subject to revision and/or further development in response to growth, changes in employment law and the changing environment. The City of Schertz reserves the right to delete, change, add and/or revise this manual at any time for any reason without notice. The Policy Manual is reviewed periodically and updated as necessary.

IMPLEMENTATION

The City Manager is responsible for the administration of Human Resources policies and procedures. The City Manager may delegate authority to appropriate staff members, including Department Heads, to act on their behalf in the administration of these policies and City procedures.

With exception of matters of appointment and other personnel actions reserved to the City Council by statute or charter provision, final authority, in the form of review and approval, is reserved to the City Manager with regard to all personnel matters and subjects covered by these regulations.

Managers and supervisors are expected to notify the Human Resources Department when clarification is needed in the administration of Human Resources policies or procedures. Any questions concerning eligibility for a particular benefit, or the applicability of a policy, should be addressed to the Human Resources Department.

These policies completely replace and supersede any and all personnel policies previously adopted, individually or as a set of policies, by the City Council.

APPLICABILITY

These policies apply equally to all employees of the City except the City Manager, City Attorney, Municipal Judge, Municipal Prosecutor, and City Secretary unless a class of employees is specifically exempted by these policies.

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 policies only insofar as necessary for compliance.

TABLE OF CONTENTS

SECTION I
INTRODUCTION

1.1 Introduction 1
1.2 Applicability 1
1.3 City Administration 1

SECTION II
GENERAL POLICIES

2.1 Employment 3
2.1.1 At-Will Employment 3
2.1.2 Age Requirements 3
2.1.3 Filling Position Vacancies 3
2.1.4 Medical Examination 6
2.1.5 Nepotism 6
2.1.6 Interpersonal Relationship and Fraternization 10
2.1.7 Internships 10
2.2 Work Hours and Time Keeping 11
2.2.1 Work Hours 11
2.2.2 Lunch Breaks 12
2.2.3 Rest Periods 12
2.2.4 Public Safety Department Work Schedules 12
2.2.5 Timekeeping and Reporting 12
2.3 Employee Conduct 19
2.3.1 General Conduct 19
2.3.2 Workplace Civility 19
2.3.3 Attendance 20
2.3.4 Gifts 21
2.3.5 Dress and Personal Appearance 21
2.3.6 Electronic Communications and Digital Resources Usage 22
2.3.7 Workplace Monitoring 25
2.3.8 Workplace Security 26
2.3.9 Outside Employment and Conflict of Interest 27
2.3.10 Abandoned Property 27
2.3.11 Smoking and Tobacco Products 27
2.3.12 Political Activity 27
2.3.13 Interaction with City Council 28
2.3.14 Photographs 28
2.3.15 Departmental Policies 28
2.4 Drug Free Workplace 29
2.5 Firearms and Weapons 33
2.6 Vehicles and Equipment Usage 33
2.7 Safety 40

SECTION III
TRAINING & DEVELOPMENT

3.1 Job Orientation and Training 41
3.2 Probationary Period 41
3.3 Travel, Training & Conference Procedures 43
3.4 Tuition Reimbursement 45

SECTION IV
COMPENSATION & BENEFITS

4.1 Pay Policy and Procedures 46
4.1.1 Fair Labor Standards Act (FLSA) 46
4.1.2 Employee Classifications 47
4.1.3 Determining Salaries 48
4.1.4 Overtime Pay 49
4.1.5 Compensatory Time 50
4.1.6 Stand-By Pay 52
4.1.7 Education Pay 53
4.1.8 Disaster Pay 53
4.2 Benefits 54
4.3 Holiday, Vacations, and Leaves 55
4.3.1 Holidays 55
4.3.2 Vacation Leave 58
4.3.3 Sick Leave 59
4.3.4 Sick Leave Pool 60
4.3.5 Family and Medical Leave (FMLA) 63
4.3.6 Workplace Milk Expression for Breastfeeding Employees 65
4.3.7 On-The-Job Injury Leave/Pay 66
4.3.8 Light Duty 68
4.3.9 Bereavement Leave 69
4.3.10 Jury Duty 71
4.3.11 Military Leave 72
4.3.12 Maximum Leave of Absence; Concurrent Leave 72

SECTION V
EMPLOYEE RELATIONS

5.1 Harassment Prohibited 73
5.2 Sexual Harassment Prohibited 73
5.3 Reporting Sexual Harassment or Other Types of Harassment 74
5.4 Disagreement Procedures 76
5.5 Performance Management 77
5.6 Progressive Discipline and Disciplinary Appeals Process 81

SECTION VI
SEPARATION FROM EMPLOYMENT

6.1 Separation from Employment 90

6.1.1 Resignation.....90

6.1.2 Retirement 90

6.1.3 Reduction In Force 91

6.1.4 Administrative Termination 91

6.1.5 Employment Abandonment.....91

6.1.6 Termination.....91

6.1.7 Death.....92

6.1.8 Return of City Property 92

6.1.9 Use of Leave After Notice 92

SECTION I

INTRODUCTION

1.1 Introduction

This handbook has been prepared as an introduction to the City for new employees and as a reference guide for all employees. It is intended to acquaint employees with the policies, rules, compensation arrangements, and benefits which apply to all employees of the City. Employees should read, understand, and comply with all provisions of the handbook.

Some City Departments may have additional rules, policies, and procedures, and each employee should discuss those matters with their supervisor.

1.2 Applicability

The policies presented in this handbook apply to all City employee positions, except as otherwise noted. Violation of any policy contain herein may result in disciplinary action, up to and including termination. The policies contained in this handbook do not apply when a conflict exists between the policies and State and Federal laws. In addition, certain employment rights of some City employees, such as the City Secretary and the Municipal Judge, are governed by the City Charter, and, when a conflict exists between the policies in this handbook and the City Charter, the applicable terms of the City Charter govern those employment relationships. Finally, the policies in this handbook do not apply to volunteer members or elected officials of City boards and commissions, except when specifically referred to.

1.3 City Administration

City Manager. Except for tasks reserved to the City Council by law (including the City Charter), the City Manager is responsible for the conduct and administration of the City's business. Among other matters, the City Manager has the basic responsibility for the City's personnel program.

Assistant City Manager. Under general direction of the City Manager, the Assistant City Manager leads one or more major City functional area, provides policy guidance and may direct activities of assigned departments, divisions and services.

Department Heads. Department Heads, under the jurisdiction of the City Manager and Assistant City Manager, are responsible for conducting the business of their Departments. They are expected to set an example of ethical and professional conduct. They are also responsible for enforcing the rules and regulations contained in this handbook, assisting supervisor and employees in interpreting policies in cases where clarification is needed,

and providing assistance to supervisors and employees to maintain consistent compliance with these rules and regulations.

END OF SECTION I

SECTION II

GENERAL POLICIES

2.1 Employment

2.1.1 At-Will Employment

The contents of this handbook are presented as a matter of information only and do not constitute a contract. Each employee is engaged by the City for an indefinite period, and there are no guarantees, expressed or implied, as to the length of time for which the City will continue any person's employment. Accordingly, employment may be terminated at any time at the will of the City or the employee. No one other than the City Council has any authority to alter this at-will relationship, whether through oral or written statements, promises, or otherwise. To be binding on the City, any agreement or promise that contradicts or alters the at-will nature of employment must be in writing, approved by the City Council and signed by the City Manager.

2.1.2 Age Requirements

No person under 18 years of age shall be employed by the City in any regular position. Temporary, short-term positions, such as summer employment, may be offered to persons under the age of 18 years. Otherwise, age restrictions do not exist for any type of employment, unless specifically stated in the job qualifications.

2.1.3 Filling Position Vacancies

Competitive consideration of external and internal applicants is the default method of recruitment and selection for all positions. If requesting a method other than the default, Department Heads must submit their recommendations on the method of recruitment and selection in writing to the Assistant City Manager, to include justification based on the criteria outlined below. The Assistant City Manager shall be the final authority on the method of selection to be used in filling each vacancy.

The City will always seek to obtain the most capable person available to perform a particular job without regard to race, religion, color, sex, age, disability (if otherwise qualified), national origin, sexual orientation or gender identity.

Methods of Recruitment and Selection. The City will employ one of the following methods of recruiting and selecting qualified persons to fill position vacancies:

- Competitive consideration of both external and internal applicants
- Competitive consideration of internal applicants only
- Placement of existing employee as a result of a promotion or transfer, or as an accommodation

- 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 previously. If not determined by individual department policy, the list must have been determined within the preceding 180 days.)

Department Heads shall notify the Human Resources Department when vacancies occur or are imminent. Before the recruitment process begins, Department Heads should consult with Human Resources to ensure that the job description is current and accurately defines the job responsibilities and skill sets and other qualifications required to perform the job.

The decision to hire internally or externally may be based on one or more of the following criteria:

- The skill requirements of the position
- The internal supply of talent
- The presence of succession planning
- The benefit of knowledge of internal operations

As a tool to develop employee loyalty, promote employee growth and increase employee engagement and morale, employees are encouraged to develop their qualifications. Promotions may occur from within the organization when a current employee meets the minimum requirements and has successfully demonstrated the desired skills, knowledge and abilities required for a position, and there is no value added to the organization by seeking external applicants. There is no requirement to post a position vacancy internally first.

Internal job announcements will be posted for a period of no less than five [5] working days and external job announcements will be posted for a period of no less than ten [10] working days. These requirements may be waived by the City Manager, when deemed to be in the best interest of the City.

Selection of Applicants. For all positions (except the Police Department, Fire Department, and the EMS Department, which have their own hiring/promotion procedures), after a position has been advertised the required length of time and the final date for accepting applications has expired, the hiring department/manager will initially review and screen the applications, verifying experience, references, and/or any other information that may be required to identify the most qualified applicants. The Human Resources Department may assist with review of applications, but the hiring department will conduct interviews and make final selections. The Department head will make a recommendation of employment, which must be approved by the Assistant City Manager. If approved, HR will prepare and present a conditional offer of

employment to the employee. The City Manager will be the final hiring authority for all hires.

Factors on which individuals may be selected for City employment include, but are not limited to, training, experience, and education as reflected on the application form. If the Department head believes that a test is necessary to measure an applicant's ability to perform a job, an ability test, a written test, or both, may be required. Any test given will be designed to measure the applicant's ability to perform the job for which they are applying. A driver's license check is required for those applicants who will be expected to operate vehicles or road machinery.

When current employees are being considered for a position, the hiring department may request copies of their service record with the City, to include disciplinary actions and performance evaluations.

The City may reject any application if the applicant:

- does not meet the minimum requirements established for the position;
- is unable to perform the duties of the job with or without reasonable accommodation;
- has included false information in the application;
- does not successfully complete a pre-employment drug screen, physical and agility test (as required by position);
- has omitted required information or failed to submit the application correctly or within the prescribed time limit.

The City is an equal opportunity employer and seeks to maintain a diverse work force.

Promotions. Promotions are a change in status which result in advancement to a position in a higher pay grade.

Promotions are based upon such factors as efficiency, performance, length of service, superior qualifications of the person to be promoted as shown by their previous service and work knowledge, demonstrated aspects of ability to do the job over a certain period of time, and a lack of multiple qualified internal candidates. No promotions will be based solely on the basis of length of service or longevity. A promoted employee retains the same employment anniversary date, all accrued vacation and sick leave, and their continuous service record.

In accordance with the City's Probation policy, employees who are promoted to another position or another department within the City are required to serve a six (6) month probationary period. No employee shall be promoted to another department while still

serving probation unless approved by the transferring department and the Assistant City Manager. Employees in a probationary status are not eligible for merit increases.

Transfers. A transfer is the reassignment of an employee from one position to another position in the City with the same or lower pay grade. Transfers may be made administratively (due to reductions in force or employee accommodations) or in conjunction with an announced selection process. A transferred employee retains the same employment anniversary date, all accrued vacation and sick leave, and their continuous service record.

In accordance with the City's Probation policy, employees who are required to transfer at no fault of their own (due to reduction in force or employee accommodation) will not be required to serve probation in their new positions.

An employee wishing to self-initiate a transfer from one position or department to another (not as a result of an accommodation or reduction in force) must apply for open vacancies. Employees who transfer will have a starting salary not less than the entry-level salary for that position, but may be less than the employee was receiving in their previous position of employment. In accordance with the City's Probation policy, employees who voluntarily transfer to another position or department, regardless of position type or pay, shall be required to serve a six (6) month probationary period. No employee shall be transferred to another department while still serving probation unless approved by the transferring department and the Assistant City Manager.

2.1.4 Medical Examination

After a conditional job offer has been made and prior to commencing employment, prospective employees may be required to undergo a physical examination to determine the prospective employee's ability to perform the duties of the position applied for. The cost of such examination is paid by the City. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions of a position.

2.1.5 Nepotism

The City places limitations on the employment of relatives to comply with all applicable laws and to prevent a condition of conflict between personal relationships and a City employee's duties and responsibilities to the City. This policy is designed to prevent a supervisor/subordinate relationship between relatives. This policy is also designed to prevent favoritism or the perception of favoritism by other employees in the department and/or City. The City forbids the practice of nepotism in hiring personnel or awarding contracts.

Definitions

Affinity – Includes the spouse of an elected City official or employee and individuals related to the spouse.

Consanguinity – Includes individuals related by blood to an elected City official or employee.

Department – A major administrative branch of the City that reports to a Department Head and provides management responsibility for a group of related functions.

Nepotism – The practice of favoring relatives over others.

Relatives – Includes, but is not limited to, the first, second and third degree of consanguinity (blood), adoption; and the first and second degree of affinity (marriage). Common Law marriages as recognized by the State of Texas will also be included for purposes of this policy. Adopted and foster children shall be counted as blood relatives.

Consanguinity (relative by blood)

First Degree	Second Degree	Third Degree
Father or Mother Son or Daughter (& Spouse)	Grandparents Grandchildren (& Spouse) Uncle or Aunt (& Spouse) Brother or Sister (& Spouse) First Cousin (& Spouse) Nephew or Niece (& Spouse)	Great Grandparents Great Grandchildren (& Spouse) Great Uncle or Aunt (& Spouse) Children of Great Uncle or Aunt (& Spouse) Second Cousin (& Spouse) Children of First Cousin (& Spouse) Great Nephew or Niece (& Spouse)

Affinity (relative by marriage)

First Degree	Second Degree
Spouse Father or Mother Son or Daughter	Grandparents Grandchildren Uncle or Aunt First Cousin Nephew or Niece Brother or Sister

Grandfather Clause. Employees hired before the effective date of this policy shall be allowed to continue working in their current positions. **After** the effective date of this policy, no person shall be hired by the City if their employment with the City could violate this policy.

Relatives of Officials. No person related to any elected City official, the City Manager, Assistant City Managers, or the Human Resources Director within the first, second, or third degree by consanguinity (blood) or within the first and second degree by affinity (marriage) shall be employed with the City.

This prohibition does not apply to employees who have been continuously employed by the City for at least two (2) years prior to the election of a City official related in the prohibited degree or to temporary employees. Furthermore, per state law, this prohibition does not apply to an employee related to the City Manager in the prohibited degree where the employee has been continuously employed by the City for a period of at least 30 days prior to the appointment of the City Manager.

Relatives of City Employees

General Provisions. No City employee shall have a relative working in the same department or any division within the same department as them. This includes interns and temporary employees.

Supervision. No City employee shall directly or indirectly supervise a relative or supervise the work quality of a relative. Furthermore, no City employee shall be transferred or promoted into positions that require them to supervise the work quality of a relative *or* be placed in a direct or indirect supervisor/subordinate relationship with a relative.

No City employee shall hold a job where the employee exercises supervisory authority over the work, work assignments, working conditions, or compensation/benefits of any relative who is also employed by the City.

Relatives shall not be employed in a position whereby they would share the same immediate supervisor.

Applicants. At the time of application, all applicants must disclose the name(s) of any relative(s) serving as an elected City official and any relative(s) currently employed by the City.

Conflict of Interest. The City reserves the right to prohibit the hiring, transfer, or promotion of any employee relative to any position within the City if the employment action could create an adverse impact on work performance, work conditions, a conflict of interest for the City, or the appearance of a conflict of interest for the City.

Recommendations for Hiring. A current City employee shall not be involved in the hiring or selection of a relative.

Disciplinary Actions. No supervisor or any employee with supervisory authority, including the City Manager, Assistant City Managers, or Department Heads, shall participate in the disciplinary process, disciplinary decisions, or disciplinary appeals involving their relative.

Investigations. No employee, including the City Manager, Assistant City Managers, or Department Heads, shall oversee or have any responsibility in conducting any City or internal investigation involving their relative.

Special Considerations

Employees Who Become Relatives. If employees become relatives and are in a direct or indirect supervisor-subordinate relationship, or in positions where a condition of conflict would exist, one or both of the employees shall notify Human Resources of this change in relationship status. Either or both of the employees may seek a transfer or resign from their respective positions.

If one of the employees fails to seek and/or be selected for another position not barred by this or other policy within fourteen (14) calendar days of becoming relatives, the employee who has the least seniority with the City, based upon the most recent hire date, will be required to vacate their position. The respective Department Head will consult with the Human Resources Department prior to any termination of employment.

Transfer Accommodations. Accommodations may be provided to employees who are impacted by this policy if no positions are available for which the employee would qualify to transfer into within the fourteen (14) day period (see above- Employees Who Become Relatives). The following conditions will apply when accommodations are granted:

1. An employee who is offered a position with the City at a lower level than the one previously held will receive their former salary unless that salary is greater than the top of the range of the new position. In this case, the employee's new salary will be set at the top of the range of the new position.

2. Accommodations will not be given to an employee who refuses a bona fide job offer. Accommodations will not extend beyond six (6) months after the employees last day of work with the City.

3. Accommodations will only be given when the employee meets all minimum qualifications for the position in which he/she applies.

4. The City Manager will have the final approval on <u>any</u> accommodations.

2.1.6 Interpersonal Relationships and Fraternization

While the City of Schertz encourages amicable relationships between management personnel (supervisors) and their subordinates, it recognizes that involvement in a romantic relationship may compromise a manager or supervisor's ability to perform their job. Any involvement of a romantic nature between a manager or supervisor and anyone he or she supervises, either directly or indirectly, is prohibited. Violation of this policy will result in either (1) the transfer of the manager or supervisor's employment to another City department or (2) disciplinary action, up to and including termination of the manager or supervisor's employment.

2.1.7 Internships

In an effort to provide students, recent graduates and veterans with an opportunity to combine work experience and professional development to enhance their formal education, the City shall work to recruit and utilize interns across the various city departments. The City may also participate in fellowship programs for transitioning veterans interested in careers in local government.

Paid Intern: An intern that will be paid for the services they provide. They will be classified as temporary employees and compensated as approved during the approval process. Paid interns will normally be those positions that are approved to help a department to accomplish a project or series of projects as determined by the Department making the request.

Unpaid Intern: Unpaid interns will be reserved for cases where the City accommodates at the request of a student as part of required coursework or an individual who is transitioning out of the military.

Departments will submit to Human Resources and their Deputy/Assistant City Manager an Internship Request for anticipated intern needs. The Request Form must be complete and include necessary detail outlining the goals, objectives for the assignment and length of the internship. No internship will be approved that is longer than six months. All internships, paid or unpaid, must be approved by City Management and Human Resources.

The City may advertise internships and select interns in accordance with City policy 2.1.3 on filling vacancies. However, public advertisement of intern positions is not required and direct hire may be utilized when the City has identified an appropriate and viable candidate. All intern positions will be required to undergo a background check and drug screen prior to starting any intern work.

