

ORDINANCE NO. 2021-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING CHAPTER 9 – PERSONNEL, ARTICLE 9.01, SECTION 9.01.001, OF THE BASTROP CODE OF ORDINANCES RELATING TO THE ADOPTION OF THE EMPLOYEE HANDBOOK, MAKING COMPREHENSIVE REVISIONS TO THAT HANDBOOK; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; INCLUDING A SEVERABILITY CLAUSE, AND ESTABLISHING AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Bastrop, Texas ("City") is a Home-Rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Manager recommended to the City Council of the City of Bastrop, Texas, that extensive revisions are necessary to the City Employee Handbook which is the official policy with regard to personnel administration; and

WHEREAS, the City Council of the City of Bastrop, Texas finds that it is in the public interest to make the changes in the City's Employee Handbook.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, THAT:

SECTION 1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. ADOPTION

The existing Personnel Policies Manual dated May 2005, with amendments, adopted in accordance with Chapter 9, Article 9.01, Section 9.01.001 of the Code of Ordinances of the City of Bastrop is hereby repealed in its entirety.

The City hereby adopts a new Employee Handbook, with amendments as may be subsequently approved by the City Council, in accordance with Chapter 9, Article 9.01, Section 9-01.001, which new Employee Handbook is attached hereto as *Exhibit "A"*, and which exhibit is incorporated herein by reference as if set forth in full.

SECTION 3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SECTION 4. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid,

that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

SECTION 5. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

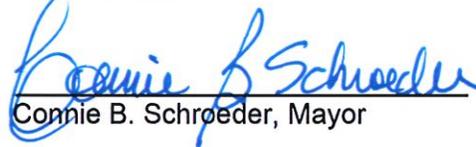
SECTION 6. OPEN MEETINGS

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

READ & APPROVED on First Reading on this the 13th day of July 2021.

READ & ADOPTED on the Second Reading on this the 27th day of July 2021.

APPROVED:



Connie B. Schroeder, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney

EXHIBIT "A"

Bastrop Code of Ordinances

Chapter 9: PERSONNEL

Article 9.01: GENERAL PROVISIONS



BASTROPTX
Heart of the Lost Pines
Est. 1832

EMPLOYEE HANDBOOK

October 2021



INTRODUCTION

The City of Bastrop (hereafter referred to as “City”) welcomes you to our family of employees. Our goal is to make your first days on the job as pleasant and comfortable as possible and to answer as many of your questions as possible. We know you have many questions about what will be expected of you on the job, your paychecks, City policies, procedures, guidelines, and the various benefits that are available to you.

All employees are employment-at-will, and the provisions of this Handbook do not alter the at-will employment relationship or constitute an employment agreement, a contract, or a guarantee of continued employment. This City of Bastrop Employee Handbook (hereafter referred to as “Handbook”) provides the policies, procedures, rules, regulations, and other administrative provisions for human resources management (hereafter called “policies”) that have been established for the information and guidance of the City’s employees and have been approved by the City Manager. The City Council may change or amend these policies within statutory and City of Bastrop Home Rule Charter (hereafter called “City Charter”) limitations to the extent necessary to promote the interest of the City more effectively and efficiently.

This Handbook will provide you with consistent guidance and information as well as answer many of your questions regarding your employment with the City. You will find that this Handbook is flexible enough to address specific questions and situations that you may encounter during your employment. Most of the policies are easy to read and understand. This Handbook is not intended to give specific guidelines for every conceivable personnel action. These guidelines are sufficiently broad to provide the latitude of discretion that may be needed in individual situations. However, this degree of discretion shall not be permitted to violate the spirit and intent of the policy. The provisions contained in this Handbook apply to all employees. It is your responsibility to carefully read and become familiar with the Handbook and keep it available for future reference. It is also your responsibility to ask questions if you would like clarification or have questions regarding the Handbook or any of the policies. The more you know about our City the easier it will be for you to understand the part that you play in the overall picture of what it takes to make this City operate and provide excellent customer service to our Citizens.



CITY OF BASTROP, TEXAS EMPLOYEE HANDBOOK

TABLE OF CONTENTS

INTRODUCTION	iii
CHAPTER 1: POLICIES	1
SECTION 1: CITY OF BASTROP MISSION.....	1
SECTION 2: CITY GOVERNMENT TODAY	1
SECTION 3: COUNCIL MEETINGS	1
SECTION 4: OBJECTIVES OF POLICIES.....	1
SECTION 5: APPLICATION OF POLICIES	2
SECTION 6: NON-DISCRIMINATION	2
SECTION 7: DISSEMINATION and FAMILIARITY OF POLICIES	2
SECTION 8: AMENDMENT OF POLICIES	2
SECTION 9: PERSONNEL ADMINISTRATION.....	3
SECTION 10: EMPLOYMENT AT-WILL / POLICIES NOT A CONTRACT	3
CHAPTER 2: RECRUITMENT and SELECTION	5
SECTION 1: INTRODUCTION.....	5
SECTION 2: RECRUITMENT REQUIREMENTS.....	5
SECTION 3: APPLICATIONS.....	5
SECTION 4: HIRING PROCESS.....	6
SECTION 5: DISQUALIFICATION.....	6
SECTION 6: AGE REQUIREMENTS.....	7
SECTION 7: NEPOTISM.....	7
SECTION 8: RESIDENCY REQUIREMENTS.....	8
SECTION 9: EMPLOYEE ONBOARDING	9
CHAPTER 3: EQUAL EMPLOYMENT OPPORTUNITY / AMERICANS WITH DISABILITIES ACT	11
SECTION 1: INTRODUCTION.....	11
SECTION 2: EQUAL EMPLOYMENT OPPORTUNITIES.....	11
SECTION 3: AMERICANS WITH DISABILITIES ACT (ADA) and AMERICANS WITH DISABILITIES ACT AS AMENDED (ADAAA)	11
CHAPTER 4: PROMOTIONS, TRANSFERS and DEMOTIONS	13
SECTION 1: PROMOTIONS.....	13
SECTION 2: TEMPORARY PROMOTION	13
SECTION 3: TRANSFERS	13
SECTION 4: DEMOTIONS.....	14
CHAPTER 5: EMPLOYEE INTRODUCTORY PERIOD	15
SECTION 1: INTRODUCTORY PERIOD.....	15