The intern's supervisor and the intern will review a description of the intern's assignment outlining the goals, objectives and responsibilities to be achieved. The supervisor and intern will both sign this document signifying agreement.

The supervisor will be responsible for complete oversight of the intern while working for the City. The City's Separation policy will apply for all intern exit processes upon the completion of their assignment.

2.2 Working Hours and Time Keeping

2.2.1 Work Hours

Standard Workweek. The standard workweek for employees is 8:00 a.m. to 5:00 p.m., Monday through Friday. Although a normal workweek for many regular, full-time employees is forty (40) working hours per week, the workweek may vary by department and operational necessity.

Standard Workday. The standard workday for regular, full-time employees is eight (8) hours. This may vary by department and operational necessity.

Individual Work Schedules. An employee's work schedule is determined by the department's operating requirements and subject to change at any time by the Department Head or designee. An employee's work schedule may also be adjusted within the standard workweek (or other designated work period as allowed by FLSA) to avoid the payment of overtime or accrual of compensatory time.

Required Work Time. All city employees may be required to work hours in excess of their normal work hours when necessary as determined by the supervisor.

Department Head Responsibilities. Each Department Head is responsible for ensuring that supervisors and employees are complying with established work schedules and that unscheduled work is minimized and managed appropriately. The mere establishment of schedules (written or verbal) does not relieve the Department Head of their responsibility for controlling work time. It is advised that supervisors and managers limit the use of extended shifts beyond scheduled hours and increase the number of days employees work.

Unauthorized Working Time. Unless approved in advance by the employee's supervisor, non-exempt employees performing work at any time other than authorized working time is prohibited. Unauthorized work time is time worked outside the employee's standard day and workweek, as determined by their Department. Such time would include, but is not limited to, work performed before or after regular work hours or work taken home. When advance approval is not feasible due to the nature or circumstance of the work being performed, the employee should notify their supervisor as soon as possible, noting the amount of time worked and the work reason.

2.2.2 Lunch Breaks

Department Heads or designee will determine lunch schedules so that the Department can provide uninterrupted service to the public. Employees generally have one (1) hour off for lunch, depending on work schedules as determined by the Department Head or designee. This policy does not apply to shift workers, except at the discretion of the Department Head based on scheduling and the availability of personnel for relief purposes. Non-exempt employees are required to clock in/out for lunch. If a non-exempt employee is required to work through a lunch period, the employee must be paid for the time worked; however, working through lunch must be approved in advance (when possible). If a non-exempt employee's lunch period is interrupted by work requirements, they must be paid for any time worked.

2.2.3 Rest Periods

City employees generally have two fifteen-minute rest breaks, one in the first half of their shift and the other in the second half of their shift. Employees with varying schedules should adjust their break periods accordingly through consultation with their supervisor. Time allotted for rest periods may not be applied to any other time, absence, leave, or time off. In all events, Department Heads have the authority to schedule rest periods so that necessary work can be accomplished. This policy does not apply to shift workers except at the discretion of the Department Head, based upon scheduling and the availability of personnel for relief purposes. Rest periods are considered time worked, and employees do not clock in/out for permitted break periods of 15 minutes or less.

2.2.4 Public Safety Departments Work Schedules

For specific information regarding shift assignments and duties for the Police, Fire and EMS Department, employees should refer to the Department's Standard Operating Procedures (SOPs).

2.2.5 Timekeeping and Reporting

All employees are expected to report punctually for duty at the beginning of their assigned workdays and to work the full workdays established. Hours worked is defined as time that an employee performs principal activities related to the job on the City's premises or at the prescribed workplace whether suffered or permitted by the City.

Employees and supervisors will properly record, track and approve work hours and manage requests for time off through the City's official timekeeping system. Employees are paid according to the hours recorded and absence records (e.g. vacation, sick days) on their electronic time sheet in timekeeping system.

In order to ensure consistency of treatment for employees, the data recorded in the timekeeping system shall be considered as the official record of the workday. Any disputes over hours worked or attendance will be resolved in accordance with City Policy 5.3 Disagreement Procedures.

Certain situations (e.g. clock malfunction) may necessitate manual correction or data entry in the current pay period. These changes will be clearly documented via email from the department Manager/Supervisor to the timekeeper, who will make edits and notes on the timecard. The timekeeping system automatically tracks and manages employee hours and applies current City of Schertz pay rules. Changes to previous pay periods must be communicated via email to Human Resources.

If a supervisor makes an adjustment to a time sheet and the employee is not immediately available to approve, the supervisor must include a detailed note as for the reason for change, and notify the employee of any change to the time sheet as soon as possible.

Recording Time Worked. All non-exempt employees are required to clock in/out each shift to record hours worked. Time will be recorded and paid by the minute for non-exempt employees. Time exceptions (absences such as sick or vacation) will be recorded for exempt employees.

Time clocks, computers, and the timekeeping cell phone app can all be used for employees to record their time, but use of the cell phone app requires pre-approval by the Department Head.

Employees found to be clocking in for someone else or having other people clock in for them may be subject to disciplinary action, up to and including termination for all involved.

Employees are expected to clock in/out as close to their designated start/end time as possible. Employees clocking in after their scheduled start time are considered late. Absenteeism and tardiness will be handled by the employee's supervisor.

If an employee fails to punch, it is the responsibility of the employee to notify their supervisor. If the employee fails to notify their supervisor by the payroll deadline, missed pay may not be paid until the following payday. Employees working off-site or outside of normal business hours without access to clock in/out are required to report time worked to their immediate supervisor for manual time entry. Employees who consistently miss documenting their time in the timekeeping system may be subject to disciplinary action in accordance with the progressive discipline policy.

Overtime must be authorized in advance by the Department Head or designee (this includes skipping lunches). When advance approval is not feasible due to the nature or circumstance of the work being performed, the employee should notify their supervisor as soon as possible, noting the amount of time worked and the reason for overtime. Non-exempt employees who work overtime without authorization must still be paid for the time worked, but may be subject to disciplinary action if unauthorized time continues.

An employee working on a shift when daylight savings time goes into effect will be credited with the actual number of hours worked on that shift. An employee working on shift upon return to standard time is credited for the actual number of hours worked on that shift.

If time is submitted incorrectly, corrections will have to be made in the following pay cycle and should be communicated via email to hr@schertz.com.

Pay Period. The regular **workweek** is Saturday at 12:00 am through Friday at 11:59 pm. For specific information regarding workweeks for the Police, Fire and EMS Department, employees should refer to the Department's Standard Operating Procedures (SOPs). The **pay period** for all employees is two weeks (14 days).

FLSA Cycles. An FLSA cycle is defined as the period of time on which overtime is calculated. Certified Fire working a 48/96 schedule are on a 14-day cycle. All other employees are on a 7-day cycle.

Employee Responsibilities. Employees are responsible for ensuring that their time worked and leave time reflected on their timecard is accurate.

Supervisor Responsibility. Supervisors must verify the number of hours worked and leave taken by each of their employees. Supervisors are responsible for creating and maintaining schedules for their employees.

Time Off Request. Time off requests can be generated in the City's timekeeping system and must be approved by the supervisor prior to the time being taken by the employee, with the exception of unscheduled absences such as sick leave. An employee may submit a request to use sick leave following the absence and the employee's return to work. At the discretion of the department head, time off requests may be managed outside of the timekeeping system. If an employee submits a leave request for an official City holiday, holiday pay will automatically be applied to full-time exempt and non-exempt employees in the timekeeping system. Supervisors have to manually input holiday pay for part-time employees. Refer to the Holiday Policy.

Electronic Timecard Approval and Deadlines. At the end of each pay period, employees are required to approve their time worked and leave hours recorded for the pay period by approving their timesheet in the timekeeping system. By approving the electronic timecard, the employee is attesting to the best of their knowledge that the information submitted is complete and accurate. In accordance with the progressive discipline policy, employees may be subject to disciplinary action for willfully reporting false or inaccurate information.

All timecards must be reviewed and approved by the **Employee** and **Supervisor or designee no later than NOON on the Monday following the end of a pay period**.

Delegating Approval to another Supervisor. In the event a supervisor will be out of the office, they will arrange for a designee to review and approve timesheets. It is the supervisor's responsibility to ensure that the delegate has the appropriate access to the timekeeping system to perform the delegated responsibilities prior to being out of the office.

On-Call Status. On-Call status may require an employee to be available by phone or at certain locations such that they cannot use the time for their own purposes. Generally, an on-call employee would have time worked for the amount of time spent:

- Performing work-related activities, such as phone calls; and
- Driving to and from the location when called to perform work while on call.

If the time is considered time worked, the employee(s) shall receive their regular hourly rate until they work over forty (40) hours within a given workweek, which would then place the employee(s) in an overtime status. This policy would also apply to an employee who is not scheduled to be on call but may, nevertheless, be called out.

Recording Leave Time. According to the Fair Labor Standards Act, hourly, non-exempt employees must be paid overtime at time and one-half their regular rate of pay for all hours <u>actually worked</u> over forty (40) in a single workweek.* Thus, in calculating how many hours a non-exempt employee <u>actually works</u> in a week, the city will not count paid vacation, holiday, comp time, or sick time towards the forty (40) hour workweek.

For example, an employee who normally works Monday through Friday, eight (8) hours a day, is off on a Monday because it is a paid holiday. The employee then works Tuesday through Friday, eight hours a day, and is asked to work four (4) additional hours on Saturday. The employee's pay for the week would reflect a total of forty-four (44) paid hours. However, since the employee <u>actually worked</u> only thirty-six (36) hours, they would not receive any overtime pay. All hours would be paid at straight time.

An employee will not be paid for time not worked (sick, vacation or comp) in excess of their regularly scheduled hours in a pay week.

> *For example, an employee who normally works Monday through Friday, eight (8) hours a day, calls in sick on a Monday. The employee then works Tuesday through Friday, eight hours a day, and works four (4) additional hours on Saturday. The employee's pay for the week would reflect a total of forty (40) paid hours, four (4) of which are sick. (Use of vacation would be applied in the same manner.)*

A deliberate misrepresentation of time worked or leaves taken, or unauthorized absence may result in disciplinary action up to and including termination.

*Does not apply to Fire Operations personnel subject to Section 7(k) Overtime Exemption as outlined in FLSA regulations.

Leave Substitution. All applicable paid leave must be used concurrently with a leave of absence with the exception of an employee who is serving a suspension. In accordance with this policy, other leaves will be automatically substituted when there is an insufficient balance of a requested leave or substitution type (e.g. If ten (10) days of leave are requested to take care of an ill child, but the employee only has five (5) days of sick leave, then any comp time balance followed by any vacation time balance will automatically be substituted, if available). Employees may not use comp time or any other leave in place of sick time unless the employee has exhausted their sick leave.

Work "suffered or permitted." Overtime must be paid if the employer "knows or has reason to know" that the employee is working. The location of the work (e.g., at the job site or away from it) is immaterial if the employer knows or has reason to know of the employee's work.

Training Time. Time spent studying and attending classes for courses which are required by the supervisor for an employee's current job is considered time worked.

Time spent in training, lectures and meetings need not be considered time worked <u>if all four</u> of the following conditions are met:

- Attendance occurs outside of regular work hours.
- Attendance is totally and <u>completely</u> <u>voluntary</u>. To meet this criterion, the employer cannot require employee attendance; and the employee must not be led to believe that non-attendance would adversely affect their employment.
- The employee does no productive work related to the employee's job responsibilities while attending training; and
- The training is not directly related to the employee's present job

- Training is "directly related" to the employee's job when it is designed to make the employee more effective at their present job.
- Training is not "directly related" to the employee's job when it prepares the employee for a different job, including a promotion.

Time spent by an employee on their own initiative attending an independent school, college or independent trade school after hours is not considered time worked for the City even if the courses are related to the job. This policy is separate and independent from the City's tuition reimbursement program.

Travel Time

In accordance with the FLSA, the principles that apply in determining whether time spent in travel is time worked depend upon the kind of travel involved.

Home-to-work travel. Normal commuting time to an employee's regular worksite is not treated as hours worked under the FLSA.

Home to work on a special one-day assignment in another city. When an employee must travel out of town for work but returns home the same day, all the time spent traveling during the day is compensable, regardless of the employee's regular work hours. However, the City may deduct the time the employee would have spent commuting to their regular work location.

Travel that is all in a day's work. Time spent traveling to and from different worksites during the day is work time and must be paid.

Travel away from home. When travel requires an overnight stay, any time traveling as a passenger that falls within the employee's normal work hours is compensable, regardless of what day of the week the travel takes place. Time spent traveling to an airport terminal or train station is considered commute time and is not treated as hours worked, but the time spent waiting at the terminal until arrival at the destination is compensable when it falls during normal work hours.

For example, if an employee normally works Monday through Friday, 8:00 a.m. to 5 p.m., and they are required to travel by plane on a Sunday for business in another state, the travel time on Sunday between 8:00 a.m. and 5 p.m. is compensable.

So, if the employee arrives at the airport on Sunday at 3 p.m. and at their destination at 8 p.m., the City is required to pay them only from 3 p.m. to 5 p.m., the hours that correspond with their normally scheduled work hours.

Driving at the direction of the City. When employees are required to drive themselves or others, all driving time is compensable. However, when an employee is traveling to an

overnight stay and has the option to use public transportation (e.g. airplane, train, bus, etc.) but chooses to drive their own vehicle instead, the City can either choose to pay for all time spent traveling or pay only the travel time that occurs during normal work hours, regardless of what day of the week the employee travels (CFR 785.40).

If the employee drives themselves or others at the direction of the City rather than traveling as a passenger, all the time spent driving is compensable work time, regardless of the employee's normal work hours.

Worked performed while traveling. An employee must be paid for any time they are performing work. This includes time spent working during travel as a passenger that would otherwise be non-compensable.

For example, an employee normally works Monday through Friday, 8:00 a.m. to 5 p.m. They arrive at the airport on Sunday at 3 p.m. and at their destination at 8 p.m. Generally, the City is required to pay them only from 3 p.m. to 5 p.m.; however, if the employee works on a presentation during the flight until 6:30 p.m., the City would need to pay them from 3 p.m. to 6:30 p.m.

Medical Attention. Time spent waiting for and receiving medical attention as a result of a workplace injury is considered time worked.

Volunteer Work. FLSA covered employees may not work in excess of 40 hours in a workweek without compensation.* All time worked must be properly recorded.

Volunteer efforts by an employee for the City shall not be reported as time worked and shall not be compensable as long as the effort is voluntary.

In order to classify an employee as a volunteer and not an employee under the FLSA, <u>all</u> of the following requirements must be met:

- The services must be offered freely by the employee without pressure or coercion (direct or implied) from the employer. Therefore, requests from the employer to participate in "voluntold" activities are not permissible.
- The volunteer must not receive or expect to receive any compensation for work performed.
- The services must be different from any service that the individual is employed to perform for the employer

*Does not apply to Fire Operations personnel subject to Section 7(k) Overtime Exemption as outlined in FLSA regulations.

2.3 Employee Conduct

2.3.1 General Conduct

All employees are expected to maintain a high level of professional conduct on the job, to render courteous, efficient service to the public, to be mindful of safety practices and to exercise the utmost care in the use of City property.

2.3.2 Workplace Civility

The purpose of this policy is to reinforce our commitment to the City's core values of acting with integrity and personal accountability, to support a culture of inclusion, and to establish guidelines for civility and professionalism in the workplace.

CITY CORE VALUES:

- **Do the Right Thing**
- **Work Collaboratively as a Team**
- **Do Your Best**
- **Treat Others The Way You Want to Be Treated**

Employee Responsibilities. All employees are expected to conduct themselves in a professional manner that promotes a safe, respectful, inclusive and productive work environment. Employees are expected to exhibit a high degree of personal integrity, civility and professionalism at all times while on the job. This expectation applies to all interactions with coworkers, supervisors, subordinates, customers, vendors, contractors, citizens, and/or visitors. Interactions may be verbal, nonverbal, physical, written, through imagery, electronic or digital means.

Disrespectful, unprofessional, and/or uncivil behavior is unacceptable and may result in corrective action, up to and including termination. Such behavior includes but is not limited to behaviors that a reasonable person would find offensive, humiliating, or disrespectful such as:

- Use of profanity or otherwise offensive language or jokes
- Obscene or indecent gestures
- Shouting, yelling or other aggressive behavior
- Degrading, demeaning, humiliating or insulting comments
- Discriminatory remarks
- Racist, sexist or other slurs or symbols
- Name-calling
- Horseplay
- Harassment
- Retaliatory actions

- Personal attacks
- Acts of insubordination
- Excessive yelling, repeated emotional outbursts, berating others, using a harsh tone of voice
- Talking down to others or using degrading remarks or tone of voice
- Criticizing others in front of a group; using a condescending tone
- Social exclusion or ostracism, ignoring others, silent treatment
- Treating some less favorably than others
- Gossiping or spreading rumors
- Making threats; using intimidating tactics
- Any malicious behavior a reasonable person would find unprofessional, disturbing and harmful to their psychological health

Supervisor Responsibilities. Supervisors are expected to demonstrate leadership in exhibiting and promoting professionalism, civility and respect. This includes setting clear expectations and managing performance of those they supervise in accordance with these standards through regular communication and performance feedback. Supervisors are expected to address professionalism, civility and respect concerns and deficiencies through coaching and/or corrective action as appropriate.

2.3.3 Attendance

Employees will report for work at the time and place specified by the employee's supervisor. Excessive absenteeism and tardiness are disruptive and place an undue burden on the organization, including co-workers and customers.

Reporting Absences. Employees are required to notify their immediate supervisor or designee of an unscheduled absence as soon as possible or at least one hour prior to the employee's scheduled start time. Asking another employee, friend, or relative to give this notification is **not** acceptable notice, except under emergency conditions.

Department Heads may waive the employee reporting requirement in situations where the employee will be absent for an extended period of time. If an employee is out on approved continuous Family Medical Leave, as defined in the Family and Medical Leave Act Policy, the employee is not subject to the above reporting requirement.

Failure to Report to Work. Any employee absent from their job for three (3) consecutive work days/shifts without an authorized leave of absence shall be considered to have abandoned their employment. An authorized leave of absence is leave approved by the Department Head or supervisor, or qualifying leave under the Family Medical Leave Act. Failure to report to work may result in a welfare check.

Tardiness. It is each employee's responsibility to call their supervisor at least one hour prior to the start of their scheduled shift to inform the supervisor that they will be late. The employee should specify a time they expect to arrive at work. If the employee is late due to unforeseen circumstances (e.g. vehicle accident impeding traffic) and cannot provide at least one hour notice, they must notify the employer as soon as possible. The supervisor may require the employee to use accrued leave to cover the absence or approve the make-up of any time missed.

Use of Authorized Absences. An employee will not perform work for another employer or themselves, engage in extra duty employment, or engage in any other actions which would be inconsistent with the stated reason for taking paid or unpaid leave on the same calendar day that the employee fails to report for work due to illness, injury or emergency. Violation of this prohibition will be grounds for discipline, up to and including termination.

Illness-related absences. Employees should refer to the city's sick leave policy.

2.3.4 Gifts

Employees shall not solicit, for their personal benefit, any gift, favor, or service from any person or business entity doing business with the City that might reasonably tend to influence the discharge of an employee's official duties or grant any improper favor, service or thing of value. Employees may solicit, on behalf of the City, items or service from a person or business entity in the course of their job (i.e. obtaining sponsorships for community events). Employees may accept unsolicited advertising or promotional materials such as pens, pencils, note pads, calendars, and other items of nominal value (less than $50.00) to include meals or edible gifts. Regardless of value, employees must use their judgment and should not accept gifts that a reasonable person may believe could have the appearance of impropriety.

2.3.5 Dress and Personal Appearance

Employees shall dress in a professional manner observing appropriate habits of grooming and personal hygiene. The Department Head shall establish dress standards which may vary by position. Department Heads shall determine which positions are required to wear uniforms and shall establish uniform standards for each position. The City shall provide uniform attire to the employees required to wear uniforms. Departments may have additional policies regarding appropriate dress and appearance.

2.3.6 Electronic Communications and Digital Resources Usage

Statement of Purpose. This policy is intended to establish basic guidelines to ensure that the use of all digital devices such as desktop computers, tablets, laptops, cellphones, etc., and information management systems such as desktop applications, email and the Internet by City employees is consistent with City policies, all applicable laws, and the individual user's job responsibilities.

Policy Violations. Violations of this policy will be reviewed on a case-by-case basis and may result in disciplinary action, up to and including termination, in accordance with the City's Progressive Discipline Policy. This policy and its content are subject to all state and federal laws and rules that may apply. Violations of this policy or misuse of city-supplied digital resources, which are of a criminal nature, may be referred for criminal prosecution.

Overview. Digital devices (aka desktop computers, tablets, mobile data devices, cell phones, etc.), information management tools (such as desktop applications, mobile device apps, email, etc.) and access to the Internet are useful resources provided to City employees for conducting City business. Each user is responsible for the appropriate use of these resources as described in this policy. Employees are expected to maintain the same degree of etiquette, responsibility, and professionalism in the use of their digital device and use of the City's information management systems as is expected of them in the course of their normal job functions. Each department is responsible for ensuring that each user is familiar with the contents of this policy.

- Employees using secured systems that access protected data have restrictions placed upon these devices that limit access to the Internet. These restrictions are in place in order to comply with state and federal confidential data protection regulations and industry-based best practices.
- Employees may use the open wifi hotspots located in various buildings to access the internet on their personal devices during their normal breaks throughout the day.
- Dissemination of passwords and/or access codes to unauthorized persons is strictly prohibited.
- Employees are prohibited from tampering with, connecting, adding, installing, disconnecting, or removing any hardware, software, apps, or accessories from or to their digital device. Excluded from this are chargers, headphones, speakers, and other user-specific peripherals. Employees may submit a request to the Information Technology Department for any additional hardware, software or mobile device app other than what is provided.
- All mobile digital devices have location-tracking utilities installed and will be securely wiped in the event of theft or loss. Employees are prohibited from tampering with or removing these device-location utilities. Employees must

report missing devices to the City IT department help desk 24/7 at 210-619-1180 immediately upon determining that the device is missing.

- City employees should only utilize a personal electronic device (including, but not limited to, computers, phones, electronic notebooks, iPads, electronic storage devices, etc.) to access City digital resources that do not store the information on the device and where the City has a record of all activities (such as Office 365 or through a City supplied secure portal such as ADP). Staff should be aware that records related to City business are subject to all the provisions of the Texas Public Information Act, as amended (TPIA). In addition, employees have no expectation of privacy in such property as it relates to City business and such information stored in these devices may be subject to release. Employees may not delete or alter such information related to City business. As stated in the state code, a current or former officer or employee who maintains public information on a privately owned device is required to forward or transfer the public information to the City to be preserved. The City, and therefore all of its employees, is required to preserve the public information in its original form, a backup, archive, and on the privately owned device as required by the TPIA. Employees who choose to utilize their personal device must comply with the statutory requirements in the TPIA and City policies regarding use of personal electronic devices or be subject to discipline, up to and including termination. If an employee inadvertently uses a personal electronic device to conduct City Business that stores the record and the City would not have access to it, they should contact their supervisor and the IT department to provide them with a copy of that record.
- An employee who identifies any cyber-security alert on their digital device or on a shared network resource shall discontinue all attempts to access the affected device and immediately notify the Information Technology Department.
- Employees are prohibited from reading, moving or copying files to or from any electronic media (disk, CD, DVD, flash drive, etc.) that was received from an outside source. All such removable media must be brought to the IT Department office for review. If removable media is required by an employee in the course of their duties the IT Department will issue a secured flash drive to the employee.

Cyber Security Management. Every employee has a role to play in protecting the City's mission-critical information and digital assets from unauthorized access and cyber threats. In order to ensure that each employee maintains a high level of awareness about their role:

- All new employees receive cybersecurity training as part of the onboarding process.
- The City provides mandatory annual cybersecurity training in recognizing and properly responding to various attempts to breach our cybersecurity defenses.

- Failure to successfully complete this training within the allotted timeframe will result in suspension of access to City resources until the training has been completed.
- The City provides additional security systems such as email filtering, desktop virus and malware detection software, system lockdowns, etc. These tools are designed to protect the device and to automatically to scan the digital device's local data store each time the device is powered on, or when files are copied to or from the device. Employees are not allowed to tamper with these systems.

Use of Internet and Electronic Mail. The efficient utilization of the Internet and electronic mail (email) for communications can improve employee work quality and productivity. Each employee is responsible for ensuring that he or she uses the City's internet access and email system properly and in accordance with City policies. This policy does not supersede any state or federal laws, or any other City policies regarding confidentiality, information dissemination, or standards of conduct.

General Use

- Employees should have no expectation of privacy with regard to the use of city-supplied digital resources. Management has the ability and right to review any employee usage of these digital resources.
- Employees should be aware that when sending an email message, it is the property of the City and therefore the taxpayers of the City. Thus, email is subject to the requirements of the Texas Public Information Act and the laws applicable to State records retention.
- All email messages sent by employees must contain a signature line identifying the sender.
- Employees should be aware that when sending an email message of a personal nature, there is always the danger of the employee's words being interpreted as official City policy or opinion and should use caution in their wording.
- Personal Use -Generally, email should be used only for legitimate City business; however, brief and occasional email messages of a personal nature may be sent and received.
- Confidential Information-Texas law requires that employees protect the integrity of the City's confidential information as well as the confidentiality of others. Employees must exercise a greater degree of caution in transmitting confidential information through email systems than with other communications means because of the reduced effort required to redistribute such information.

The Texas Public Information Act is complex and digital information used by employees during the course of their duties may by subject to this act. Questions about what information is covered by this act should be forwarded to the City Secretary and / or the City Attorney. Employees are responsible for complying with this act.

Licensed Software. It is the City's policy that only fully licensed software purchased and installed by the City IT Department shall be used by City employees for City business. Licensed means the City has purchased the number of software licenses required for the number of users, as specified by the manufacturer.

- The City Information Technology Department will keep a catalog of all licenses, purchase documentation, and any forms that prove the City's software was properly purchased.
- Licensed software is protected by federal copyright law. Under the provisions of copyright law, it is illegal to make a copy of software for any reason, other than as a backup, without the permission of the copyright holder.

2.3.7 Workplace Monitoring

In addition to the policies described in the preceding Section of this handbook, the City reserves the right to search City vehicles and employee work areas such as toolboxes, desks, lockers, etc., on City premises. Desks, lockers, and other storage devices may be provided for the convenience of employees but remain the sole property of City. Refusal to immediately submit to a search by management officials or their agent or refusal to cooperate in such a search may result in disciplinary action, up to and including termination.

As stated in the preceding Section of this handbook, the City has the right to monitor and access data created or stored on its systems and equipment. The City's personnel should have no expectation of privacy with respect to documents, voice mail messages, e-mail messages, or any other data or information stored on the City's systems or equipment. By using the City's computer system, telephones, or voice mail system, employees will be deemed to have consented to the City's review of any data or information transmitted or stored on its systems or equipment.

Although the City has broad rights to monitor as outlined in this policy and policy 2.3.6, unless expressly authorized in writing by the City Manager or an assistant City Manager (or for Police employees unless in furtherance of an authorized investigation), employees may not record (video or audio) any conversation they have with other City employees unless specifically authorized in writing by the other parties to the conversation. Nothing in this paragraph shall limit the City's right to monitor telephone calls, e-mail messages and the like as specifically set for in policies 2.3.6 and 2.3.7.

In order to promote the safety of employees and visitors, as well as the security of its facilities, the City may conduct video and audio surveillance of any portion of its premises at any time, the only exception being private areas of restrooms, showers, and dressing rooms. Video cameras will be positioned in visible, appropriate places within and around City buildings and used in order to help promote the safety and security of people and property.

2.3.8 Workplace Security

Visitors. All visitors to City buildings must be escorted by a City employee at all times. At no time will a City employee open a secured door for an unknown person and allow them to enter the building unattended. Employees will make every attempt to identify all persons entering and occupying the secure areas of City buildings.

City facilities are equipped with Visitor Badges and sign-in sheets. These badges are to be assigned to vendors and others who have come to the City to conduct business. At the end of the visit, the visitor badge will immediately be returned to the place where the badge was issued.

For purposes of this policy, individuals performing contracted custodial, information technology and facility services are not considered visitors. Authorized representatives of the Contractor will be allowed access to the facilities on City premises at reasonable times to perform the obligations of the Contractor regarding such facilities. Contractor shall adhere to all City rules, regulations, and guidelines while on City property. It is expressly understood that the City may limit or restrict the right of access herein granted in any manner considered necessary (e.g., national security, public safety). The only exception to this policy is established vendors who regularly provide service, whom are appropriately registered with the City and have been issued a valid City ID badge. These vendors must comply with City policies regrading security, access, behavior, etc.

Employee Identification Badges. Every employee of the City will be issued a City of Schertz Employee Identification (ID) Badge. In the course and scope of performing their duties, all employees will wear their City ID Badge where it is visible, except in cases where the presence of an ID badge would hinder the employee's ability to effective perform their job.

Some departments are authorized to create an employee badge unique to that department. For the purposes of this policy, the unique department badge is considered a City of Schertz Employee Identification (ID) Badge.

2.3.9 Outside Employment and Conflict of Interest

Employees may engage in outside employment only with prior written approval from their Department Head, Assistant City Manager and City Manager. Approval of outside employment will occur only for employment that does not constitute a conflict of interest, adversely affect the employee's job performance with the City, or reflect unfavorably upon the City. With the exception of part-time, temporary or seasonal employees, the City of Schertz is the primary employer. Authorization to engage in outside employment will be documented in the employee's Human Resources file. Failure to report outside employment to the City may result in disciplinary action, up to and including termination.

Approval for outside employment as set out in this policy does not authorize an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, administrative leave, or an unpaid leave of absence or on modified / light duty to engage in any outside employment. Any exceptions must be expressly authorized in writing by the City Manager or their designee.

2.3.10 Abandoned Property

If, while on the job, a City employee locates, obtains, or otherwise comes into possession of any property of any kind of more than minimal value, including but not limited to animals or goods, where such property is or appears to be abandoned or unclaimed or the owner is undeterminable, such property should be turned over to the Police Department for the purpose of disposition in accordance with City policy and/or ordinances.

2.3.11 Smoking and Tobacco Products

The use of all tobacco products, including electronic cigarettes and smokeless tobacco, is prohibited at any time in City buildings, City vehicles or while using City equipment. Employees shall only smoke or use tobacco products in designated areas upon City-owned property or off property during permitted rest and lunch breaks. Designated smoking and tobacco use areas shall be kept clean and tobacco materials discarded appropriately. Employees shall refrain from smoking or using tobacco products when dealing with or meeting with members of the public regardless of whether such meeting or dealing is on or off City-owned property.

2.3.12 Political Activity

Employees of the City are encouraged to vote and to exercise other prerogatives of citizenship consistent with local, state and federal law and these policies; though, engaging in any political activity, other than voting, while on the job is strictly prohibited

City employees are not required to contribute to any political fund or render any political service to any person or party whatsoever, and no employee may be removed, reduced in classification or pay, or otherwise prejudiced by refusing to do so. These restrictions apply to any election or political matter, whether Local, State or Federal.

2.3.13 Interaction with City Council

Council/Staff interaction is anticipated during the normal course of City business and/or in social situations. An employee should not generally discuss City business operations or individual personnel matters with members of City Council without knowledge or consent by the Department Head and City Manager. If a member of City Council contacts an employee with a request for information, the employee should coordinate a response through their Department Head.

The City does not prohibit or discourage any employee from exercising their rights as a citizen to speak to a member of City Council on subjects of legitimate public interest and concern.

2.3.14 Photographs

In the course of employment, employees may be required to take pictures related to their job function. Pictures taken in such circumstances are City documents subject to the Texas Public Information Act, which applies to the maintenance, release, distribution, and required or permissible restrictions on the maintenance, release, or distribution of public information.

The City of Schertz may use photographs of staff for marketing purposes in City publications such as magazines, newsletters, ads, brochures, or on display boards. Staff photos may also be used or distributed in electronic versions of the same publications or on the City of Schertz web site or other electronic forms (including social media). Employees who do not wish to participate in marketing photography should notify the Public Affairs Department of their choice to opt-out.

2.3.15 Departmental Policies

Each Department Head, with the approval of the Director of Human Resources, may develop and implement supplemental policies and procedures in addition to the personnel policies contained within the Employee Handbook as long as they are not in conflict with these City-wide policies. All such departmental policies may be more restrictive, but not less restrictive than City policy. In the event of any conflict or incompatibility between departmental policies and the City's personnel policies, the City's personnel policies shall prevail. Copies of departmental policies shall be on file in Human Resources and distributed to all affected employees. It is the responsibility of the issuing department to distribute the policy to affected employees and enforce the policy.

2.4 Drug Free Workplace

General Policy. The City is committed to providing an alcohol and drug-free, healthy, productive and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.

Prohibition against Alcohol and Illegal and Unauthorized Drugs. While on City premises, while on duty, while conducting city-related business or other activities off premises, while driving a city-owned or leased vehicle, or while operating or using other city-owned or leased property or equipment, no employee may use, possess, distribute, sell, or be under the influence of alcohol (except under the limited circumstances described below), inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.

This section does not apply to employees attending a private function outside of work hours in a City building (i.e wedding reception held in the Civic Center) or community events hosted by the City at City Facilities (i.e. Jubilee).

Prohibition against Illegal and Unauthorized Drug-Related Paraphernalia. This policy also prohibits the use, possession, distribution and sale of drug-related paraphernalia while on city premises, while on duty, while conducting city-related business or other activities off premises, while driving a city-owned or leased vehicle, or while operating or using other city-owned or leased property or equipment. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

Permissive Use of Prescribed and Over-The-Counter Drugs. The legal use of prescribed and over-the-counter drugs are permitted while on city premises, while on duty, while conducting city-related business or other activities off premises, while driving a city-owned or leased vehicle, or while operating or using other city-owned or leased property or equipment only if it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace.

Police Department Employees. Certain Police Department employees may be required to be in possession of alcohol and/or illegal drugs in carrying out their job duties. Such employees are exempt from Sections 2.4.2 and 2.4.3 as it pertains to the execution of their job duties. Additional guidelines may be established by Police Department operating procedures.

Mandatory Disclosure by Employees. Employees taking prescription medication and/or over-the-counter medication shall report such use to either their Department Head if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of their job (or operate a vehicle, property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. The City may, at its discretion, require any employee to refrain from working while under the influence of any drug or medication or require any such employee to obtain written authorization from a physician.

On-Call Employees. Employees scheduled to be on call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on call, and who is called out, is governed by this policy. On occasion, an employee who is not scheduled to be on call may nevertheless be called out. If this situation occurs where the employee called out is under the influence of alcohol or has a presence of drugs in the system, such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty. The employee will not be required to report to work.

Mandatory Reporting of Arrests and Convictions. Employees must promptly notify their immediate supervisor and Department Head of any alcohol or drug-related arrest and/or convictions or deferred adjudication.

Rehabilitation/Treatment. It is the City's desire to assist employees who voluntarily request assistance with alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge the problem, seek and accept counseling and/or rehabilitation before it impairs job performance and/or jeopardizes the employee's employment. No employee with alcohol or drug dependency will be subject to disciplinary action based solely on a request for help in overcoming that dependency or because of active participation in a rehabilitation program.

Drug and Alcohol Testing

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

Testing of Employees. Employees may be tested for alcohol and/or illegal and unauthorized drugs for the following:

a. After a workplace injury or accident or "near miss;"
b. When reasonable suspicion exists;
c. In connection with any required treatment or rehabilitation; or
d. random basis for certain safety-sensitive positions (Refer to Section 2.4.10.3 below).

For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing shall contact Human Resources and document the specific factors that support reasonable suspicion testing.

Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee's normal work time.

Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to corrective action up to and including termination.

A positive test result is a violation of this policy and may result in corrective action up to and including termination of employment.

Random Drug Testing. The City may randomly test employees in safety sensitive positions for compliance with its drug-free workplace policy. As used in this policy, "random testing" means a method of selection of employees for testing, performed by an outside third party. The selection will result in an equal probability that any employee from a group of employees will be tested. The City has no discretion to waive the selection of an employee selected by this random selection method.

For purposes of this policy, safety-sensitive positions are defined as those where associated job duties involve life safety functions, those with direct contact with or access to controlled substances, or those persons who carry or handle firearms. Positions which qualify as safety sensitive are explicitly notated as such in the job description.

Testing Procedures. All testing must normally be authorized in advance by both the employee's supervisor and the Director of Human Resources or their designee. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable factors which led the supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.

If an employee's conduct resulted in a work place accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated this policy, the employee shall be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put the employee on administrative leave with pay until the test results are received. The City shall make arrangements to have the employee transported home after the testing if necessary.

All substance abuse testing shall be performed by an approved laboratory or healthcare provider chosen by the City. Testing may include one or more of the following: urinalysis, breathalyzer, blood, or other generally-accepted testing procedure. All positive test results shall be subject to confirmation testing.

The use of "Cannabidiol" (CBD) products is not a legitimate medical explanation for a laboratory-confirmed marijuana positive result. Similarly, returning from a location where marijuana use is legal is not a defense for a laboratory-confirmed positive result.

Test results shall be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by Human Resources; supervisors and managers on a need-to-know basis.

2.5 Firearms and Weapons

The City of Schertz prohibits the possession of any weapon, including but not limited to handguns, by any employee in City buildings, and in any city owned/leased vehicle. Employees are prohibited from carrying a weapon while performing City-related business.

Employees who are licensed to carry and lawfully possess a firearm and/or ammunition in accordance with Chapter 411 of the Texas Government Code, may leave such firearm/ammunition in their locked, privately owned vehicle in the parking lot the City provides for employees. It shall be stored out of sight. Additionally, if an employee chooses to store a firearm or ammunition that is legal to carry without a permit in their personal vehicle, it shall be stored out of sight and the vehicle must be locked.

Weapons, according to the Texas Penal Code Sec. 46.01, are considered clubs, explosive weapons, firearms, firearm silencers, handguns, illegal knives, knives, knuckles, machine guns, short barrel firearms, switch blade knives, armor piercing ammunition, hoax bombs, chemical dispensing devices, zip guns and tire deflation devices.

Employees may carry a pocket knife or folding belt knife in their pocket or on their belt that is not deemed as a weapon and has a blade less than 3.5 inches long. Employees may carry a small chemical dispenser (mace) sold commercially for personal protection as long as it not openly displayed.