SECTION 2: SEASONAL / TEMPORARY EMPLOYEES.....	15
SECTION 3: CHANGE IN ASSIGNMENT OF EMPLOYEE SERVING IN INITIAL INTRODUCTORY PERIOD.....	15
SECTION 4: ABSENCES DURING INTRODUCTORY PERIOD.....	15
SECTION 5: INTRODUCTORY PERIOD PERFORMANCE EVALUATIONS.....	16
SECTION 6: EXTENSIONS TO INTRODUCTORY PERIOD.....	16
SECTION 7: SUCCESSFUL COMPLETION OF INITIAL INTRODUCTORY PERIOD / REGULAR STATUS GRANTED	16
SECTION 8: FAILURE OF THE INTRODUCTORY PERIOD.....	16
SECTION 9: TERMINATION OF EMPLOYEES SERVING IN THE INTRODUCTORY PERIOD	17
CHAPTER 6: JOB CLASSIFICATION PLAN and COMPENSATION	19
SECTION 1: JOB CLASSIFICATION PLAN.....	19
SECTION 2: JOB DESCRIPTION.....	19
SECTION 3: SALARY and WAGE PLAN.....	20
SECTION 4: EMPLOYEE PAY SCHEDULE	20
SECTION 5: DIRECT DEPOSIT	20
SECTION 6: FIRST PAYCHECK	20
SECTION 7: FINAL PAYCHECKS.....	21
SECTION 8: NO CHECK ADVANCES / NO LOANS.....	21
SECTION 9: ON-CALL and CALL BACK (Non-Exempt Employees).....	21
SECTION 10: OVERTIME.....	22
SECTION 11: FLEX-TIME WORK SCHEDULE	23
SECTION 12: EXEMPT EMPLOYEES.....	24
SECTION 13: SALARY STEP INCREASES.....	24
SECTION 14: LONGEVITY	24
SECTION 15: TERMINATION PAY	25
CHAPTER 7: PERFORMANCE EVALUATIONS.....	27
SECTION 1: EMPLOYEE PERFORMANCE EVALUATIONS.....	27
SECTION 2: INTRODUCTORY PERIOD EMPLOYEE PERFORMANCE EVALUATIONS	28
CHAPTER 8: ATTENDANCE and LEAVE BENEFITS	29
SECTION 1: WORK HOURS.....	29
SECTION 2: HOLIDAYS	30
SECTION 3: VACATION LEAVE.....	32
SECTION 4: SICK LEAVE.....	36
SECTION 5: CATASTROPHIC LEAVE PROGRAM.....	40
SECTION 6: BEREAVEMENT LEAVE	42
SECTION 7: MILITARY LEAVE	43
SECTION 8: INCLEMENT WEATHER / EMERGENCY CLOSING	46
SECTION 9: VOTING LEAVE.....	46
SECTION 10: JURY SERVICE	46
SECTION 11: ADMINISTRATIVE LEAVE	47

SECTION 12: LEAVE WITHOUT PAY	47
SECTION 13: ABSENCE WITHOUT LEAVE	48
SECTION 14: TEMPORARY DISABILITY	48
SECTION 15: WORKERS COMPENSATION	48
SECTION 16: FAMILY and MEDICAL LEAVE ACT (FMLA)	50
SECTION 17: MODIFIED WORK DUTY PROGRAM	57
CHAPTER 9: EMPLOYEE CONDUCT and WORK RULES	61
SECTION 1: INTRODUCTION	61
SECTION 2: WORK STANDARDS.....	61
SECTION 3: POLITICAL ACTIVITIES	61
SECTION 4: SOLICITATIONS and ACCEPTANCE OF GIFTS PROHIBITED	62
SECTION 5: OUTSIDE EMPLOYMENT.....	63
SECTION 6: SEXUAL and OTHER UNLAWFUL HARASSMENT POLICY	63
CHAPTER 10: DISCIPLINE, APPEALS, and GRIEVANCES	69
SECTION 1: POLICY	69
SECTION 2: GROUNDS FOR DISCIPLINARY ACTION.....	70
SECTION 3: TYPES OF DISCIPLINARY ACTION	72
SECTION 4: VERBAL REPRIMAND	72
SECTION 5: WRITTEN REPRIMAND	73
SECTION 6: SUSPENSION	73
SECTION 7: ADMINISTRATIVE LEAVE	74
SECTION 8: DISCIPLINARY DEMOTION / PAY REDUCTION / DISMISSAL	74
SECTION 9: APPEALS OF DISCIPLINARY ACTION	74
SECTION 10: GRIEVANCE PROCEDURES	75
CHAPTER 11: NON-DISCIPLINARY SEPARATIONS	77
SECTION 1: RESIGNATION	77
SECTION 2: RETIREMENT	77
SECTION 3: DISMISSAL / TERMINATION	77
SECTION 4: JOB ABANDONMENT.....	78
SECTION 5: LONG-TERM ABSENCE	78
SECTION 6: DISABILITY OR INCAPACITY	78
SECTION 7: REDUCTIONS IN FORCE / REORGANIZATION	78
SECTION 8: DEATH	79
SECTION 9: EXIT INTERVIEWS and RECORDS	79
CHAPTER 12: PERSONNEL RECORDS	81
SECTION 1: PERSONNEL FILES and RECORDS.....	81
SECTION 2: STATUS CHANGES OR NEW HIRES	81
SECTION 3: PERSONNEL REPORTS.....	81
SECTION 4: PERSONNEL ACTION FORM.....	81