Exceptions

A peace officer who is required to carry a firearm/ammunition in the scope of employment is exempt from this policy.

Judges appointed to the Schertz Municipal Court and employed or contracted City attorneys who are licensed to carry a handgun under Chapter 411 of the Texas Government Code are permitted to carry firearms in the courtroom and other City facilities.

2.6 Vehicle and Equipment Usage

Each employee operating a City vehicle while in the course and scope of assigned work duties, shall operate that vehicle in a safe and responsible manner. Vehicles shall be operated in accordance with all the applicable laws of the State of Texas and the City of Schertz and with the current and valid license required for the lawful operation of the vehicle in use. The City defines City Vehicles as any passenger car, truck or motorized equipment owned or leased by the City of Schertz including, but not limited to golf carts, gators, backhoes, mowers, tractors, graders, trailers and similar equipment.

Any violation of this policy may result in disciplinary action in accordance with the City Disciplinary Policy.

Operating Rules for City Vehicles.

A. City vehicles are to be used for official city business or in compliance with the Take Home Vehicle section below. They may be driven only by authorized employees unless otherwise approved by a supervisor. All employees using a city vehicle must possess a valid Texas operator's license appropriate for the class of vehicle being operated. Operators of city vehicles must comply with all state and local traffic laws to include but not limited to speed, use of turn signals, proper distancing and parking.

B. Drivers shall position the vehicle to allow for driving forward rather than backing out of a space or other areas. If a vehicle cannot be positioned so it can drive forward into and out of a parked space or area, then the driver shall use a qualified spotter (when available) to assist in backing out safely. Agree on signals before starting and keep the spotter in sight. Stop if you lose sight of your spotter.

C. All employees will park city vehicles in a legal manner except when emergency situations dictate otherwise.

D. No city vehicle will be placed in motion until all passengers have fastened all available seat restraints, such as seat belts and shoulder harnesses.

E. All drivers of city vehicles shall see that fuel, engine oil, transmission, brake and power steering fluid is added when necessary.

F. Employees may be held liable for damage to City vehicles and equipment and be required to make full restitution to the City for repair costs in cases of vehicle abuse or neglect after appropriate investigation and determination of responsibility by an accident review board and approval by the City Manager. Vehicle abuse shall include, but not be limited to, damage due to careless acts, continuing to operate a vehicle when instruments or warning lights indicate malfunctions, overloading a vehicle or using it for purposes other than those for which it was designed, or reckless driving.

G. All damage to a city vehicle must be reported immediately to the driver’s supervisor, Fleet Services, and the Purchasing Department.

   1. An Accident/Incident Report Form must be completed and submitted to Purchasing.

   2. A work order must be submitted to Fleet Services to have the vehicle inspected and cleared for service.

H. An operator of a motor vehicle is expressly prohibited from the use of a handheld mobile communication device (other than Public Safety Communication Systems) or other portable electronic device to engage in a call, send, read or write a text

message, view or send photos or written text or any other use of the device while operating the motor vehicle. The following exceptions are authorized;

1. If the operator is utilizing the device in a hands-free method that requires no manual manipulation other than to engage or disengage.

2. If the vehicle is legally parked. This does not include or mean a vehicle stopped in a lane of traffic due to traffic control device, roadway conditions, traffic congestion, etc.

3. An emergency situation.

I. No other radio, stereo or other device utilizing earphones may be worn by any driver while operating a city vehicle, with the exception of blue tooth technology used for communication and hands-free use of cell phones. Vehicle operators will maintain and monitor appropriate radio contact whenever the vehicles are being used.

J. Consumption of alcoholic beverages and/or use of tobacco products in a city vehicle is prohibited. No alcoholic beverages shall be allowed in any city vehicle unless it is in the scope of the employee's duties or responsibilities.

K. All employees using a city vehicle are responsible for keeping the interior and exterior of the vehicle clean and presentable.

L. No stickers of any kind will be placed anywhere on or in a city vehicle unless authorized by the department head and Fleet Services

M. No one shall modify, remove, de-activate, or otherwise tamper with the vehicle safety belts, emission control device, alarm system or any part of the vehicle which affects its operation.

N. A golf cart, neighborhood electric vehicle, or off-highway vehicle that is operated at a speed of not more than 25 miles per hour is required to display a slow-moving vehicle emblem when operated on a roadway.

Disabled Vehicle.

A. Employees placing a city vehicle out of service shall park the vehicle in the appropriate place and complete a repair notice. This notice shall be submitted to the designated Supervisor and Fleet Services.

B. Any employee operating a city vehicle that becomes disabled will notify Fleet Services and the designated supervisor of the situation and remain with the vehicle until a wrecker removes it or is relieved by appropriate authority.

City Insurance.

A. Employees shall be insured by the City of Schertz for liability arising from the operation and use of motor vehicles owned or leased by the city, provided such operation and use is within the course and scope of the employee's position with the city.

B. Proof of financial responsibility notices are typically issued to each city owned or leased vehicle annually. It is the responsibility of the assigned employee to assure such current, unexpired notice is located within the assigned vehicle.

Preventative Maintenance Checks.

A. All city vehicles will receive regular preventative maintenance service. These will be done on a scheduled basis. Advance notice of each maintenance service will be provided by the designated authority, the department assigned that vehicle will be responsible for keeping the appointment.

B. If the vehicle is an assigned take-home vehicle and the scheduled maintenance service cannot be kept, one rescheduling will be allowed. If the rescheduled maintenance service appointment is not kept take-home privileges may be suspended or terminated and the vehicle reassigned.

Assigned Take Home Vehicle.

A. An assigned take-home is a privilege, not a right. There are benefits to the Community, City government, Department and the most obvious are to the employee. Any abuse or perceived abuse of the vehicle or in its use may be grounds for suspension or termination of take-home privileges.

B. Assignment of take-home vehicles requires approval by the Department Head.

C. Vehicle assignments shall not be made to those that reside outside the maximum limits listed here:

1. Marked vehicles within twenty (20) driving miles of the city limits.

2. The Department Head may authorize a take-home vehicle outside of these guidelines should the necessity of the assignment clearly warrant it.

3. The Department Head may authorize a temporary take-home vehicle assignment if the benefits to the City warrant. An example would include an employee attending training outside the city where a vehicle would normally be approved; and, the location of the training is in a direction away from the City of Schertz from the employee’s residence. In such case it is a cost savings to the city if the employee drove directly from the residence.

D. Any employee assigned a take-home vehicle is responsible for preserving the safety of the vehicle at all times. Those that reside at a location with shared parking (apartments, town homes, etc) shall park the vehicle in the Departments designated parking lot when they will be away from their residence for periods of three days or more.

E. Any employee assigned a take-home vehicle will ensure that required maintenance is performed. Neither Fleet Services nor the Department will be responsible for any items left in a vehicle for service.

F. Employees may utilize their assigned take home vehicle to transport family members or other civilian personnel for brief personal errands; such as to pick-up/drop-off family members from work, school, or medical appointments. Assigned take-home vehicles shall not be utilized for vacation trips or in performance of extra-employment without the express written consent of the Department Head.

Vehicle Operation Requirements.

A. To operate any City vehicle, or any other motor vehicle in the course of City business, an employee must

1. Have a valid Texas Operator's License for the class of vehicle to be drive.

2. Have a record of no more than three (3) moving violations and / or chargeable accidents within a twenty-four (24) month period.

3. Have no record of DWI or DUI convictions in the proceeding twenty-four (24) month period

4. Receive training on vehicle prior to use.

5. Be at least eighteen (18) years old; and

6. Be otherwise qualified under federal and state regulations to drive the vehicle.

7. If a question arises regarding driving ability, comply with the requirements outlined.

B. Driving records of employees who operate motor vehicles in the course of City business may be examined to determine if employee has an acceptable driving record. An Acceptable Driving Record shall be defined as having no more than ten (10) points on their driving record (obtained through a State issued MVR) within a twenty-four (24) month period. Points are assigned by the State of Texas Department of Public Safety

C. Driver Training: Supervisors shall arrange for employees who drive a city vehicle or their own vehicles to conduct City related travel/work to attend a Defensive Driving Course (no less than once annually). Additionally, supervisors may require drivers who demonstrate questionable driving capabilities, habits or are involved in a preventable accident to attend driver training more often.

D. Citations: Employees are responsible for paying any fines for violation(s) out of the employee's personal funds for traffic citations received while operating a City vehicle. Employees who operate motor vehicles in the course and scope of their employment must notify their supervisor: When their driver's license becomes invalid or suspended for any reason. Such employees will immediately be prohibited from operating any vehicles on City business.

E. Employees who operate motor vehicles in the course and scope of their employment must notify their supervisor:

1. When their driver's license becomes invalid or suspended for any reason. Such employees will immediately be prohibited from operating any vehicles on City business.

2. Immediately during regular working hours (or by the next working day if after hours) when any ticket or citation for any moving violation of state law or a local ordinance is received while on duty. This notice must be in writing and include:

a. Driver's full name and license number;

b. Date of the incident;

c. Nature of the violation;

d. Whether or not the violation was committed in a commercial vehicle;

e. Location of the offense; and

e. Agency issuing citation.

F. An employee shall operate any vehicle used for City business in a careful and prudent manner and shall obey the laws, policies, regulations, and procedures of the state, City, and any political subdivision pertaining to such operation. An employee's operation of a vehicle shall, at all times, set a proper example for other persons.

Motor Pool Vehicles.

City owned Motor Pool vehicles are to be used for the purposes of travel for City of Schertz official business.

Eligibility. City Employees may request the use of a Motor Pool vehicle for the following:

1. Attending meetings, conferences, or other City Authorized Business on behalf of the City.

2. When an assigned City vehicle will be out of service for a period of four (4) hours or longer and another department vehicle is not available for use

3. Special Projects

Reservations.

1. Motor Pool vehicles must be scheduled forty-eight (48) hours in advance with a Motor Pool Vehicle Request Form including required signatures.

2. Requests for use of a Motor Pool vehicle exceeding three (3) business days will require justification.

Motor Pool Vehicle Operation.

1. All Motor Pool vehicles must be inspected prior to leaving Fleet area and will be inspected upon return.

2. City of Schertz Motor Pool vehicles must be returned clean and with a full tank of fuel. (BeeClean Wash Card will be provided with Motor Pool packet).

3. City owned Motor Pool vehicles being used as a replacement for department vehicle requiring service and/or repair must be returned within twenty-four (24) hours of notice of the completion of service/repair to department vehicle.

4. Motor Pool vehicle shall be returned no later than the return date listed on the request form. If additional time is needed for usage of Motor Pool vehicle contact Fleet Crew Supervisor "primary" or Fleet Administrative Assistant "secondary" to request additional time. Note: Additional time will be granted based on availability.

Violations of this policy may cause denial or permanent suspension of Motor Pool vehicle usage.

2.7 Safety

The City is committed to a safe workplace and employee well-being. To prevent or minimize injuries to themselves and their co-workers, and to protect and conserve City equipment, employees shall:

- Obey all safety rules and follow published work instructions;
- Remain alert, exercise caution in all work activities, and refrain from any activity which may create unsafe work conditions;
- Report all unsafe conditions to the supervisor and the City's Purchasing Department;
- Keep work areas clean and orderly at all times;
- Report all accidents immediately to the supervisor; and
- Operate only machines or equipment that they have been authorized to operate.
- Notify their supervisor if they are unable to perform their duties safely due to illness or other disabilities, and request any accommodation that may allow the employee to safely perform their duties without undue hardship to the City (where applicable).

Supervisors are responsible for ensuring that all employees under their control have been appropriately briefed and trained on City and department safety procedures. Training will include review of applicable Safety Data Sheets (SDS) and hands-on equipment training.

Accident and Injury Reporting. Employees are required to immediately report to their immediate supervisor all accidents resulting in personal injury and/or damage to the City equipment, City vehicles, or any other property. Supervisors must report all accidents resulting in personal injury and/or damage to the City equipment, City vehicles, or any other property to the Department Head and Purchasing.

END OF PART II

SECTION III

TRAINING AND DEVELOPMENT

3.1 Job Orientation and Training

Employees should receive an appropriate orientation when they begin working for the City. The employee's supervisor or designee will provide them with the necessary information to understand their job, its relationship to the overall structure and function of the City government, and the personnel policies of the City. On-the-job training for newly hired, promoted or transferred employees is the responsibility of the supervisor or designee.

3.2 Probationary Period

The following employees are required to serve a probationary period: (i) new employees; (ii) employees promoted, transferred, or demoted; and (iii) employees with performance issues placed on a Performance Improvement Plan (PIP). All employees must be assessed during this probationary period and given timely progress feedback. Any problems with employee performance or conduct should be recorded and communicated to the employee on a regular basis.

Probationary Evaluations for New Hires, Promoted or Transferred Employees. All new hires, promoted, or transferred employees shall be subject to a six (6) - month probationary period. However, the probationary period may be extended up to three (3) months at the discretion of the Department Head upon consultation with the Human Resources Director. With regard to employees who report directly to the City Manager, the probationary period may be extended up to three (3) months at the discretion of the City Manager.

While a new employee is serving their probationary period, the supervisor or designee will observe the employee's work and will train and mentor the new employee in their position. An employee performance evaluation shall be conducted upon the conclusion of an employee's six (6) - month probationary period. Upon successful completion of the probation period, the employee shall be classified as a regular employee.

Employees who have their probationary period extended are required to be placed on a Performance Improvement Plan in accordance with the City's Discipline Policy. Upon conclusion of the PIP, the supervisor or designee shall evaluate the employee and make a recommendation regarding continued employment.

Additional Considerations for Promoted and Transferred Employees. Employees who are required to transfer to similar positions with an equal pay grade at no fault of their own will not be required to serve probation in their new positions. Employees who voluntarily transfer to another position, regardless of position type or pay, shall be required to serve a six (6) month probationary period.

Before the probationary period concludes, a current employee may transfer or demote to another position and/or another department if the employee is not satisfied with the new position or cannot meet the demands of the new position. The employee may request in writing a voluntary demotion or transfer to their former position or another position for which they may be qualified before the probationary period concludes, provided the employee's former position or position in question is vacant, the employee meets the qualifications for the position, and the affected Department Heads and the Human Resources Department approve the transfer or voluntary demotion (see rules for voluntary demotion under the City's Discipline Policy).

Regular part-time employees who work on average twenty (20) hours per week and are promoted to an equivalent full-time position will not be required to serve an additional probationary period. If the employee has not completed their probationary period when moved to the equivalent full-time position, the employee will complete the remainder of their probationary period in their new full-time position. Promotion of a part-time employee to an equivalent full-time position will not impact the employee's merit eligibility.

Probationary Evaluations for Demotions. Supervisors shall meet with employees who have been demoted or who have voluntarily demoted to another position to develop a performance plan with corresponding goals and performance expectations within the first thirty (30) days of the effective demotion.

All demoted employees shall be subject to a six (6) - month probationary period. However, the probationary period may be extended up to three (3) months at the discretion of the Department Head upon consultation with the Human Resources Director. With regard to employees who report directly to the City Manager, the probationary period may be extended up to three (3) months at the discretion of the City Manager.

While a new employee is serving their probationary period, the supervisor or designee will observe the employee's work and will train and mentor the new employee in their position. An employee performance evaluation shall be conducted at 30 days, 90 days and upon the conclusion of an employee's six (6) - month probationary period. Upon successful completion of the probation period, the employee shall be classified as a regular employee.

Probationary Evaluations for Performance Reasons. Chronic performance or behavioral issues may result in an employee being placed on probation. Employees who are placed on probation for performance of behavioral issues shall be evaluated in accordance with the City's Discipline Policy.

Termination During the Probationary Period. Subject to the "at-will" employment laws of the State of Texas, an employee in a probationary status may be dismissed at the discretion of the supervisor or designee, if it is determined that the employee is not suited for the job and provided there is prior review by Human Resources , and the termination does not violate the federal, state, or local law (see proper procedures for termination under the City's Discipline Policy). It is the responsibility of supervisors to document failure of an employee to successfully complete their probation. When there is no serious misconduct (as defined in the City's Discipline Policy), employees may be permitted to resign.

Leave for Probationary Employees. Employees serving their initial (new hire) probationary period accrue vacation leave and sick leave beginning on the first day of employment. Permitting vacation leave during probation will be at the discretion of the Department Head or as pre-approved at the time of hire. During the initial probationary period, a new employee is eligible to use accrued sick leave for qualifying absences. Promoted, transferred or demoted employees, or employees on probation for performance reasons are eligible to use accrued vacation and sick leave in accordance with the City's Leave Policy.

Complaint Procedures During the Initial Probationary Period. Newly hired probationary employees may not utilize or access the City's complaint procedure and are subject to discharge without recourse except on grounds of illegal discrimination and/or illegal activity (refer to special provisions under the City's Disciplinary Policy).

3.3 Travel, Training & Conference Procedures

Travel Advances. Requests for travel expense advances should be made on forms required by the Finance Department, and Department Head must forward the employee's request to the Assistant City Manager for consideration.

Per Diem Allowance. All employees will receive per diem instead of using their City credit card for meals unless otherwise approved by Management. Per Diem can be requested before or after a trip to pay for the employee's meals and incidental expenses only. Incidental expenses are for tips given to porters, baggage carriers, bellhops, and hotel maids.

a. For overnight travel (greater than 50 miles) the employee will use the GSA website (www.gsa.gov) to calculate the allowed per diem amount.
    i. Travel days, usually the first and last day, will be calculated at 75% of the full day rate.
    ii. Meals purchased by the City through registration fees, hotel room fees, or directly purchased will be backed out of the per diem request. Continental breakfasts do not count against per diem and will not be deducted.
b. For local area travel the employee will use the gsa website to calculate the allowed per diem amount.
    i. The per diem amount will be based on the meals missed due to travel. If lunch is missed due to a local seminar then the employee will be eligible for the lunch rate.
c. Unused per diem does not need to be returned unless the City ends up paying for a meal after per diem is given.

Special circumstances may be handled on a case by case basis by City Management.

Transportation. Where air travel is necessary, employees shall book as early in advance as possible using a City credit card. If possible, employees will travel in "coach class" flight status. First-class or business-class flight passage is allowed only in instances where the first-class or business-class travel serves the best interest of the City, as approved by the City Manager. Early check in or other reward perks are a personal expense, not reimbursable by the City. The City will pay for one checked baggage fee. When automobile is the chosen mode of transportation for travel, City-owned vehicles are to be used if available. If a City vehicle is not available or there are special circumstances, the traveler may make a request to their Assistant City Manager to use their personal vehicle and submit for mileage reimbursement. Mileage reimbursement will be calculated from the City Municipal Offices to the destination and back at the effective federal reimbursement rate. If the event requires the employee to pay for parking, this expense should be put on a City credit card. If a credit card is not available, the employee will be reimbursed the expense with a receipt.

Registration Fees. Conference and/or training registration fees will be paid in full by the City in addition to per diem allowance.

Car Rental. If a car is rented while an employee is traveling, it must be the most practical means of transportation available.

Procedures for Reimbursement. In order to receive reimbursement for incurred expenses, the employee should submit the forms required by the Finance Department

with all required receipts or vouchers to verify all expenses for which the employee seeks reimbursement. All forms shall be routed from the employee to their Department head who will route the forms for appropriate approval.

Compensable Work Time. Compensable work time will be determined in accordance with the Fair Labor Standards Act (FLSA).