SECTION 5: CONTENTS OF PERSONNEL FILES	82
SECTION 6: LEAVE RECORDS.....	82
SECTION 7: CONFIDENTIALITY OF MEDICAL INFORMATION	82
CHAPTER 13: EMPLOYEE BENEFITS.....	85
SECTION 1: MEDICAL INSURANCE / DENTAL INSURANCE	85
SECTION 2: LIFE INSURANCE and LONG-TERM DISABILITY INSURANCE	86
SECTION 3: WORKER'S COMPENSATION INSURANCE / INJURY WAGE CONTINUATION BENEFITS	86
SECTION 4: GROUP HEALTH CONTINUATION COVERAGE (COBRA)	90
SECTION 5: SOCIAL SECURITY / MEDICARE.....	90
SECTION 6: UNEMPLOYMENT INSURANCE	90
SECTION 7: RETIREMENT and IN-SERVICE DEATH BENEFITS	90
SECTION 8: TERMINAL ILLNESS BENEFIT	91
CHAPTER 14: TRAVEL POLICY.....	93
SECTION 1: APPLICABILITY OF TRAVEL POLICY	93
SECTION 2: AUTHORIZATION REQUIRED.....	93
SECTION 3: REQUESTS FOR TRAVEL.....	93
SECTION 4: TRAVEL ADVANCES / RETURN OF UNEXPENDED FUNDS / REPORTS.....	93
SECTION 5: PERSONAL CREDIT CARDS.....	94
SECTION 6: TRANSPORTATION	94
SECTION 7: LODGING.....	95
SECTION 8: MEALS.....	95
CHAPTER 15: CITY PROPERTY, VEHICLES and EQUIPMENT USE	99
SECTION 1: GENERAL POLICY	99
SECTION 2: APPLICABILITY and VIOLATION OF POLICY	99
SECTION 3: USE OF CITY OWNED TOOLS, EQUIPMENT, PROPERTY and VEHICLES.....	99
SECTION 4: PERSONAL USE PROHIBITED	99
SECTION 5: TOBACCO USE PROHIBITED	99
SECTION 6: OPERATION and RIDERSHIP	100
SECTION 7: USE OF CITY VEHICLES.....	100
SECTION 8: SAFETY, MAINTENANCE, and CARE	100
SECTION 9: SAFETY and FITNESS OF OPERATOR.....	101
SECTION 10: VEHICLE LOGS	101
SECTION 11: VALID DRIVER LICENSE.....	101
SECTION 12: ACCIDENT REPORTING	102
SECTION 13: TAKE HOME VEHICLES POLICY	102
SECTION 14: PERSONAL PROPERTY	103
CHAPTER 16: ELECTRONIC COMMUNICATIONS and SYSTEMS ACCESS USE / SOCIAL MEDIA / TELEPHONES / NEWS RELEASES	105
SECTION 1: ELECTRONIC COMMUNICATIONS and SYSTEMS ACCESS USE.....	105

SECTION 2: SOCIAL MEDIA 108

SECTION 3: RECORDS RETENTION.....112

SECTION 4: CELL PHONE USE IN THE WORKPLACE.....112

SECTION 5: PUBLIC INFORMATION ACT113

SECTION 6: PRESS RELEASES113

CHAPTER 17: ALCHOL / DRUG ABUSE 115

SECTION 1: ALCOHOL / DRUG ABUSE POLICY115

SECTION 2: DRUG and ALCOHOL POLICY FOR DOT EMPLOYEES119

CHAPTER 18: MISCELLANEOUS PROVISIONS129

SECTION 1: PROPERTY CONTROL129

SECTION 2: CITY PURCHASE ORDER SYSTEM129

SECTION 3: EMPLOYEE SAFETY129

SECTION 4: BREAKS129

SECTION 5: TELEPHONE USAGE / CONTACT131

SECTION 6: USE OF CITY EQUIPMENT and FACILITIES.....131

SECTION 7: PROFESSIONAL MEMBERSHIPS and SUBSCRIPTIONS.....131

SECTION 8: TOBACCO USE131

SECTION 9: HEALTH / MEDICAL EXAMINATIONS / FITNESS FOR DUTY131

SECTION 10: DRESS, APPEARANCE and UNIFORMS.....133

SECTION 11: SEARCHES.....134

SECTION 12: WEAPONS CONTROL and VIOLENCE PREVENTION POLICY135

SECTION 13: UNAUTHORIZED OR IMPROPER USE OF OFFICIAL BADGE OR UNIFORM.....136

SECTION 14: ARRESTS, CONFINEMENTS, and INDICTMENTS136

CHAPTER 1: POLICIES

SECTION 1: CITY OF BASTROP MISSION

The Mission of the City of Bastrop is to continuously strive to provide innovative and proactive services that enhance our authentic way of life to achieve our vision.