3.4 Tuition Reimbursement

The City has a tuition reimbursement program for its full-time employees. To be eligible for this reimbursement, the education or training must be for work-related professional development and be of benefit or potential benefit to the City, as determined by the City. The total amount of funds available for this benefit are an annually budgeted amount approved by City Council. The amount of reimbursement available per employee per fiscal year is determined in each fiscal year budget, and the scheduling of available reimbursement will be determined on a first-come first-served basis. Notice by an employee that they are pursuing training or education is in no way a promise that the City will reimburse the employee for the cost of that training or education. Reimbursements may be available only upon completion of the training or education course and paid in the fiscal year for which the course was completed. The employee must provide copies of receipts and provide a certificate evidencing course completion. If the course is graded, the grade must be a C or Satisfactory, or better. Employees should notify Human Resources as soon as possible following course completion to apply for this benefit.

END OF PART III

COMPENSATION AND BENEFITS

4.1 Pay Policy and Procedures

The City seeks to maintain a compensation and salary administration system which is internally equitable and externally competitive. All City positions are reviewed as part of the City's compensation program and are assigned a pay grade and salary range in accordance with the City's authorized Pay Table.

All employees are paid on a biweekly basis, every other Friday. If a regular Friday payday falls on a City holiday, the last working day prior to the holiday will be payday.

4.1.1 Fair Labor Standards Act (FLSA)

The FLSA regulates employee wages and hours in the following areas:

- Minimum Wage
- Child Labor
- Equal Pay
- Record Keeping
- Overtime Pay

Minimum Wage. The federal minimum wage provisions are contained in the FLSA. Many states also have minimum wage laws. In cases where an employee is subject to both the state and federal minimum wage laws, the employee is entitled to the higher of the two minimum wages.

Child Labor. The federal child labor provisions, also known as the child labor laws, were enacted to ensure that when young people work, the work is safe and does not jeopardize their health, well-being or educational opportunities. The FLSA imposes certain restrictions on the employment of minors younger than 18 years of age.

Equal Pay. No employer subject to the Equal Pay Act can discriminate between employees on the basis of gender by paying wages "at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishments for equal work on jobs the performance of which require equal skill, effort, and responsibility, and which are performed under similar working conditions," Equal Pay Act, 29 U.S.C. x 206 (d) (l).

Recordkeeping. State and Federal laws and regulations require the employer to collect and maintain certain employee information such as name, address, occupation, birthdate, sex, etc.

Overtime Pay. An employer who requires or permits an employee to work overtime is generally required to pay the employee premium pay for such overtime work. Hourly, non-exempt employees shall be paid overtime at a minimum of one and a half (1 ½) times their regular rate of pay for all hours actually worked over forty (40) in a single workweek. Thus, in calculating how many hours a non-exempt employee actually works in a week, the City will not count the paid vacation, holiday, comp time, or sick time towards the forty (40)-hour workweek. In accordance with the FLSA, the City is not obligated to pay overtime for employees to work on weekends, nights, holidays unless overtime hours are worked on such days.

4.1.2 Employee Classifications

The City maintains standard definitions of employment status and classifies employees for purposes of benefits, salary administration, and related payroll transactions. All employees in this policy are subject to all work rules within the employee handbook. This policy does not, in any way, establish a contractual agreement for employment between the City and the employee.

At-Will. Employment may be terminated with or without cause and with or without notice at any time by the employee or the City except as otherwise provided by law, the City Charter, or the Employee Handbook. All categories and classifications of employees at the City are "At-Will".

Exempt. Any position that is classified as exempt by Fair Labor Standards Act (FLSA). This classification is paid on a salary basis. This classification is not eligible for overtime pay and/or compensatory time off.

Non-Exempt. Any position that is generally eligible for overtime pay and/or compensatory time off under the specific provisions of Federal and State wage and hour laws. This does not include positions classified as recreational exempt under the FLSA.

Regular Full-Time. Positions that are ordinarily of indefinite duration. These positions, whether exempt or non-exempt, may be scheduled to work 8-hour, 12-hour or 24-hour shifts. Regular full-time employees are eligible for all City benefits.

Regular Part-Time. Positions that are ordinarily of indefinite duration. These positions, whether exempt or non-exempt, are regularly scheduled for at least ten (10) hours, but fewer than 30 hours, per workweek. Non-exempt positions within this classification are eligible for overtime pay for hours worked in excess of forty (40) in a workweek. Regular part-time employees are eligible for sick leave, holiday pay, bereavement leave, EAP and merit increases.

Irregular Part-Time. Positions that are ordinarily of indefinite duration. These positions, whether exempt or non-exempt, are scheduled only when work is available, and shall work fewer than thirty (30) hours per workweek (130 hours per month) on average within any given calendar year. There are no regularly scheduled hours for these positions. Irregular part-time employees are not eligible for city benefits except possibly retirement, depending on how many hours an employee works within any given calendar year. Irregular part-time employees are eligible for merit increases.

Temporary. Assignments that are of a limited duration, ordinarily specified in advance. A temporary employee may be full-time or part-time. Temporary positions are paid on an hourly basis and may be scheduled to work up to forty (40) hours per workweek. Positions within this classification are eligible for overtime pay for hours worked in excess of forty (40) in a workweek. Temporary positions have no guarantee of continuous employment from one year to another. Employees occupying recurring temporary positions are required to re-apply for such positions every year. Temporary employees are not eligible for city benefits except possibly retirement, depending on how many hours an employee works within any given calendar year.

Emergency Temporary. Whenever an emergency exists that requires the service of personnel who are not otherwise available for budgeted vacant positions, the City Manager may immediately appoint such personnel for a period not to exceed 90 working days without regard to normal recruitment and selection requirements. An emergency temporary appointment shall not be used to circumvent normal employment procedures. The employee involved shall not acquire any status or rights in the position to which temporarily appointed.

4.1.3 Determining Salaries

Potential Candidates. The City desires to find qualified individuals to fill positions within the City. This may warrant offering exceptional candidates salaries greater than the minimum rate of a pay grade. The hiring manager, in collaboration with Human Resources, provides a recommendation for a salary higher than the minimum of an assigned pay grade, which must be approved by the Assistant City Manager.

Promotions. Candidates being considered for promotion will be offered a minimum of 5% increase in their current pay grade or the minimum in the pay grade assigned to the new position, whichever is greater. The hiring manager, in collaboration with Human Resources, provides a recommendation for a salary higher than this, which must be approved by the Assistant City Manager.

Transfers. Employees who transfer will have a starting salary not less than the entry-level salary for that position but may be less than the employee was receiving in their previous position of employment.

The hiring manager, in collaboration with Human Resources, provides a salary recommendation for an employee transferring from one department or position to another, which must be approved by the Assistant City Manager.

Reclassifications. Reclassification of a position does not automatically result in a pay increase but will not be less than the starting salary of the new pay grade assigned to the position.

Criteria for Exceptions. Recommendations for salaries exceeding the minimum of the assigned pay grade will be based on one or more of the following criteria:

- A prospective candidate's qualifications, experience, or education exceed the minimum requirements posted for the position
- The placement in the salary range of a current employee in the same position whose qualifications, experience, or education are similar to those of the prospective candidate
- Qualified candidates are difficult to recruit and retain
- The recommended starting salary is equitable and competitive, and will not disrupt current internal salary relationships across the City;

Salary recommendations made by a hiring manager must be submitted in writing to an Assistant City Manager, to include justification based on the above criteria.

Other Exceptions. For Fire and EMS employees who transfer from 24-hour shifts to 8-hour shifts, compensation may be determined by other means to ensure salary parity, or at a minimum that an employee would not lose pay for moving from operations into an equivalent administration position.

4.1.4 <u>Overtime Pay</u>

Non-Exempt City Personnel. Overtime compensation for non-exempt personnel will be at the rate of one and one half (1½) times an employee's hourly salary. Such compensation may be in the form of pay or, for certain positions, compensatory time off. Overtime will be any hours worked beyond 40 hours in a given work week. All requests to work overtime must be made in advance and approved by the Department Head. Employees who work overtime without prior approval may be subject to disciplinary

action, up and including termination. This section does not apply to non-exempt Fire Department personnel engaged in fire suppression.

Non-Exempt Fire Department Personnel Engaged in Fire Suppression. Overtime compensation for non-exempt Fire Department personnel engaged in fire suppression activities will be at the rate of two (2) times an employee's hourly salary. Such compensation may be in the form of pay or, for certain positions, compensatory time off. All requests to work overtime must be made in advance and approved by the Department Head. Employees who work overtime without prior approval may be subject to disciplinary action, up to and including termination.

4.1.5 Compensatory Time Off

Compensatory time off ("comp time") is paid time off that may be earned and accrued by non-exempt employees in lieu of immediate cash payment for working overtime hours.

All regular full-time employees classified as non-exempt shall be paid at one and one-half times their regular rate of pay, as defined under Fair Labor Standards Act (FLSA), for hours worked in excess of their regular work week. Non-exempt employees may, however, accrue compensatory time in lieu of overtime pay. Exempt, part-time, seasonal, and/or temporary employees are not eligible to accrue comp time.

FLSA prohibits an employer from requiring an employee to accept comp time off for overtime hours worked. An employer may grant comp time for overtime hours worked in lieu of overtime pay upon employee agreement.

Accruing Comp Time. Employees must receive prior approval from their supervisor prior to working over and beyond regular work schedules where comp time or overtime would begin to accrue. When advance approval is not feasible due to the nature or circumstance of the work being performed, the employee should notify their supervisor as soon as possible, noting the amount of time worked and the reason for overtime. Non-exempt employees who work overtime without authorization must still be paid for the time worked, but may be subject to disciplinary action if unauthorized time continues.

Supervisors and employees should discuss whether compensation will be paid as overtime or accrued as compensatory time before any work is scheduled by the supervisor or performed by the employee. Again, an employer may grant comp time for overtime hours worked in lieu of overtime pay upon employee agreement.

Comp time will accrue for employees at a rate of one and one-half (1 ½) hours for every hour worked in excess of the standard 40-hour work week. Employees who do not work a standard 40-hour work week (i.e. Police, Fire, and EMS employees and who are covered

under 207(k) of the FLSA and applicable provisions of state law) will accrue comp time based on FLSA standards for their work cycle.

The maximum accrual for comp time for employees is as follows:

- Employees assigned to a standard 40-hour work week may accrue up to 40 hours at any given time.
- Fire employees on 24-hour shifts may accrue up to 36 hours at any given time.
- Fire employees on 48-hour shifts may accrue up to 50 hours at any given time.
- EMS employees on 24-hour shifts may accrue up to 72 hours at any given time.

Employees who have reached their maximum comp time accruals will be paid for any overtime worked in accordance with the Fair Labor Standards Act.

Carrying Over Comp Time. Comp time accruals may carry over into the beginning of each subsequent fiscal year for employees. The maximum number of hours that may be carried over by employees is as follows:

- Employees assigned to a standard 40-hour work week may carry over up to 20 hours into the beginning of the subsequent fiscal year.
- Employees assigned to a 56-hour work week may carry over up to 36 hours into the beginning of each subsequent fiscal year.
- EMS employees on 24-hour shifts may carry over up to 48 hours into the beginning of each subsequent fiscal year.

Any comp time that an employee is unable to carry over into each subsequent fiscal year will be paid at their regular rate of pay.

Use of Comp Time. Comp time accrued and used by employees shall be recorded in the City's official timekeeping system. Comp time accrued in any given pay period shall not be used during that same pay period.

Employees may take comp time off at the discretion of their direct supervisor. Comp time off must not unduly disrupt departmental operations and must have prior supervisory approval. Comp time cannot be used to drive an employee into overtime status.

Pay Outs for Comp Time. Employees will be paid for accumulated, unused comp time upon separation of employment at their regular rate of pay, regardless of the reason for employment separation.

If an employee is promoted from a non-exempt to an exempt position, any accrued, unused comp time shall be paid out at the employee's regular rate of pay for the position held before the promotion.

Any time that an employee with accrued comp time accruals transfers to another department, their hours accrued shall be cashed out at their current hourly rate of pay.

4.1.6 Stand-By Pay

Departments may pay stand-by pay (also known as on-call pay) to designated employees, who are on call at designated times. Stand-by time is defined as time worked if employees are required to be available by phone or at certain locations such that they cannot use the time for their own purposes. Qualification for stand-by pay is coordinated with and must be approved by the employee's Department Head and is available only when the needs of the City and its customers require it. Whether time spent on stand-by is considered time worked is a question of fact to be decided on a case-by-case basis. Generally, stand-by time is considered time worked for **time spent:**

- Performing work-related activities, such as phone calls;
- Driving to and from the location of an emergency situation; and
- Responding to an emergency situation

Stand-by time is not considered time worked if the employee can leave word as to where they can be reached, or if the employee carries a phone and does not have to stay at a certain location as defined above.

If stand-by time is considered time worked, the employee(s) on stand-by shall receive their regular hourly rate until they work over forty (40) hours within a given workweek, which would then place the employee(s) in an overtime status.

Stand-by pay is subject to available funds and budget approval, and the rate may be pro-rated.

4.1.7 Education Pay

All education pay is subject to and contingent upon City Council approval of an annual budget that funds the program. All education pay plans, additions, and/or deletions must be reviewed by Human Resources, and the City Manager must grant final approval of all education pay plan changes prior to implementation.

Education pay is provided to eligible full-time employees, as outlined in this policy. In order to receive compensation, the education level must be above the minimum requirement for the employee's position as listed in the job description. Employees will only be paid for the highest level of education achieved. Education pay shall be forfeited if an employee moves into a position where education for which they are currently receiving compensation is a minimum requirement of the position as listed in the job description.

Employees who are eligible to receive education pay are responsible for providing the appropriate documentation to their department. Compensation for education pay will be paid to a maximum of three months in arrears to any employee not reporting to their department their eligibility for such pay.

All requests for education pay must be authorized by the Department Head and then submitted to the Human Resources Department. Final approval of certification pay will be granted by the City Manager.

Employees shall receive payment per pay period as outlined in the schedule below.

EDUCATION PAY SCHEDULE

*Degree	Amount Per Pay Period
Associate's Degree	$25.00
Bachelor's Degree	$30.00
Master's Degree	$45.00

**Conferred by a nationally accredited institution of higher education*

4.2 Employee Benefits

A comprehensive employee guide can be obtained from Human Resources.

Retirement Income Plan. The City offers a retirement plan through Texas Municipal Retirement System with mandatory participation for all full-time employees and part-time employees working twenty (20) hours per week or more. An eligible employee (including probationary employees) automatically becomes a member of the retirement system on the first day of the first month after the date of employment. The employee must be eighteen (18) years of age or older and not yet attained age sixty-five (65) or older.

The City provides several options for voluntary retirement. Information regarding the City's retirement options can be obtained from Human Resources.

Life Insurance, Long-Term Disability, and Health Coverage. The City provides life insurance, long-term disability, medical, dental, and vision plans for full-time employees. Dependent life insurance, medical, dental and vision coverage, is available at the option of the individual employee. Plan information and costs can be obtained from Human Resources.

Workers' Compensation. The City provides workers' compensation insurance for all employees of the City. The coverage is designed to compensate the employee for any job-related illness or injury. Procedures on reporting job-related illness and injury is covered in the City's Risk and Safety plan.

Employee Assistance Program. The City has an Employee Assistance Program for all employees and members of their household. Information regarding the City's Employee Assistance Program can be obtained from Human Resources.

4.3 Holiday, Vacations, and Leaves

4.3.1 <u>Holidays</u>

Official City Holidays

New Year's Day	Martin Luther King, Jr. Day	Presidents' Day
Memorial Day	Juneteenth	Independence Day
Labor Day*	Columbus Day	Veterans Day
Thanksgiving Day	Day after Thanksgiving	Christmas Eve
Christmas Day		

*Fire employees (operations) work on Labor Day and recognize 9/11 as the holiday.

If one of the above holidays falls on a Saturday, City employees will observe that holiday on the preceding Friday. When such a holiday falls on a Sunday, City employees will observe that holiday on the succeeding Monday. If one of the above holidays is followed by a Friday or preceded by a Monday, that Friday or Monday shall also be considered a paid City holiday. When Christmas Day falls on a Saturday and the preceding Friday is already a City holiday, Christmas Eve will be observed on the preceding Thursday. When Christmas Day falls on a Monday, Christmas Eve will be observed on the preceding Friday. When Christmas Day falls on a Tuesday and the preceding Monday is already a City Holiday, Christmas Eve will be observed on the preceding Friday.

Holiday pay does not include any special forms of compensation such as bonuses, shift differentials, or incentives.

Exempt Employees. Regardless of schedule or time actually worked on an observed City holiday, exempt employees receive holiday pay equal to the number of hours they would normally work.

Non-Exempt Employees. A non-exempt employee not scheduled, and does not work on the observed City holiday, will receive 8 hours of holiday pay. If a non-exempt employee is required to work on a City holiday (actual or observed), the non-exempt employee will be paid holiday pay for hours actually worked on the holiday at a rate equal to the employee's straight hourly pay in addition to their normal hourly pay, unless the employee has already worked 40 hours during the same week as the holiday, in which case overtime rates will apply to time worked. If the employee is required to work, they will receive a minimum of 8 hours of holiday pay; however, if the employee is required to work in excess of 8 hours, they will receive holiday pay for the actual amount of hours worked.

Regular Part-Time Employees. A regular, part-time employee that is not scheduled, and does not work on the observed City holiday, will receive at a minimum of 4 hours of holiday pay or the amount of hours they would have normally been scheduled to work for that day. If a regular, part-time employee is scheduled and works on a holiday, they will be compensated in accordance with the section above titled 'Non-Exempt Employees.'

Irregular Part-Time Employees. An irregular, part-time employee that is not scheduled, and does not work on the observed City holiday, will not receive holiday pay. If an irregular, part-time employee is scheduled and works on a holiday, they will be compensated in accordance with the section above titled 'Non-Exempt Employees.

All Employees. An employee on vacation, sick, or FMLA leave during an official holiday will receive 8 hours of holiday pay.

Employees may request an approved absence to celebrate a religious holiday that is not a scheduled city holiday. If approved, the employee must use vacation, compensatory time, or an excused absence without pay.

<u>Examples of Holiday Pay Procedures:</u>

Scenario 1:
An employee works forty (40) hours per week, Tuesday through Saturday in a non-exempt position. A City holiday falls on a Monday. The supervisor and employee should mutually designate a day in the same week during the employee's normal schedule as the day for their holiday observance. If the employee works on the re-designated holiday, they will be compensated in accordance with the holiday pay practices. If, after re-designating their holiday, the employee actually works on Monday (the official City holiday), they will be paid in accordance with the section entitled 'Non-Exempt Employees.'

Scenario 2:
An employee works forty (40) hours per week, Monday through Friday in a non-exempt position. Christmas Day (12/25) falls on a Sunday, and the City observes the holiday on Monday (12/26). Due to an emergency, the employee is called into work on Sunday and works five (5) hours. The employee would receive five (5) hours of holiday pay and five (5) hours of pay equivalent to their regular rate of pay, unless the employee has already worked 40 hours during the same week as the holiday, in which case overtime rates will apply to time worked.

This same employee does not work on the observed holiday, a day they are normally scheduled to work. The employee will receive eight (8) hours of holiday pay for the observed holiday.