SECTION 2: CITY GOVERNMENT TODAY

The City of Bastrop is a home-rule city and operates under a Council-Manager form of government. The chief administrative officer is the City Manager. The City Council is the community's legislative body and is composed of the Mayor and five elected Council members. The Mayor and each Council Member serve a term of three (3) years and are limited to two (2) consecutive terms. The Mayor does not vote, except to break a tie, and also has no veto power. The City Manager attends all Council meetings and provides advice on matters before Council but has no vote on actions. The City Manager is responsible to the City Council for the administration of all City affairs assigned to the City Manager by the City Charter, ordinance, or directive. In addition, the City Manager is charged with monitoring and directing the daily operations of the City and staff.

SECTION 3: COUNCIL MEETINGS

Council meetings are held on the second and fourth Tuesday of the month at 6:30 p.m. in the Council Chambers at City Hall. These meetings are open to the public, and you are cordially invited to attend at any time. However, if you have questions or comments concerning your job, fellow employees, or any action or conduct which might relate to your job, you are asked to bring such questions and comments to your supervisor or Department Director through proper channels.

SECTION 4: OBJECTIVES OF POLICIES

This Handbook has been prepared for the purpose of providing information and setting guidelines. Consistent and fair application of policy is essential to any efficient organization. The purpose of this Handbook is to provide a foundational set of guidelines for managers, supervisors, and employees. No written handbook will provide 100% resolution to every scenario. However, a well-written policy provides the framework that outlines the City's standards for a wide array of personnel issues. In no way does this Handbook establish a contract between the City of Bastrop and its employees. Employment by the City is at-will and may be ended by the City or the employee at any time for any reason.

Statements of specific grounds for termination outlined in this Handbook or any other City documents are examples only, are not all-inclusive lists, and are not intended to restrict the City's right to terminate at-will. The stated grounds and procedures for disciplinary action and termination provide opportunities, not rights, to employees to ensure that disciplinary action or involuntary separation from employment is done fairly and evenly and to minimize the possibility of incorrect decisions. They exist for the benefit of the City as an organization, not as rights conferred to employees.

SECTION 5: APPLICATION OF POLICIES

The Handbook shall apply to all City employees unless superseded by the state and federal constitutions, state, and federal legislation and/or regulations, City Charter, and City of Bastrop Code of Ordinances, or provided that the provisions may be varied in the case of an employee with a written employment agreement provided by the City Council. All City employees are charged with being familiar with and abiding by the provisions of this Handbook. Failure to comply with these policies may be cause for appropriate corrective action up to and including termination.

The City reserves the right to interpret, change, suspend, or cancel, with or without notice, all or any part of these policies, or procedures contained herein.

SECTION 6: NON-DISCRIMINATION

The provisions of this Handbook will be applied equally to all employees, applicants, contractors hired by the City, volunteers, and any other personnel category without regard to race, national origin, religion, color, gender, age, sexual orientation, transgender status, citizenship, political affiliation, disability, genetic information, pregnancy, veteran's status, or any other characteristic protected by law.

In addition, the City of Bastrop will comply with all applicable State of Texas laws governing non-discrimination in employment. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, demotion, discipline, termination, layoff, recall, transfer, leave of absence, compensation, and training.

SECTION 7: DISSEMINATION and FAMILIARITY OF POLICIES

All City employees shall be informed of the existence of this Handbook at or near the time of employment with the City and each Department Director shall keep a copy available for reference by their employees. This Handbook, which outlines the general personnel policies of the City, shall be furnished to all employees for their personal use and reference. The Human Resources Department shall require that all employees sign a statement affirming that they have been furnished a copy of this Handbook outlining these policies. It shall be the employee's responsibility to become thoroughly familiar with such policies.

SECTION 8: AMENDMENT OF POLICIES

These policies may be changed upon approval by the City Council, except as otherwise specified in the City Charter or by State law. Changes in these policies will be distributed immediately to each department and will be periodically incorporated into the Handbook. Each employee shall be provided a copy of the Handbook and all amendments. This policy will be reviewed annually. The City Manager may appoint a committee to review and make recommendations for amendments. Amendments to the policies shall require City Council approval.

Suggestions for proposed amendments to this Handbook are welcomed at any time from any employee. The suggestions must be submitted in writing to the City Manager or Human Resources Department for consideration.

SECTION 9: PERSONNEL ADMINISTRATION

General and final authority for personnel administration rest with the City Manager, except for matters reserved to the City Council by state law or the City Charter. Authority may be delegated to appropriate staff members to act on the City Manager's behalf in the administration of this Handbook; however, the final authority on personnel decisions shall be reserved to the City Manager. Operational changes to any policy, practice, or process will require approval by the City Manager. The City Manager shall administer and interpret personnel policies and procedures as they apply to all departments and employees and shall also delegate day-to-day personnel management of departments to the Department Directors.

Each Department Director is responsible within the scope of the Department Director's authority for enforcing the provisions of these rules and related policies and procedures regarding matters involving their department. Department Directors may prepare and enforce supplemental personnel policies not inconsistent with these policies for the administration of personnel matters within their department, subject to the recommendation by the Human Resources Director and approval of the City Manager and, when appropriate, coordination with the Mayor and City Council.

No City of Bastrop supervisor is authorized to modify this Handbook for any employee or to enter into any employment agreement, oral or written, with an employee.

SECTION 10: EMPLOYMENT AT-WILL / POLICIES NOT A CONTRACT

Employment with the City is for no fixed or definite term. This Handbook does not constitute a contract of employment. All employment by the City has been and continues to be at-will, except for those positions that may have a written contract approved by the City Council. That means that both the employee and/or the City have the right to terminate employment at any time, with or without notice, and with or without cause. Nothing in this Handbook is intended to nor shall be inferred to alter the continuing at-will status of employment with the City. Nothing contained in a City Ordinance or Resolution constitutes a contract of employment, and the City has the right to change the content of City Ordinances or Resolutions related to employment matters at any time, with or without notice, and with or without cause. The City intends that this Handbook be used as an outline of the basic personnel policies, practices, and procedures of the City.

CHAPTER 2: RECRUITMENT and SELECTION

SECTION 1: INTRODUCTION

The City hires employees based on their knowledge, skills and abilities, experience, and other qualifications as they relate to the duties and responsibilities of a position without regard to race, national origin, religion, color, gender, age, sexual orientation, citizenship, political affiliation, disability, genetic information, pregnancy, veteran's status, or any other characteristic protected by law.

It is the desire and intent of management to provide promotional opportunities for employees of the City by offering assistance to interested employees in developing career plans and making applicable training and educational opportunities available.

SECTION 2: RECRUITMENT REQUIREMENTS

The recruitment process is initiated by a Department Director or Supervisor submitting a request to fill a vacancy of a budgeted position to the Director of Human Resources.

After deciding to hire, the hiring department must submit the appropriate documentation to Human Resources. Offers for employment with the City will be communicated by the Director of Human Resources upon receipt of the hiring recommendation and all related documentation.

The recruitment method for director-level positions may be determined by the City Manager on a case-by-case basis.

SECTION 3: APPLICATIONS

When a vacancy occurs, the Human Resources Department shall publicly announce the vacancy by the appropriate means. Each announcement of a job vacancy shall contain a statement affirming City commitment to a policy of Equal Employment Opportunity.

Anyone seeking employment or re-employment with the City must complete and submit an official City application utilizing the means prescribed by the City Manager, which may include the government sector job board, Governmentjobs.com. Only applications officially received in the prescribed manner shall be considered. Applications are only accepted for positions that are officially open and posted on the City's job portal. Applications will normally be considered active until the vacancy is filled. Applications must be received prior to the job posting being closed and the position filled to be considered. The City may conduct criminal background checks on any applicant before employment. Applications received shall be kept on for a period of two (2) years.

Current City employees seeking to promote or transfer to another position must submit a letter of interest to the Human Resources Department.

SECTION 4: HIRING PROCESS

Job applicants shall be evaluated for fulfillment with the applicable qualifications of each job's requirements to identify the most suitable and qualified applicant. Reference checks, interviews, fitness for duty tests, background checks, verification of citizenship or employment eligibility, performance tests, written tests, driver's license checks, professional license verification, and/or other documentation and screening procedures may be requested and used as deemed appropriate. Failure to provide all necessary documentation and information in a timely manner shall result in denial of application, without recourse.

Applicants for employment shall be required to undergo an oral interview and may be required to submit to a post-offer drug and alcohol screening, physical examination, pre-employment testing, and investigation. The City will conduct criminal background checks on any applicant being considered for employment.

Except for appointments made by the City Council pursuant to the provisions of the City Charter, the referral of applicants to Department Directors for potential employment with the City shall be in accordance with procedures stated in this policy.

According to the City Charter, the City Manager is responsible for selection of all City employees. The City Manager will be involved in selection of all City employees in the manner the City Manager determines to be the most effective and efficient for each vacancy at the time a vacancy occurs. The City Manager will actively participate in all prospective employee interviews and final selections unless the City Manager has authorized an alternate method of selection in writing prior to the recruitment process for a specific vacancy. Determination as to the City Manager's involvement in the recruitment and selection process will be decided on a case-by-case basis as each vacancy for any City position occurs.

All applicants should be made aware that no offer of employment with the City will be final until the offer is approved by the City Manager.

SECTION 5: DISQUALIFICATION

Applicants will be disqualified from consideration for employment for any one or more of the following:

- Failure to meet the minimum qualifications necessary for performance of the duties for the position;
- If the applicant was previously employed by the City and was involuntarily terminated, or resigned in lieu of termination;
- If employment will result in a violation of the City's Nepotism Policy (refer to Chapter 2, Section 6);
- Failure to meet minimum age requirement of 18 (refer to Chapter 2, Section 5);
- False statements or material omissions on the application or during the application process;
- Failing any of the City's background and employment requirements including, but not limited to, drug and alcohol testing;
- Commits or attempts to commit a fraudulent act at any stage of the selection process;
- Not legally permitted to work in the United States;
- Unable to perform the essential functions of the job applied for with or without a reasonable accommodation; or

- Any other reason deemed to be in the best interests of the City or prescribed by departmental rules, orders, and directives.

SECTION 6: AGE REQUIREMENTS

Persons under the age of eighteen (18) will not be employed in any full-time regular position. It is the City's policy not to discriminate against any person in employment because of age. Other age limitations will be applied to employment with the City only in accordance with State or Federal laws applicable to the City.

SECTION 7: NEPOTISM

In order to prevent conflicts of interest, to avoid accusations and/or perceptions of favoritism and biases, and to maintain the confidentiality of restricted information, it is the policy of the City that:

A. Applicants

An applicant related to the City Manager or any member of the City Council by blood or marriage according to common law shall not be employed by the City. This prohibition shall not apply, however, to any person who shall have been employed by the City prior to and at the time of the election of the member of the Council, or appointment of the City Manager, so related to the person, in accordance with state law.