Scenario 3:
If the same employee from Scenario #2 was called into work on the observed holiday instead of the actual holiday, and worked five (5) hours, they would receive eight (8) hours of holiday pay and five (5) hours of pay equivalent to their regular rate of pay, unless the employee has already worked 40 hours during the same week as the holiday, in which case overtime rates will apply to time worked.

Scenario 4:
An exempt employee works a 9/80 schedule, regularly scheduled to work 9 hours on Mondays. A City holiday falls on a Monday. The employee does not work on the holiday. The employee will receive nine (9) hours of holiday pay.

Scenario 5:
A 24-hour shift worker calls in sick on an official City holiday. They are scheduled, but do not work. They will receive 8 hours of holiday pay, and must use 16 hours of sick leave to cover the remainder of their scheduled shift.

Scenario 6:
A non-exempt employee works ten (10) hours on July 4th at the Jubilee. The employee will receive ten (10) hours of holiday pay and ten (10) hours of pay equivalent to their regular rate of pay, unless the employee has already worked 40 hours during the same week as the holiday, in which case overtime rates will apply to time worked.

4.3.2 Vacation Leave

All regular full-time employees are entitled to paid vacation time. If a holiday occurs during an employee's vacation, that holiday is not chargeable as vacation time. It counts as a paid holiday.

Employees who experience illness or injury during their vacation may request that the time of illness be charged as sick leave. Medical documentation may be required upon request. Vacation accrual for eligible employees begins on their date of employment in a full-time position. Vacation time is accrued per pay period based on the chart below and may not exceed the maximum allowable as listed. On September 30 of each year, all accrued vacation time in excess of the amount authorized will be dropped from the vacation leave roster.

Year of service is equal to total number of years with the City of Schertz.	**# Hours Per Year**	**Maximum Hours Allowed To Accrue**
Fire Protection Personnel assigned to Operations and EMS Personnel assigned to 24-hour shifts[1]:		
During 1st year of service	144	-
2 – 10 years of service	180	360
11+ years of service	240	480
Licensed Peace Officers(Sworn Officers)/Fire Protection Personnel assigned to Admin[2]/EMS Admin[3]/EMS Personnel		
During 1st year of service	96	-
2 – 10 years of service	120	240
11+ years of service	160	320
All other Full-Time Employees:		
0 – 5 years of service	96	192
6 – 10 years of service	120	240
11+ years of service	160	320

[1] A day for a 24-hour shift employee is defined as 12 hours.

[2] Definitions for "Fire Protection Personnel" and "Licensed Peace Officer" can be found in Section 142.010 in the Local Texas Government Code.

[3] EMS Admin does not include the Administrative Assistant and the Billing Office.

[4] A day for a 12-hour shift employee is defined as 8 hours.

If an employee is called to work during their vacation, the employee will receive their regular pay rate, and the vacation will be rescheduled for a later date.

Requests for vacation leave will be approved by the Department Head or designee.

Upon separation, an employee will receive pay for their unused vacation time. This does not apply to a newly hired employee still in their initial probationary status.

Pay for unused vacation time is limited to the maximum authorized accrual level. The amount payable is based on the employee's hourly salary in effect at the time of separation. The payout will be made at the employee's regular rate and shall not include any special forms of compensation such as bonuses, shift differentials, or incentives.

4.3.3 Sick Leave

The City's sick leave plan allows regular full-time and regular part-time employees to be away from work without loss of pay for illness or non-job-related injury. Payments shall be made at the employee's regular rate and shall not include any special forms of compensation such as bonuses, shift differentials, or incentives. Employees are authorized sick leave for illness that makes them unable to perform their duties and to be with members of their family* in case of serious illness or death.

Regular full-time employees earn one day of sick leave for every month of work for the City. Twenty-four hour shift employees earn ten (10) hours of sick leave for every month of work for the City. Regular part-time employees will accrue sick leave at a rate equal to their hours worked compared to a full-time employee's hours worked. Accumulated vacation time may be used to cover sick leave if an employee becomes ill and has used all of their sick leave. Accumulated sick leave, however, may not be used in place of vacation leave.

A supervisor may request verification of illness for sick leave requests of three (3) days or less. For sick leave of more than three (3) days, a doctor's certification will be required.

If an employee does not use all of their allocated sick leave during any one year, the employee may accumulate up to 120 days for future use. There will be no payment for unused sick leave upon an employee's separation.

*For purposes of this Sick Leave policy, "family" means the employee's parent, child, spouse, mother-in-law, father-in-law, sibling, stepchild or any other person living in the employee's household.

Catastrophic Illness. Regular full time employees who are diagnosed by a physician with a catastrophic illness or injury and who have exhausted all sick leave and vacation leave, and who are not covered by worker's compensation, will receive salary continuation, exclusive of unscheduled overtime, for the duration of their incapacity, but not to exceed such time when the employee becomes eligible to receive Long Term Disability payments.

Such compensation will be paid according to the following schedule:

Completed Years of Employment with the City	Percentage of Salary to be Paid
0-5 years	25%
6-10 years	50%
11-15 years	75%
16+ years	100%

Such payments will cease six (6) months after commencement of payment. Payments will also cease if for any reason the employee is no longer employed by the City. Payment shall be diminished by funds received by the employee from any other source related to the City or work-related benefits. Payments will not be increased if an employee moves from one period of employment category in the left-hand column of the above chart to another during the 6-month period.

During this pay continuation period, the employee will not be eligible for merit raises, promotions, or other benefits including vacation and sick leave accrual. Health care insurance (including medical, dental, and vision insurance), long term disability, and life insurance provided by the City would also be continued until the employment relationship has terminated. The employee will continue to be responsible for any dependent or additional insurance coverages.

4.3.4 Sick Leave Pool

The City of Schertz has established a sick leave pool to provide a source of additional paid sick leave for employees who have exhausted all available leave time, to include compensatory time, awarded time off, sick leave and vacation leave. Sick leave pool benefits are made available through voluntary donations of sick leave hours from current and retiring employees.

This policy applies to all full-time and regular part-time employees. Hours from the Sick Leave Pool received by employees prior to effective date of this policy do not count towards the Maximum Hours Allowed in Rolling 12-Month Period or the Maximum Lifetime Benefit. Employees receiving hours from the Sick Leave Pool upon the effective date will be subject to this policy. Newly-hired employees still in a probationary status are not eligible to receive from the Sick Leave Pool.

Employees who exhaust all leave balances because of an illness, injury, or otherwise qualified condition, suffered by either the employee or a member of the employee's immediate family may apply to the sick leave pool program. Employee must have an approved FMLA claim to be eligible to receive hours from the Sick Leave Pool. FMLA claims must be approved prior to receipt of hours from Sick Leave Pool. Hours from the Sick Leave Pool will only be assigned retroactively up to 60 days from the date of FMLA approval.

Donation. All contributions to the Sick Leave Pool will be voluntary. Upon retirement or separation of the City, employee may designate the number of accrued sick leave hours to be donated to the Sick Leave Pool . Sick leave contributions may not be designated for the use of a particular person. Current employees who wish to donate must maintain a minimum balance of 80 hours in their sick leave bank.

Request for Use of Sick Leave Pool. Employee must submit request to the Human Resources Director or designee using appropriate application form. Employees should apply for a specific amount of sick leave pool hours. The number of sick leave pool hours approved may be less than the number of sick leave pool hours requested.

Sick Leave Pool usage will have a start and end date for each period of use, which will be will coincide with condition updates and expected return to work status. Assignment of Sick Leave Pool hours may be re-evaluated periodically to determine appropriateness of continued use.

Sick Leave Pool hours may be used for continuous absences only.

Human Resources Director or designee will:

- Make decisions consistent with policies and procedures.
- Process all applications on a first-come, first-served basis. Decisions on applications will be done within five (5) business days after receipt.
- Upon approval of an application, the amount of time to be transferred from the pool to the employee will be determined. Considerations used will include the information contained in the application; the number of applications pending; and the amount of sick leave available in the pool. Human Resources will transfer hours to the employee's sick leave bank.

Maximum Hours Allowed in Rolling 12-Month Period. An eligible full-time employee may not receive more than 320 hours from the sick leave pool in a rolling 12-month period. An eligible part-time employee may not receive more than 160 hours from the sick leave pool in a rolling 12-month period.

Fire/EMS employees working 24-hours shifts may not receive more than 480 hours from the sick leave pool in a rolling 12-month period.

Maximum Lifetime Benefit. An eligible full-time employee may not receive more than 640 hours from the sick leave pool as a maximum lifetime benefit. An eligible part-time employee may not receive more than 320 hours from the sick leave pool as a maximum lifetime benefit. Fire/EMS employees working 24-hours shifts may not receive more than 960 hours from the sick leave pool as a maximum lifetime benefit.

Maternity/Paternity. The Sick Leave Pool may be used for the condition of pregnancy, childbirth or bonding, as long as all other all other requirements of this policy are met.

General:

- An employee absent on Sick Leave Pool hours will be treated for all purposes as if the employee were absent on earned sick leave. All City policies and procedures related to permissible uses of sick leave apply to the use of the Sick Leave Pool hours.

- In no case may Sick Leave Pool hours be used in conjunction with a Worker's Compensation Claim.

- Sick Leave Pool hours may be used in conjunction with employee disability benefits from the group insurance program.

- The estate of a deceased employee is not entitled to payment for unused sick leave acquired by that employee from the Sick Leave Pool or previously donated to the pool.

- Sick Leave Pool is a temporary discretionary process that MAY be extended to an employee if all conditions above are met. It is not a benefit of employment. Decisions to allocate pool resources to eligible employees will be equitable, consistent, and without regard to employee classification or any other legally impermissible reason.

- The City has the right to rescind the offer of Sick Leave Pool usage for any reason at any time, but particularly when abuse is suspected, or when there is no prognosis of return to work.

4.3.5 Family and Medical Leave

Eligibility. Under current Federal law (the Family and Medical Leave Act (the "FMLA")), to be eligible for family and medical leave benefits, an employee must work for a covered entity, meaning an employer with fifty (50) or more employees within a seventy-five (75) mile radius. Additionally, in order to be eligible an employee also must have worked for the City for (i) a total of twelve (12) months and (ii) at least 1,250 hours in the immediately preceding twelve (12) complete months. Initial determination of FMLA eligibility will be made by Human Resources, with a final determination made by the City Manager if needed.

Married employee couples may be restricted to a combined total of twelve (12) weeks leave within any twelve (12) month period for childbirth, adoption, or placement of a foster child; or to care for a parent with a serious health condition.

Qualifying Events. Eligible employees are entitled to take up to 12 workweeks of FMLA leave in a rolling 12-month period for any of the reasons listed below:

- The birth of a child and to bond with the newborn child within one year of birth.
- The placement with the employee of a child for adoption or foster care and to bond with the newly placed child within one year of placement.
- A serious health condition that makes the employee unable to perform the functions of their job.
- To care for the employee's spouse, son, daughter, or parent who has a serious health condition.
- Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty.

The rolling twelve (12) month period is measured backward from the date the employee uses any FMLA leave.

An eligible employee may also take up to 26 workweeks of FMLA leave in a single 12-month period:

- To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember (military caregiver leave).

During the 12-month period in which the employee uses FMLA leave to care for a covered service member, he or she is entitled to a maximum of 26 weeks of leave. The 26 weeks include up to a maximum of 12 weeks of leave taken for reasons other than caring for a covered service member.

Requests for FMLA. Eligible employees should submit requests for FMLA to Human Resources in advance of foreseeable events and as soon as possible for unforeseeable events.

Employees requesting FMLA leave will be required to submit medical certification confirming the need for leave (continuous or intermittent) and the estimated time required. Periodic recertifications also may be required, as well as periodic reports regarding the employee's status and intent to return to work. Any changes in this information should be promptly reported to Human Resources. Failure to provide the required certification may result in a delay in the start or continuation of FMLA leave or may mean that the absence is not covered by the FMLA.

Time Reporting while on FMLA. Employees will be required to substitute any accrued leave before taking unpaid FMLA leave. If an employee goes into an unpaid status, they will continue to be responsible for any dependent or additional insurance coverages. If an employee is off work the entire week in which a holiday falls, the holiday does count against FMLA entitlement (hours used), but the employee will still receive holiday pay according to policy (as long as the employee was in a paid status the day before the holiday).

Employees receiving short-term disability income while out on FMLA leave may not be required to use accrued leave concurrently, but they will continue to be responsible for any dependent or additional insurance coverages.

Intermittent FMLA Leave. Under certain circumstances, eligible employees may be able to take leave on an intermittent basis. Medical certification for the need for intermittent leave will be required, as well as, the frequency and duration of the intermittent leave.

Benefits While on FMLA Leave. Subject to the terms, conditions, and limitations of the applicable plans, the City will continue to provide health insurance benefits for the full period of the approved FMLA leave whenever such insurance was provided before the leave was taken and on the same terms, conditions and contribution levels as if the employee had continued to work. If the employee fails to return to work upon expiration of the leave, the employee may be required to repay the premiums that the City paid for maintaining coverage if the employee failed to return for reasons other than a serious health condition of the employee or family member or other circumstances beyond the control of the employee. If an employee goes into an unpaid status while out on FMLA, leave accruals and TMRS contributions will cease until the employee returns to a paid status.

Return to Work. Medical certification will be required to document an employee's release to return to work full duty. At the discretion of the City, an employee may be required to submit to a Human Performance Evaluation (HPE) to further document the ability to meet the physical requirements of the job upon return to work. For all FMLA qualifying events for which an employee was absent for a continuous period of four (4) weeks or longer, the employee will be required to submit to an HPE prior to returning to work. This applies to operational and/or manual labor positions. When FMLA leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified.

If an employee fails to return to work on the agreed-upon return date, and does not report to work or communicate with their supervisor for a period of 3 consecutive days immediately following, the City will assume that the employee has abandoned their job and may terminate employment in accordance with the City's policies.

Outside Activities while on FMLA. While on leave, employees are expected not to engage in acts which are inconsistent with the employee's professed need for leave or medical restrictions. This may include, but is not limited to, employment other than by the City. Engaging in acts which are inconsistent with the professed need for leave or the medical restrictions of an employee may subject the employee to disciplinary action up to and including termination.

4.3.6 Workplace Milk Expression for Breastfeeding Employees.

The City shall make reasonable accommodations for the needs of a breastfeeding employee. It is the policy of the City of Schertz to comply with all state and federal laws as they relate to workplace breastfeeding or breast milk expression. The City will not suspend or terminate the employment of, or otherwise discriminate against, an employee because the employee has asserted the employee's rights under this chapter.

Accommodations. The City will provide accessible, adequate and private facilities other than a bathroom, for the employee's breastfeeding-related needs. Each designated space will be shielded from view and free from intrusions from other employees and the public. The facility shall be equipped with suitable lighting and electricity if necessary for pumping apparatus. The space will be determined on a case-by-case basis in consultation with the employee and department.

Break Time. The City will provide a reasonable amount of break time for an employee to express breast milk each time the employee has need to express the milk.

Storage. The City will provide suitable facilities such as a refrigerator for milk storage during the employee's daily work period. If a City refrigerator is utilized, the employee's bottles or containers should be clearly labeled with the employee's name. Storage in a City refrigerator is limited to no longer than the end of the business day when it is expressed. Should employer-provided facilities not be available, an employee may store milk in her own personal cooler.

Employee Responsibilities. It is the employee's responsibility to develop their own lactation schedule and to arrange their lactation schedule with their department. It is the employee's responsibility to make their supervisor aware of changes to their lactation schedule.

Department Responsibilities. Departments must allow the employee to follow their lactation schedule and be flexible if there are changes to the schedule based on individual needs. Departments will ensure confidentiality on a need-to-know basis of all information disclosed by the employee and/or Human Resources related to an employee's breastfeeding or milk expression situation.

4.3.7 On-The-Job Injury Leave/Pay

In the event an employee is injured on the job, they must report that injury to their supervisor immediately. In the case of a major injury in which the employee is physically unable to contact their supervisor, the injury must be reported no later than the start of the next workday regardless of whether or not the employee is scheduled to work. For purposes of this policy, failure on the part of the employee to report such injury within these guidelines constitutes an agreement by the employee and an assumption by the City that the injury did not occur on the job; therefore, the employee will not be eligible for any benefits described under this Section. Witnessing employees should report the injury to supervisory personnel.

The employee, upon learning the nature and condition of the injury, must report the anticipated length of the absence to their immediate supervisor. Regular full-time employees who sustain an on-the-job or line-of-duty injury will be entitled to full salary continuation, exclusive of unscheduled overtime, for the duration of their incapacity, not to exceed sixty (60) calendar days, or at the discretion of the City Manager for a longer period until the employee attains maximum medical improvement. Full salary continuation is an employee's current bi-weekly net take-home pay rate less worker's compensation benefits. If, at the end of such period of leave, the employee cannot return to work, the employee may elect to apply sick leave and vacation leave until exhausted, less any worker's compensation benefits.

After all accrued benefits have been exhausted, the employee will receive only worker's compensation benefits as authorized by State law. At such a time that the employee is only receiving temporary income benefits as part of an open workers compensation claim, and not receiving any compensation from the City, the employee will not be eligible for merit raises, promotions, or other benefits including vacation and sick leave accrual. The employee will continue to be responsible for any dependent or additional insurance coverages.

Injury Leave - Time Worked. Afforded to cover employee time while at a doctor appointment for a work-related injury

Injury Leave – Time Not Worked. Afforded to cover employee who is unable to return to work per doctor's orders.

Supervisors have certain responsibilities regarding accidents and injuries:

- It is the responsibility of the respective Department Head or designee to verify all employee absences for worker's compensation related purposes.
- Upon learning of injury, supervisors will thoroughly investigate the accident/injury and forward a report to the City's Purchasing Department, and the Human Resources Department where appropriate
- Supervisors must report injury-related lost time on timesheets and to the City's Purchasing Department.

Prior to an employee returning to full duty, the City must receive a Work Status Report indicating the employee's fitness to return to duty and to perform the essential job functions with or without reasonable accommodation, stipulating the type of duty permitted and any requested accommodations, and the date of the employee's release from medical care.

If the return to duty restrictions are with reduced hours, and the employee has returned to work following an on-the-job injury, the employee will not be charged vacation or sick leave, providing workers compensation has supplemented the additional injury leave and/or hours. Upon returning to work, pursuant to a medical doctor's release, any non-work hours paid by workers compensation will not be charged vacation/sick leave. Once released by the doctor, the employee may be charged vacation/sick leave should the employee not report to work.

For Example:

- Employee is released by doctor to work 12 hours
- 28 hours compensated by workers compensation

If the employee is out 4 hours (of the 12) due to illness, it will be charged as sick leave.

At the discretion of the City Manager, an employee on light duty who turns in the endorsed workers compensation check to the Finance Department may have continuation pay for the remaining hours not worked during the week until such time that the employee reaches maximum medical improvement.

An employee forfeits continued On-the-Job Injury Pay if they:

- are found to be working for pay at any job not approved by the Department Head and Human Resources Department and not specifically recommended by the employee's treating physician;
- resign for any reason while receiving On-the-Job Injury Pay;
- are discharged for any reason while receiving On-the-Job Injury Pay;
- consistently fail or refuse to comply with or follow or consistently disregard or violate the treating physician's instructions regarding treatment of their injury;, to include attending follow up medical appointments;
- retire while receiving On-the-Job Injury Pay;
- refuse to perform light, or part-time duty when offered by their Department Head and authorized by the treating physician;
- refuse to accept or perform a different job with the City when offered as a reasonable accommodation, and that is within their capacity and for which theyare qualified or will be trained;
- falsify or misrepresent their physical condition or capacity while receiving On-the-Job Injury pay;
- refuse or fail to return to regular duty on the working day after the treating physician has released them to regular duty;
- fail to contact their immediate supervisor on a weekly basis and notify them of their condition and expected return to work date; or
- are injured as a result of their own personal negligence in the observance of safety rules as determined by the employee's Department, Purchasing or the Human Resources Department.