Under no circumstances will an applicant be employed in a department in which the employee may directly or indirectly supervise or be supervised by a member of the employee's immediate family. Immediate family includes spouse, parents, children, brother, or sister.

B. Promotion

In the event of a proposed promotion of a current employee to a position where the employee would be required to directly or indirectly supervise or be supervised by a member of the employee's immediate family (see definition above), the employed family member of the employee considered for promotion must agree to immediately tender written, conditional resignation before the candidate will be formally considered for the proposed promotion. If the candidate is selected for and chooses to accept the promotion, the conditional resignation becomes final.

C. Reorganization

In the event of a reorganization, or any other situation (other than a promotion) giving rise to a relationship prohibited by this section of the policy, the lower ranking employee will be required to immediately resign employment. If both employees are of an equal job class, one of them will be required to immediately resign employment. In the event the employees do not decide which will resign, the employee with the least seniority will be deemed to have resigned. Normally, any such resignation will not be effective until after the engagement, reorganization, etc., occurs.

D. Other Restrictions

The following restrictions apply to the employment of any relative of a current employee, including those defined as immediate family members under this policy:

- 1) No employee in the relationship will supervise, review, or process the work of the other;
- 2) The employees' relationship must not create a conflict between employees / City interests; and
- 3) There must be no interdependence or relationship between the jobs of the individuals concerned which could be potentially detrimental to the interests of the City.

Related employees will not normally be permitted to work in the same department with each other without prior written authorization from the City Manager (or designee). In addition, written authorization must also be obtained from the City Manager (or designee) to employ any relative of a current City employee.

E. Marriage of Current Employees

In the event of a marriage between two City employees, a promotion, reorganization, or any other situation giving rise to a relationship prohibited by Subsection B of this policy, one or both of the employees must immediately seek a transfer to another available position within the City for which the employee is qualified and that meets the requirements of Subsection B of this policy. If a suitable transfer cannot be made within ninety (90) days of the event giving rise to a relationship prohibited by this policy, one or both of the employees will be required to resign from employment.

F. Periodic Review

Periodically, the City Manager (or designee) will review the job descriptions and interrelationship between the affected jobs and determine whether they are in compliance with this policy. If one or more of these requirements are not met, one or both of the affected employees must immediately seek a transfer to another available position within the City for which the employee is qualified and that meets the requirements of this policy. If a suitable transfer cannot be made within ninety (90) days, one or both of the affected employees will be required to resign from employment.

G. Application of Policy

This policy applies to all full-time, part-time, temporary, and seasonal employees of the City.

SECTION 8: RESIDENCY REQUIREMENTS

There shall be no absolute residency requirements for City employment except as may be provided or allowed by law and/or City Charter. Employees who are likely to be called to work in cases of emergency and are allowed to operate City vehicles between their place of residence and work, may be required to reside within reasonable commuting ranges of their places of work. For these purposes, a reasonable commuting distance shall be within approximately fifteen (15) minutes of the City. In appropriate circumstances, the City Manager may grant exception to this requirement.

SECTION 9: EMPLOYEE ONBOARDING

Upon completion of the selection process, all applicants selected for employment shall be provided with an employee onboarding to introduce them with working for the City, the nature of the job, benefits, and obligations and responsibilities of the position. In addition, the Human Resources Department will obtain information from the employee that is required for insurance programs, etc., such as date of birth, which is not generally provided during the application process for employment. During the onboarding period, the employee will also be furnished a copy of this Handbook for their personal use and reference, and the employee shall acknowledge their receipt by signature.



CHAPTER 3: EQUAL EMPLOYMENT OPPORTUNITY / AMERICANS WITH DISABILITIES ACT

SECTION 1: INTRODUCTION

The City of Bastrop is an equal opportunity employer under the Civil Rights Act of 1964 as amended. Applicants are considered for positions, and employees are treated during employment without regard to age, race, national origin, religion, color, gender, age, sexual orientation, citizenship, political affiliation, disability, genetic information, pregnancy, veteran's status, or any other characteristic protected by law. The City protects and upholds this employee right, both as matters of the law and policy.

SECTION 2: EQUAL EMPLOYMENT OPPORTUNITIES

The City of Bastrop provides Equal Employment Opportunities (EEO) to all employees and applicants for employment in accordance with applicable federal laws. In addition, the City complies with applicable state and local laws governing nondiscrimination. This commitment applies to all terms and conditions of employment, including, but not limited to:

- A. Recruitment, advertising, and job applicant procedures.
- B. Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring.
- C. Rates of pay or any other forms of compensation and changes in compensation.
- D. Job assignment, job classifications, organizational structures, job descriptions, lines of progression, and seniority lists.
- E. Leave of absence, sick leave, or any other leave.
- F. Fringe benefits available by virtue of employment, whether or not administered by the City of Bastrop.
- G. Selection and financial support for training, including apprenticeships, professional meetings, conferences, and other related activities and selection for leaves of absence to pursue training.
- H. Activities sponsored by the City including social and recreational programs.

All policies in this Handbook will be followed in a manner that will result in employees and applicants being treated fairly. Further, the City Manager and City Council expect all Department Directors and supervisors to understand the policies, and to be aware that they will be held accountable for proper administration of these policies.

The Age Discrimination in Employment Act applies to all Texas cities, regardless of their size.

SECTION 3: AMERICANS WITH DISABILITIES ACT (ADA) and AMERICANS WITH DISABILITIES ACT AS AMENDED (ADAAA)

To ensure compliance with the Americans with Disabilities Act (ADA) and Americans with Disabilities Act as Amended (ADAAA), the City offers equal employment opportunities to qualified individuals and strictly prohibits discrimination against qualified individuals on the basis of disability.

The City will provide reasonable accommodation to the known physical (including the effects of a pregnancy or childbirth) or mental impairments of an otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position. The City's obligation under this policy is limited to providing reasonable accommodations that will not result in undue hardship to the City.

Any employee seeking a reasonable accommodation for a disability that affects the employee's ability to perform the essential functions of the position shall make a written application on a form provided by the Human Resources Department.

Employees who have a complaint involving potential violations of the Americans with Disabilities Act or ADA, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately contact their immediate Supervisor, the Human Resources Department, or the City Manager or designee.

CHAPTER 4: PROMOTIONS, TRANSFERS and DEMOTIONS

SECTION 1: PROMOTIONS

A promotion is the assignment of an employee from a position in one job class to a position in another job class requiring more responsibility, experience, education, technical or professional expertise and which is usually at a higher salary. It is the City's policy to provide promotional opportunities whenever possible and practical. Opportunities for promotion across organizational lines shall be maximized, with approval from the City Manager being necessary prior to such promotion.

- A. Current City employees will receive consideration for open positions if qualified. The City will recruit candidates both internally and externally simultaneously to hire the best qualified person.
- B. Promotions shall be made upon the recommendation of the Department Director with the approval of the City Manager.
- C. Promotions shall be based on qualifications, proven performance, merit, and the ability to perform the duties and responsibilities of the position.
- D. A promotion should not be deemed completed until an introductory period of six (6) months has elapsed.
- E. Should a promoted employee not successfully complete the introductory period, the employee is eligible to return to the previous position held, if available. If the position is not available, the City will attempt to place the employee in another appropriate position. If there is no appropriate position available, the employee will be dismissed from employment.

SECTION 2: TEMPORARY PROMOTION

The City Manager may authorize a temporary promotion to ensure the proper performance of City functions if a position is vacant or its regular incumbent is absent for an extended period of time. Employees so promoted may be additionally compensated for the duration of their temporary assignments in amounts to be determined by the City Manager. Temporary promotions shall not be used to circumvent normal selection procedures, and those employees involved shall not acquire any status or rights in the classes to which temporarily promoted.

SECTION 3: TRANSFERS

A transfer is the reassignment of an employee from one position to another. A transfer not involving promotion or demotion may take place at any time, for the purpose of administrative convenience or necessity, (or upon request of the employee to the Department Director, or an interdepartmental transfer by request of the employee directly to the City Manager), provided that the employee to be transferred is qualified to perform the duties of the position to which transfer is contemplated.

- A. Transfers may be made either administratively or in conjunction with an announced selection process.
- B. Transfers between job classes or departments shall become effective following approval of the transfer by the City Manager and after the necessary documentation has been provided by the Human Resources Department. Such approval shall be in writing.
- C. Transferred employees will be evaluated after a completing a six (6) month introductory period.
- D. Should the transferred employee not successfully complete the introductory period, the City will attempt

to return the employee to the position previously held if the position is available. If the position is not available, the City will attempt to place the employee in another appropriate position. If there is no appropriate position available, the employee will be dismissed from employment.

- E. These employees will have the right to appeal their dismissal pursuant to the appeal process outlined in this Handbook.

SECTION 4: DEMOTIONS

A demotion is the assignment of an employee from a position of one salary grade to a position in a lower salary grade having fewer duties and/or responsibilities or requiring less experience, education, technical, or professional expertise and which is usually at a lower salary. A demotion may take place at any time, for the purpose of administrative convenience or necessity, including disciplinary or non-disciplinary action. With the approval of the City Manager, and if qualified to perform the duties of the lower-level position, an employee may be administratively demoted at their own request or as an alternative to layoff or down-sizing by the City. Such demotions shall not be considered disciplinary actions, nor shall this type of demotion disqualify the employee(s) involved from consideration for later advancement, if applicable. Demotions which occur as alternatives to layoffs may be fully or partially rescinded at any time, at the sole discretion of the City's management. The purpose for each job assignment involving a demotion shall be stated in writing by the employee's supervisor or Department Director, provided to the Human Resources Department, and maintained in the employee's personnel file.

CHAPTER 5: EMPLOYEE INTRODUCTORY PERIOD

SECTION 1: INTRODUCTORY PERIOD

It is the policy of the City that all new employees, and all current employees transferred, promoted, demoted, or reclassified to a supervisory position, as well as former City employees who are rehired, must satisfactorily complete a performance introductory period of six (6) months. The introductory period assists the City in maintaining an effective, productive, and efficient workforce to provide quality services to the citizens. Only those employees who meet acceptable performance and other standards during their introductory period will be retained as employees. The introductory period may be extended for additional training as determined by the supervisor and/or Department Director in accordance with Section 6 of this chapter. Employees are considered to be in the introductory period until they have actually performed their regular job duties for at least six (6) months to assure their ability to meet acceptable standards of work performance and behavior for their position.

The Department Directors and/or supervisors shall use the introductory period to closely observe and evaluate the work and fitness of employees and to encourage adjustment to their jobs and the City service. In the case of appointing or promoting Department Directors, the introductory period shall be evaluated by the City Manager.