4.3.8 <u>Light Duty</u>

When an employee is not able to return to their regular job due to temporary medical restrictions, they may be returned to work early in transitional work, light duty, modified duty, or alternate duty. This may be a temporary change to the employee's regular job such as modified duties, shorter hours, or work that is entirely different due to physical abilities or limitations or required skills.

When an employee is medically released to duty and the release calls for light duty, Human Resources will work with the employee's department to determine if light duty is available. Light duty may or may not be available based on the following:

- Needs and duties of the department;
- Capabilities of the employee; and
- Expected length of light duty.

Light duty may only be allowed for a period of up to 180 calendar days from the date the employee returns to work. If the employee has still not returned to regular duty without restrictions at the end of the 180 calendar day period of light duty, then a duty assessment will be requested from the employee's treating physician to determine if the employee will be able to perform the essential functions of the job. If the employee is still not able to perform the essential functions of the job at that time, Human Resources will work with the department to attempt to locate another City position for which the employee is qualified. Such position must be authorized and vacant.

When an employee's injury will permanently prevent them from performing the essential functions of their regularly assigned position, Human Resources will work with the department to first ascertain whether or not a reasonable accommodation can be made. If a reasonable accommodation cannot be made, Human Resources will engage the employee in the interactive process and attempt to locate another City position for which the employee is qualified. Such position must be authorized and vacant.

If no positions are available and the individual is physically unable to perform the essential functions of their with or without reasonable accommodation, other actions, up to and including administrative termination, may be required.

4.3.9 Bereavement Leave

All regular full-time and regular part-time employees are eligible for paid bereavement leave from the first day of employment.

For the purposes of this policy, an immediate family member is defined as an employee's spouse (including common-law), child (including foster and step), parents (including current stepparents and current in-laws), siblings (including half, current step, and current in-laws), grandparents, grandchildren, or any other person living in the employee's household.

Employees will receive bereavement leave in accordance with the time they would have normally worked per their individual schedules. For example, if a City employee requests

bereavement leave on a day where they are scheduled to work ten (10) hours, the employee would receive ten (10) hours of bereavement leave. Bereavement leave is stand-alone paid leave and shall not be charged to any other forms of leave.

It shall be the policy of the City that, in the event of the death of an employee's immediate family member, the employee shall be entitled to bereavement leave in accordance with the following schedule:

- Employees on 4-hour, 8-hour or 10-hour work days/shifts = 3 work days/shifts of bereavement leave
- Employees on 12-hour work days/shifts = 2 work days/shifts of bereavement leave
- Employees on 24-hour work days/shifts = 1 work day/shift of bereavement leave

The schedule below lists a maximum number of days/shifts that may be approved by the City Manager in the event the funeral of the immediate family member is out of state:

- Employees on 4-hour, 8-hour or 10-hour work days/shifts = 5 work days/shifts of bereavement leave
- Employees on 12-hour work days/shifts = 4 work days/shifts of bereavement leave
- Employees on 24-hour work days/shifts = 2 work day/shifts of bereavement leave

If an employee has two (2) or more immediate family members who pass away due to a single event, the employee may be granted additional bereavement leave on a case-by-case basis upon review and approval by the City Manager.

Appropriate Use of Bereavement Leave. Bereavement leave may be used by an employee in the case of the death of an immediate family member. Bereavement leave should be used within four (4) weeks of an immediate family member's death but may be extended by the employee's Assistant City Manager in unique circumstances. Bereavement leave must be used in full work day/shift increments but does not have to be used on consecutive work days/shifts. Bereavement leave shall not be accrued or saved like other types of employee leave.

Payment of Bereavement Leave. Payment for bereavement leave is at the employee's regular rate of pay. Paid time off for bereavement leave is not considered time worked within any given workweek or work cycle.

With supervisor approval, time off may also be granted to attend the funerals of friends or other close relatives who are not immediate family members , but the employee shall utilize their available sick leave, comp time, or vacation leave in these instances.

Procedures for Notification. The City requests that employees provide as much notice as possible to their supervisors when requesting bereavement leave.

Documentation. The City reserves the right to request pertinent information when bereavement leave is taken by City employees, including deceased relative's name, the name and address of the funeral home, and the date of the funeral.

Abuses. Any employee abusing the employee bereavement policy through falsification may be subject to disciplinary action up to and including termination.

Memorial Trees. The City will honor deceased active duty and retired employees who have served the City for ten (10) or more years by planting a tree in the City. These trees will be placed in areas of the City in need of trees and will honor those deceased individuals.

4.3.10 Jury Duty

City employees who are called for jury duty will receive full compensation for the time that they are either waiting for possible selection to serve on a jury or serving on a jury for a maximum of two (2) weeks (or a longer period authorized by the City Manager). Payments shall be made at the employee's regular rate and shall not include any special forms of compensation such as bonuses, shift differentials, or incentives. Payments will take into consideration and be net of the amounts a City employee otherwise receives from outside sources as juror pay. Employees are required to provide their supervisor with both the notice or summons reflecting that jury service is required and copies of any checks or receipts reflecting the amount of juror pay received from outside sources. Employees shall report to work on any regularly scheduled workday on which the employee is not required to serve as a juror.

4.3.11 Military Leave

An employee of the City who presents official orders requiring their attendance for a period of training or other active duty as a member of the United States Armed Forces, the Army National Guard, the Air National Guard, the commissioned corps of the Public Health Service, or the Texas State Guard shall be entitled to military leave in accordance with applicable law. Pursuant to state law, military leave with pay shall be provided by the City not to exceed a total of fifteen (15) working days per federal fiscal year for those employees in a reserve component of the armed forces or in the Texas Army National Guard, Texas Air National Guard, or Texas State Guard. Following the expiration of these fifteen days of paid leave, the City will continue paid leave for any such employee for the duration of their military service not to exceed five years, but any such payments shall

take into consideration and be net of the amounts a City employee otherwise receives for the military or other covered service. Payments for military leave shall be made at the employee's regular rate and shall not include any special forms of compensation such as bonuses, shift differentials, or incentives. At the time of discharge, the returning service personnel shall be re-employed in their former position or one of equal or greater responsibility, if they comply with all necessary legal requirements.

4.3.12 Maximum Leave of Absence; Concurrent Leave

Subject to applicable law, the total maximum amount of time available under a leave of absence to which an employee may be entitled, regardless of the basis of the leave, is one calendar year. However, employees are not automatically entitled to a one calendar year leave of absence, and such leave will only be approved in accordance with City policies and applicable law. Upon the expiration of an approved one calendar year leave of absence, an individual's employment may be administratively terminated, subject to applicable law.

Unless otherwise notified by the City, any person who desires to return to work with the City after having been administratively terminated is encouraged to reapply to any position for which they are qualified to perform the essential job functions, with or without reasonable accommodation. Due regard will be given to the individual's prior employment with the City.

Subject to applicable law, if an employee takes a leave of absence and such leave of absence could be taken under two or more policies (for instance, sick leave and FMLA leave), such periods of leave shall be applied concurrently to all qualifying leaves of absence.

END OF PART IV

SECTION V

EMPLOYEE RELATIONS

5.1 Harassment Prohibited

In accordance with federal and state law, 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. In addition, the City prohibits discrimination on the basis of sexual orientation or gender identity. The City will not tolerate such harassing behavior at any time or for any reason.

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, national origin, sexual orientation, or gender identity.

Employees shall report harassment pursuant to the Reporting Sexual Harassment or Other Types of Harassment policy.

5.2 Sexual Harassment Prohibited

It is against the policies of the City, and illegal under state and federal law, for any employee to sexually harass another employee. The City of Schertz is committed to providing a workplace free from this unlawful conduct. It is a violation of this policy for an employee to engage in sexual harassment.

Sexual harassment includes sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. This may include when:

a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,

b. submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that person, or

c. 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.

Conduct prohibited by this policy includes sexual harassment which occurs in work-related settings outside of the workplace, such as business trips, business meetings and business related social events as well as off-duty conduct which falls within the above definition and affects the work environment.

Examples of sexual harassment include, but are not limited to the following, when such acts or behavior come within one of the above definitions:

a. either explicitly or implicitly conditioning any term of employment (e.g. continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;

b. touching or grabbing a sexual part of an employee's body;

c. touching or grabbing any part of an employee's body after that person has indicated, or it is known, that such physical contact was unwelcome;

d. continuing to ask an employee to socialize on or off-duty when that person has indicated he/she is not interested;

e. displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters;

f. continuing to write sexually suggestive notes or letters;

g. referring to or calling a person a sexualized name;

h. regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person;

i. retaliation of any kind for having filed or supported a complaint of sexual harassment (e.g. ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc.);

j. derogatory or provoking remarks about or relating to an employee's sex or sexual orientation;

k. harassing acts or behavior directed against a person on the basis of their sex or sexual orientation;

Employees shall report harassment pursuant to the Reporting Sexual Harassment or Other Types of Harassment policy.

5.3 Reporting Sexual Harassment or Other Types of Harassment

In the event the City receives a complaint of sexual harassment or other type of harassment, or otherwise has reason to believe that sexual harassment or other type of harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. The employer is committed, and required by law,

to take action if it learns of potential sexual harassment or other type of harassment, even if the aggrieved employee does not wish to formally file a complaint.

Any employee who believes that she or he has been the target of sexual harassment or other type of harassment, or who believes she or he has been subjected to retaliation for having brought or supported a complaint of sexual harassment or other type of harassment, is encouraged, but not required, to directly inform the offending person or persons that such conduct is offensive and must stop.

Additionally, the employee shall report such conduct to two responsible positions at the City as follows:

a. the employee shall immediately notify their immediate supervisor and Human Resources; or

b. if the employee's immediate supervisor is the source of the alleged harassment, if the supervisor is unavailable, or if the employee believes it would be inappropriate to contact that person, the employee shall immediately report the problem to their Assistant City Manager and Human Resources; or

c. if the issue would be inappropriate to report to one or the other of those two positions, then the employee shall report to the City Manager and either the Assistant City Manager or Human Resources, whichever of the two is appropriate.

Every supervisor is responsible for promptly reporting and/or responding to, any complaint or suspected acts of sexual or other harassment. Supervisors shall not disregard any complaint of sexual or other harassment. As soon as an employee reports an incident to the supervisor, the supervisor is responsible for reporting it to Human Resources (even if the employee does not want you to say or do anything about it).

a. Any employee who is told by a co-worker that the co-worker has been the target of sexual harassment, other type of harassment or retaliation is highly encouraged to report this information to their supervisor, Assistant City Manager, Human Resources and/or the City Manager immediately.

Human Resources shall investigate all allegations of sexual harassment or other types of harassment by following this basic plan:

a. Develop an approved investigation plan (in consultation with the City Attorney, where appropriate).

b. Get written statements from both sides. The person accused of sexual harassment or other types of harassment will be advised of the allegations and given the chance to respond.

c. Keep records of the investigation. Documentation must be kept of all phases of the investigation, including the initial complaint, interviews which may be recorded and other documentation including any disciplinary action that may be taken.

d. Attempt to resolve the complaint. All attempts to resolve the complaint will follow appropriate City policies.

e. Maintain confidentiality and privacy to the extent possible. All aspects of the investigation are confidential. Once the supervisor has contacted Human Resources, 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 reporting a sexual or other harassment complaint.

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.

5.4 Disagreement Procedures

It is the policy of the City to prevent the occurrence of complaints or disagreements regarding work assignments or treatment by an employee's supervisor whenever possible and to deal promptly with those complaints or disagreements that do arise. An employee with a problem or concern should discuss the matter with their immediate supervisor and attempt to come to an understanding. If the immediate supervisor cannot settle the complaint or disagreement to the employee's or supervisor's satisfaction, the employee's Department Head will attempt to settle the complaint or disagreement. If the problem cannot be settled at the Department level, the complaint or disagreement will be presented to the Assistant City Manager and/or Human Resources. The Assistant City

Manager and/or Human Resources will consider, and, if necessary, investigate the circumstances of the complaint or disagreement. In consultation with Human Resources, the Assistant City Manager will make a decision and notify the Department head and the employee of their decision as soon as practical. The decision of the Assistant City Manager will be final.

5.5 Performance Management

Performance management ensures constructive communication between employees and supervisors in the interest of productivity, quality, and fairness. The supervisor of an employee must specifically document in quantitative and qualitative terms whether or not, and to what degree, performance standards have been met.

Performance evaluations establish a performance history with the organization and are used to help supervisors make decisions regarding performance standards, promotions, transfers, and merit increases. Performance evaluations also provide management with a tool for assessing individual and organizational productivity. All performance evaluations are maintained by the Human Resources Department.

Performance management processes are critical because employees need to know areas in which they are having success as well as areas in which improvement is necessary to meet performance standards, expectations, and goals.
Performance for regular full-time, regular part-time and irregular part-time employees will be evaluated at least once per year. Annual performance evaluations shall serve as the basis for any performance-based salary increases depending on the annual budget and merit goals. Temporary, seasonal, or contract employees, including interns, are not eligible to receive evaluations or merit increases.

Performance Management Process. The performance management process is used to set expectations, set goals, document performance, provide periodic feedback on performance, and to identify areas where improvement is needed.

The performance management cycle includes the following activities:

1. In conjunction with each annual performance evaluation, supervisors and employees should discuss Key Performance Indicators, competencies, performance standards, goals, expectations, and employment training and development needs for the following Evaluation Period. These performance standards and expectations will provide a method of measuring job behaviors. Through the performance management process, goals can be set for acquiring new skills, improving and/or correcting current employee performance, and for

acquiring new knowledge and skills to make career changes. Employee goals and expectations should be consistent with the City's vision, mission, goals, and core values.

2. New employees and employees who have been promoted, transferred, or demoted shall be evaluated as outlined in the Probation Policy.
3. During the Evaluation Period, the City encourages each supervisor and employee to have periodic discussions to review and document the employee's progress toward achieving performance standards and meeting expectations.

The performance evaluation provides documentation of an employee's achievements toward meeting performance standards and expectations related to KPI's. It is the responsibility of the evaluating supervisor to provide clear and specific feedback to their subordinate employees. All scores in the evaluation process shall have specific, written explanations. In the performance evaluation with employees, the supervisor should be able to expound and give specific examples and feedback as to why they are giving a particular score to any KPI in the evaluation.

Types of Performance Evaluations

Employee Self-Assessment

Prior to the annual performance evaluation, each employee is given an opportunity to assess their own performance and achievement during the Evaluation Period, and to identify developmental needs. The employee's comments provide information that may be relevant to the reviewing supervisor. The employee's input also provides the basis for discussion between the supervisor and employee regarding future expectations, training, and career development opportunities.

Annual Performance Evaluations

An annual performance evaluation is held to review and discuss the supervisor's evaluation and the employee's self-assessment, and can be used in the award of merit pay. The evaluation provides an opportunity for the supervisor and employee to review the employee's performance and to make adjustments for the future as appropriate. The performance evaluation relates to the performance of the employee for that Evaluation Period.

Department Heads are responsible for ensuring consistency of ratings within their department. Evaluating supervisors should collaborate with the next level supervisor(s) prior to submitting the evaluations to the Department Head for approval.

Probationary Evaluations for New Employees and Employees Promoted, Transferred, and Demoted. New employees and employees who have been promoted, transferred, or demoted shall be evaluated as outlined in the Probation Policy.

Eligibility for Merit Increase. Annual performance evaluations will serve as the basis for merit increases; though merit increases are not guaranteed or automatic and there should not be any expectation for an annual merit increase. Any wage or salary increase will be dependent on City Council approval of the City's annual budget.

An employee will not be eligible for a merit increase if that employee received an increase in pay due to a promotion on/after July 1st of the performance period through the conclusion of the evaluation process and merit payout. Employees who receive an increase in pay due to a cost of living adjustment (COLA), a market adjustment, or other wage scale adjustment shall maintain their eligibility for the subsequent annual performance merit.

Employees who have left their employment and have not received their annual performance evaluation before annual merit increases are issued should not have any expectation of receiving a merit increase.

Review of Evaluations. All annual performance evaluations shall be reviewed by at least two (2) reviewers. Departments that have only one reporting step shall be required to have their respective Assistant City Manager review the employee evaluations for that department. At the discretion of the City Manager, for their direct reports, Human Resources may also provide review of the employee's evaluations.

Department Heads have final approval for all evaluations in their respective departments and have the authority to request reviewing supervisors to make changes to employee evaluations for any reason.

Employee Appeal of Evaluation. If the employee cannot understand the rationale behind the scoring or does not agree with their evaluation, the employee may appeal the results of such evaluation.

The purpose of an evaluation appeal is to record the employee's disagreement with the supervisor's evaluation of their performance. If an employee does not agree with the supervisor's assessment of their performance, the employee must state that they do not agree with their evaluation. The employee shall then have the opportunity to issue a written statement, expressing in detail the reason for disagreement with the evaluation. In this case, the evaluation will be returned to the Department Head, who will begin a

mediation process between the employee and the employee's line of supervision, including the employee's direct supervisor. At the conclusion of the mediation, the Department Head will decide whether or not edits are to be made to the evaluation. The evaluation will then be resubmitted to the employee for review, with or without changes. In cases where an employee appeal is sustained, they will receive a revised annual performance evaluation and, if applicable, back pay for any lost wages relating to a merit increase due to the revised annual performance evaluation. In cases where the employee does not agree with the evaluation after the Department Head review, the evaluation will be reviewed by the HR Department, the respective Department Head and the respective Assistant City Manager. The outcome of this review is final and will be sent to the employee. Employees can submit comments and/or exceptions to their final evaluation review.

With regard to employees who report directly to the City Manager, such employees may appeal to the Human Resources Director. The employee shall provide a written statement, expressing in detail the reason for disagreement with the evaluation, to the Human Resources Director, who will begin a mediation process between the employee and the City Manager. At the conclusion of the mediation, the Human Resources Director and the City Manager will decide whether or not edits are to be made to the evaluation. The evaluation will then be resubmitted to the employee for review, with or without changes. The outcome of this review is final. Employees can submit comments and/or exceptions to their final evaluation review. In cases where an employee appeal is sustained, they will receive a revised annual performance evaluation and, if applicable, back pay for any lost wages relating to a merit increase due to the revised annual performance evaluation.

With regard to employees who report directly to the Human Resources Director, such employees may appeal to the Assistant City Manager. The employee shall provide a written statement, expressing in detail the reason for disagreement with the evaluation, to the Assistant City Manager, who will begin a mediation process between the employee and the Human Resources Director. At the conclusion of the mediation, the Human Resources Director and the Assistant City Manager will decide whether or not edits are to be made to the evaluation. The evaluation will then be resubmitted to the employee for review, with or without changes. The outcome of this review is final. Employees can submit comments and/or exceptions to their final evaluation review. In cases where an employee appeal is sustained, they will receive a revised annual performance evaluation and, if applicable, back pay for any lost wages relating to a merit increase due to the revised annual performance evaluation.

Tracking and Record Keeping. Employee performance evaluations are maintained in the personnel files in Human Resources.

Distribution of copies. Upon finalization of an employee evaluation, it will distributed as follows:

- copy to Human Resources;
- copy to employee

Unless otherwise provided by State law, access to an employee's performance evaluations is limited to:

- the employee;
- Human Resources staff;
- Legal staff;
- a designated representative of the employee;
- supervisors in the employee's line of supervision or;
- an organizational hiring authority who is considering the employee's record in relation to an actual job posting

Retention. Employee personnel files are maintained in accordance with State laws and regulations.

5.6 Progressive Discipline and Disciplinary Appeals Process

The purpose of this Progressive Discipline and Disciplinary Appeals Policy is to outline the City's disciplinary system and expectations so employees are able to perform their job duties in a safe, efficient, and productive manner. Supervisors, Department Heads, and City Management are responsible for outlining the goals and job performance standards for each employee per the employee handbook. Each employee is responsible for meeting these standards in an efficient manner.

Adverse disciplinary action is defined as any disciplinary action affecting an employee's job status, not including written warnings.

At-Will Employment. The State of Texas is an "At-Will" employment state. At-will means that an employer can terminate an employee at any time, for any reason, with or without notice or cause as long as the reason is not illegal. Therefore, this policy does not provide nor guarantee an employee any rights that would affect their "At-Will" employment status. Although a progressive disciplinary system is preferred, where appropriate, a single action or inaction may result in disciplinary action up to or including termination of employment. Supervisors, Department Heads, and City Management shall administer

discipline in a fair and equitable manner throughout the city without regard to race, color, religion, sex, national origin, age, disability, or any other legally protected status.

Criteria for Application of Formal Types of Discipline. The objective of the progressive discipline policy is to provide fair, consistent, concise, and efficient procedures for the use of disciplinary action against an employee and any subsequent appeals that may be pursued. The following criteria may be considered in determining the appropriate disciplinary action to be taken:

- Severity and type of offense(s);
- Impact of the offense(s) on the team and/or individuals;
- An employee's previous work record;
- Period of time since most recent disciplinary action; and
- Precedent of action on similar offense(s);

Supervisor/Department Head Obligations. Supervisors/Department Heads are obligated to create an atmosphere conducive to motivating their staff through communication, counseling, encouragement, respect, training/development, positive feedback, accountability, and one-on-one mentoring. Supervisors/Department Heads are also obligated to provide the tools, equipment, and resources necessary for staff to conduct their jobs safely and efficiently.

Therefore, Supervisors/Department Heads should exercise their due diligence to ensure the growth and development of their staff and to apply disciplinary action after employee counseling and/or education has failed.

Types of Discipline. As used in this handbook, the term "disciplinary action" may include a wide range of possible actions, up to and including termination of employment. As a general matter, disciplinary actions shall be progressive, but circumstances may indicate that decisive actions be taken immediately.

Although the list is non-inclusive, an employee may be subject to disciplinary action, up to and including termination, for any of the following reasons:

- incompetence or inefficiency;
- conduct unbecoming an employee of the City;
- accepting bribes relating to City business;
- insubordination or any violation of any official order or regulation;
- indictment for or conviction of, plea of nolo contendere to, or receipt of deferred adjudication for, a felony;
- unauthorized use of or theft of city equipment or property;
- inappropriate or excessive horseplay on the job;

- gambling during work hours or on City property;
- negligent or willful damage or waste of private or public property;
- habitual tardiness, unexcused or excessive absence;
- use of alcoholic beverages or illegal drugs while on duty;
- interpersonal conflict or negative behavior;
- violation of any policy set forth in this handbook;
- serious misconduct

Consistent with the above criteria, Supervisors, Department Heads, Assistant City Managers, or the City Manager may take any appropriate disciplinary action including, but not limited to:

- Written Warning;
- Written Reprimand;
- Probation and Performance Improvement Plan (PIP);
- Administrative Leave;
- Suspension;
- Demotion; or
- Termination;

Department Supervisors or Department Heads may change the order of the above disciplinary steps, or may choose not to use any step, depending on the circumstances under review. Department Heads may also continue progressive discipline when appropriate.

Department Supervisors shall consult with their Department Head before issuing any adverse disciplinary action against an employee. Likewise, Department Heads shall consult with the Human Resources Department prior to any adverse disciplinary action against an employee.

Written Warning. A written warning is used for the first infraction of a minor policy or procedural violation. A written warning will be documented on the City's Discipline form and kept in the employee's personnel record for a period not to exceed twelve [12] months unless the employee receives additional disciplinary action during the twelve [12] month period. This warning should include additional counseling, training, feedback, instruction, and/or direction. The employee may attach a written rebuttal. A copy of the warning shall be given to the employee at their request.

Written Reprimand. This action is normally administered for two [2] or more minor infractions or the first time that an infraction of a more serious magnitude occurs. The written document shall describe the deficiency or infraction involved, review any

information concerning previous verbal counseling's, outline the behavior that is expected in the future, and state the likely consequences for further unsatisfactory performance or conduct. A written reprimand will be documented on the City's Discipline Form and kept in the employee's personnel record. The employee may attach a written rebuttal. Written reprimands are not eligible for deferment and should not be kept by the supervisor or the department for any reason. A copy of the reprimand shall be given to the employee at their request.

Nothing in a written reprimand shall be viewed as altering the City's At-Will status or as creating a contract of employment, expressed or implied, or as a guarantee of employment for a specific duration.

Probation and Performance Improvement Plans. Chronic performance or behavioral issues may result in an employee being placed on probation. All employees placed on probation will receive a Performance Improvement Plan (PIP). The PIP should identify deficiencies in behavior and/or performance, provide a methodology for improvement, and establish a timetable in which performance must be improved. The minimum period for a PIP is thirty (30) calendar days but may be longer depending on the circumstances of the probation. With the assistance of HR, the immediate supervisor will set the terms and conditions of the PIP, including the length of the probationary period.

An employee may also be placed on a PIP in the following situations:

- If an employee does not meet expectations at the end of their evaluation period(s); or
- If the employee is not meeting the performance standards for a particular task at any time during the evaluation period, the supervisor has the option of placing the employee on a PIP. Supervisors must apply the same practice to all similarly situated employees.

The original PIP remains with the supervisor until the completion of the PIP period and a copy is given to the employee. A copy of the plan must be attached to the appraisal document that is submitted to Human Resources. At appropriate progress check points during the PIP period, the supervisor and employee shall meet to discuss the employee's progress, training needs, performance standards and expectations, and future action items. The supervisor must document the employee's progress and a copy shall be kept with the PIP document.

If an employee fails to meet the terms of the PIP at any time during the probationary period, the employee may face disciplinary action up to and including termination. If an employee fails to maintain performance standards once the probation has concluded, an

additional opportunity for an employee to improve performance through a PIP may not necessarily be repeated. Disciplinary action up to and including termination may result without an additional PIP.

If an employee's performance has not improved at the conclusion of the PIP, the supervisor may determine that additional time is warranted to achieve the objectives, or that performance is such that further disciplinary action is necessary.

Administrative Leave. Use of paid administrative leave is restricted to instances in which the presence of the employee will impede an investigation or adversely affect safety, security, or normal business functions in the workplace. If a supervisor determines paid Administrative Leave might be necessary, approval from Human Resources and the appropriate Assistant City Manager is required. The supervisor will inform the employee that they are being placed on administrative leave pending further notice. The employee will follow all instructions provided by the supervisor in regard to regularly checking with the supervisor and remaining available as required. The employee shall turn in all keys and equipment and shall not act in any official capacity for the city while they are on Administrative Leave. The employee should remain available for the City to contact and provide further instructions pertaining to returning to work or completing an investigation. Administrative Leave is a result of an investigation, recommended action resulting from the investigation must be approved by the Department Head, Assistant City Manager and the Human Resources Department.

Demotion. A demotion is a change in duty assignment of an employee to a position in a lower pay grade. A reduction in pay may occur with a demotion. Demotions may be made for the following purposes:

- A voluntary assumption of a less responsible position;
- A reasonable accommodation for an employee with a disability;
- As a result of a reclassification of the employee's position;
- As a disciplinary measure because of unsatisfactory performance in a higher position; or
- Budgetary constraints

Voluntary Demotions. The City will attempt to transfer employees wishing to demote to their previous position or a position in a lower pay grade when the transfer does not adversely affect the City's interests or the interests of other employees and the employee is qualified for the position. The following terms shall govern voluntary demotions:

a. If the employee is not satisfied in their new position during the first ninety (90) days of the probationary period, the employee may request a transfer back to the former position or a position in a lower pay grade, provided the employee's

former position or position in question is vacant and the affected Department Head and Human Resources approve the transfer.

b. Should the employee fail to successfully complete their probationary period and their former position or position in question is no longer vacant, the employee may be separated from the City employment.

Suspension. Suspension may be applied in cases of damage or losses of City property, gross negligence in the administration of the job being performed, or last course of discipline prior to termination. A suspension results in time off without pay for one work day/shift or longer. An employee may be suspended without pay for a period of no less than one (1) work day/shift and no more than thirty (30) calendar days.

Termination. Termination is the conclusion of employment with the City. Such action is usually reserved for a most severe violation of a rule, regulation, policy, procedure or law; for continued occurrences of minor offenses; or for failing to correct behavior that has resulted in previous disciplinary action. The City reserves the right to proceed with termination without first pursuing progressive discipline.

Removal from the Workplace. When issues of serious misconduct that warrant immediate removal from the workplace arise, the employee is required to leave City property immediately. The employee shall surrender all keys, equipment, tools, and any other property belonging to the city.

Serious Misconduct. Serious Misconduct, defined as conduct that has a substantial negative impact on the organization, public or individual employee, may be grounds for immediate removal from the workplace and/or termination of employment. Any conduct which could have an adverse effect on the City, on the confidence of the public in the integrity of the City government, or on the relationship of the employee and other employees will be considered serious misconduct. Examples of serious misconduct subject to removal from the workplace or termination of employment include, but are not limited to:

- Conviction of a felony or theft, or other crime involving moral depravity
- Careless destruction of public or private property
- Lying to a supervisor
- Falsification of employment applications or work records
- Being under the influence of, consumption of, or possession of un-prescribed drugs, alcohol, or contraband while on the job or while operating a City vehicle
- Failure to pass a drug screening examination or refusal to submit to a drug screening when requested

- Unauthorized possession of weapons or contraband while on City premises (not including any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area), in city vehicles or while on City business except for authorized police personnel
- Assault, threat of assault, or fighting on City property
- Violation of the City's Harassment and Sexual Harassment Policy
- Violation of the City's Civility Policy
- Insubordination
- Sabotage of City property
- Making terroristic threats
- Knowingly violating safety rules and standards
- Failure to cooperate in an investigation when directed to do so
- Using an official position, uniform, or identification card for personal benefit
- Failure to report for work or call in for three (3) consecutive days
- Failure to report any on-the-job accident or any accident involving City property

Documentation. Supervisors/Department Heads are strongly urged to document performance and/or behavioral problems demonstrated by their staff members for the sake of providing effective and specific coaching, counseling, training, feedback, and resources to staff on a regular basis. When necessary, documentation can also assist supervisors/Department Heads in effectively disciplining staff using the appropriate forms provided by the HR Department.

Final Disciplinary Decisions. When demotion, suspension, or termination of an employee is recommended, the Department Head or their designee will take the following steps:

- Before a Department Head makes a final decision on any disciplinary action involving demotion, suspension, or termination, they shall hold a disciplinary conference with the affected employee. At the meeting, the employee may respond with relevant facts that might impact proposed disciplinary action.
- The Department Head shall consult with Human Resources or designee and the appropriate Assistant City Manager before taking adverse action against an employee resulting in demotion, suspension, or termination. The Human Resources Director or designee must approve any adverse action before it can be implemented.
- If a Department Head's decision results in demotion, suspension, or termination of an employee, the appropriate Assistant City Manager shall inform the City Manager of the decision.
- Once a decision is made, the Department Head will notify the employee in writing of the decision. The written decision will indicate the following:

- The disciplinary action (if any) to be taken and the effective date of the action.
- An explanation of why the discipline is being implemented, such as policy violation.
- If the action is suspension or demotion, the written decision must contain the conduct or behavior resulting in discipline and a statement indicating such act(s) must not be repeated. The written decision should also indicate what further action will result if the employee fails to show and maintain satisfactory improvement.
- If the action is termination, the Department Head or designee will deliver the termination notification directly to the employee with an HR representative present.
- A copy of the written decision will be given to the employee. The decision will become a permanent part of the disciplinary record and will be maintained in the employee's personnel file in the Human Resources Department.

While Department Heads are encouraged to follow the above steps, failure to follow these steps will not negate disciplinary action. An employee may be terminated at any time with or without cause and/or notice. The above procedures are discretionary and do not apply to new employees during their initial probationary period or to seasonal or temporary employees.

Disciplinary Appeals Process

Appeal to City Manager

Regular full-time or part-time employees, who are suspended for more than three (3) work days, demoted, or terminated may appeal the disciplinary action taken in accordance with the following rules. The disciplinary appeals process is used at the discretion of the City Manager or their appointed representative, and in no way negates the "At-Will" status of any City employee.

Appeal Requests

An employee, who has received a suspension, demotion, or termination, has five (5) business days from receipt of notice of such action to submit a request for appeal. All appeals must be submitted in writing to the Human Resources Department. All written appeals must state the grounds for appeal. Written appeals may, at the request of the employee, request a face-to-face appeal hearing with the City Manager and a representative from Human Resources. The Human Resources Department, upon review

by the City Manager or their appointed representative, will schedule all formal appeal hearings.

Decision of the City Manager
Upon completion of any necessary investigation and appeal review, the City Manager or their appointed representative will submit a written decision to the Human Resources Department within five (5) business days of the completed investigation and formal hearing. The Human Resources Department will notify the employee, the Department Head, and the appropriate Assistant City Manager of the decision. The decision of the City Manager or their appointed representative is final.

The formal appeal process outlined in this policy does not apply to employees during their probationary period as a new hire, temporary/seasonal employees, or volunteers.

Special Provisions. The disciplinary appeals process does not apply to employees during their initial probationary period as a new hire.

The City Manager or their appointed representative reserves the right to accept, overturn, or amend any formal disciplinary measures in order to preserve the integrity of the City, its administration, and its citizens. The City Manager also reserves the right to render immediate decisions without consultation of this policy when it is deemed to be in the best interest of the City.

END OF PART V

SECTION VI

SEPARATION FROM EMPLOYMENT

6.1 Separation from Employment

Employment by the City may end as a result of resignation, retirement, reduction in force, administrative termination, abandonment of employment, termination or death.

6.1.1 Resignation

Employees are encouraged to provide a written minimum two-week notice of resignation to facilitate a smooth transition out of the City. If the employee fails to provide a written resignation but gives a verbal resignation, the Department Head shall document the verbal resignation by sending an email to Human Resources, with carbon copy to the employee when applicable. Resignations are considered accepted once they have been submitted either in writing or verbally. Employees who provide less than two weeks' notice are not generally eligible for rehire for a period of three (3) years immediately following separation date, but special circumstances may be considered on a case-by-case basis by the Assistant City Manager and/or City Manager at the time of separation and documented in the employee's personnel record.

When an employee provides two weeks' notice of resignation, the City reserves the right to provide the employee with two weeks' pay and an immediate release from employment where job or business needs warrant. Such a decision should not be perceived as reflecting negatively on the employee. The Department Head shall provide recommendation of an immediate release from employment upon receiving the two weeks' notice of resignation, which must be approved by the Assistant City Manager.

An employee may only seek to rescind their resignation by submitting a written request to their Department Head stating the reason(s) for rescinding their resignation. The decision of whether to allow a resignation to be rescinded must be approved by the Department Head and Assistant City Manager. Resignations will generally not be allowed to be rescinded, but may be considered in certain circumstances based on the length of tenure of the employee, the past performance of the employee, current status of the employee, and reason for resignation (with deference given to personal significant circumstance).

6.1.2 Retirement

Employees are encouraged to provide written notice of retirement as early in advance as possible to facilitate a smooth transition out of the City. Employees who provide less than two weeks' notice of retirement are not generally eligible for rehire for a period of three

(3) years immediately following separation date, but special circumstances may be considered on a case-by-case basis by the Assistant City Manager and/or City Manager at the time of separation and documented in the employee's personnel record.

An employee may only seek to rescind their notice of retirement by submitting a written request to their Department Head stating the reason(s) for rescinding their notice of retirement. The decision of whether to allow a notice of retirement to be rescinded must be approved by the Department Head and Assistant City Manager. Notices of retirement will generally not be allowed to be rescinded, but may be considered in certain circumstances based on the length of tenure of the employee, the past performance of the employee, current status of the employee, and reason for retirement (with deference given to personal significant circumstance).

6.1.3 Reduction in Force

It may become necessary to reduce the number of persons employed by the City. Tenure, most recent performance ratings and criticalness of the position are factors that will be used in determining the employees that will be released from employment first. Employees with a favorable employment record who have been released from employment due to a reduction in force may be given preference in the event of a vacancy for other positions at the City.

6.1.4 Administrative Termination

An employee may be administratively terminated for being unable to return to work full-duty with reasonable accommodation, if applicable, following the end of an approved leave of absence, the exhaustion of all available leave, or the exhaustion of the maximum leave of absence allowed, or for other unusual circumstances. Employees who are administratively terminated may be eligible for rehire.

6.1.5 Employment Abandonment

Any employee absent from their job for three (3) consecutive scheduled work days without an authorized leave of absence will be considered automatically to have abandoned their employment and to have voluntarily resigned.

6.1.6 Termination

In accordance with the City's Discipline Policy, termination can occur for a variety of reasons, including but not limited to unsatisfactory performance and/or misconduct. The City retains the right to terminate employment at any time with or without reason or

notice, regardless of the stated frequency for payment of wages or salary (per month, per year, etc.). No promises to the contrary will be binding on the City unless placed in writing and formally approved by the City Manager. Nothing in these guidelines is intended to be, nor should be construed as, a guarantee that employment will be continued for any period of time. Termination for cause generally results in ineligibility for rehire. Exceptions to this must be approved by the City Manager.

6.1.7 Death

If an employee passes away while employed by the City, Human Resources will locate beneficiary designations and initiate the separation process following normal procedures. Arrangements will be made for return of City property and personal property to beneficiary. The City will comply with applicable state and federal tax law regarding final pay for the deceased employee.

The City honors deceased employees during its annual Employee Remembrance Day ceremony. Employees eligible for commemoration include former employees with 10+ years of service or any current employee who passes away while employed.

6.1.8 Return of City Property

Employees are required to turn in keys, ID badge, City-issued equipment and uniforms, and any other property of the City to their Department Head, their designee, or Human Resources prior to or on their effective separation date. If an employee fails to return such property, the City may, at its option, withhold the value of such property from the employee's final paycheck, but in no event shall an employee's compensation be reduced below the required minimum wage.

6.1.9 Use of Leave After Notice

Employees who have provided notice of retirement/resignation may be allowed to use accrued leave to extend the length of their employment up to four (4) weeks. This does not apply to newly hired employees still in their probationary status. Only compensatory time and vacation may be used to extend employment. If a holiday occurs during an employee's leave after notice, it will be recorded as a paid holiday. Requests for leave after notice will be processed and handled in the same manner as all other leave requests, based upon schedules, workload and operational need.

END OF PART VI