Each employee serving in the introductory period is responsible for knowing, understanding, and meeting the expectations and standards for the position. In addition, each employee is also responsible for performing the job in a safe, productive, and effective manner within the instructions and established standards for the position. Furthermore, employees are expected to maintain acceptable standards of conduct in their employment. During the introductory period, it is the responsibility of the employee to correct any deficiencies or inadequacies in job performance, attitude, or conduct.

SECTION 2: SEASONAL / TEMPORARY EMPLOYEES

Seasonal and temporary employees do not serve an introductory period and have no right of appeal when terminated at any time.

SECTION 3: CHANGE IN ASSIGNMENT OF EMPLOYEE SERVING IN INITIAL INTRODUCTORY PERIOD

Employees serving in the introductory period may not request or make application for reassignment, promotion, or voluntary transfer during the introductory period without written approval from the City Manager. If the reassignment, promotion, or transfer is approved, the employee will serve a six (6) month introductory period in the new position beginning with the date of the position change.

SECTION 4: ABSENCES DURING INTRODUCTORY PERIOD

During the introductory period, an employee is eligible to use sick leave for qualifying absences and may only use vacation leave for an absence due to illness or injury only if all sick leave has been exhausted, if authorized by the employee's Department Director, the Director of Human Resources, and the City Manager.

Recognized holidays during the introductory period may be used as approved per established City / departmental policy or practice. Transferred or promoted employees serving in the introductory period retain eligibility for all types of leave established by City policy.

SECTION 5: INTRODUCTORY PERIOD PERFORMANCE EVALUATIONS

All employees serving in the introductory period shall be constantly evaluated and will receive a performance evaluation(s) in accordance with the Performance Evaluation policy. These reviews are designed to evaluate each employee's performance and to communicate that performance to the employee. The written reviews include a supervisory recommendation to retain or terminate the employee.

SECTION 6: EXTENSIONS TO INTRODUCTORY PERIOD

The introductory period may be extended under the following circumstances:

- A. At the end of the six (6) month initial introductory period, the introductory period may be extended for up to an additional six (6) months when an employee's performance has been marginal due to extenuating circumstances;
- B. Additional training is warranted; or,
- C. An employee's absence from work for an extended period of time did not permit an opportunity for adequate assessment of performance.

The decision to extend or not to extend an employee's introductory period may not be appealed. If an extension is granted, the employee will be advised in writing and given the date on which the extended introductory period will be completed. Such extension will be at the sole discretion of the Department Director and the Director of Human Resources.

An introductory period may be extended as the result of time spent on an approved Leave of Absence including leaves of absences due to injury or illness or approved Military Leave. The approved extension will normally equal the length of time away from work. Accordingly, each full-day absence incurred by an employee during the introductory period will normally extend the initial introductory period by an additional day.

SECTION 7: SUCCESSFUL COMPLETION OF INITIAL INTRODUCTORY PERIOD / REGULAR STATUS GRANTED

Employees have no guarantee of employment either during or after their initial introductory period. Only employees who meet acceptable performance, conduct, attendance, and other standards during the introductory period will be retained as regular employees. An employee is generally granted "regular" status in the new position if the employee satisfactorily completes the performance introductory period.

SECTION 8: FAILURE OF THE INTRODUCTORY PERIOD

An employee is considered to have failed the introductory period when, in the judgment of the Department Director, supervisor, or City Manager, it is determined that the employee's fitness, job performance, quality

or quantity of work, attendance, or combination thereof, does not meet minimum job performance standards and expectations for the position. Failure of the introductory period may occur at any time within the introductory period. An employee who does not successfully complete the introductory period will normally be terminated from the City's employment. Termination during the introductory period may occur at any time and shall not be considered part of the disciplinary process.

If desirable and feasible, the employee may be administratively transferred to a more suitable position at the sole discretion of the City. A transferred or promoted employee who does not succeed in the introductory period may, at the sole discretion of the City, be reinstated to their former position or a similar type of position provided there is a vacancy and if approved by the affected Department Director. Department Directors and/or supervisors are responsible for ensuring thorough written documentation of all cases of failure of the introductory period, including documentation of counseling, training, and other efforts to help the employee during their introductory period. All such documentation must be reviewed by the Director of Human Resources before an employee serving in the introductory period can be terminated.

SECTION 9: TERMINATION OF EMPLOYEES SERVING IN THE INTRODUCTORY PERIOD

All employees, including those serving in the initial introductory period, are at-will employees and may be terminated at any time during the introductory period, with or without notice or cause. Employees serving in the initial introductory period are subject to all policies and procedures of the City and are not entitled to progressive levels of discipline. An employee failing an introductory period shall have no right to appeal termination by the City except on grounds of unlawful discrimination, which is prohibited by law and these policies, in which case the employee may appeal within five (5) working days following receipt of notice of termination for failure to complete the introductory period. Upon receipt of the written appeal from the affected person, the City Manager shall respond within a reasonable amount of time. The decision of the City Manager shall be final.

CHAPTER 6: JOB CLASSIFICATION PLAN and COMPENSATION

SECTION 1: JOB CLASSIFICATION PLAN

A. Definitions

- 1) **Full-Time Position / Employee:** any position where the employee is prescribed to work 40 hours each week in exchange for 40 hours pay.
- 2) **Regular Part-Time Position / Employee:** any position where the employee is prescribed to work a minimum of 20 hours in exchange for 20 hours pay.

The City uses a written Job Classification Plan for all full-time and part-time positions authorized by the City Council. Each position classification shall include jobs based on an analysis of similar or comparable duties, responsibilities, type of work and required qualifications. The Job Classification Plan shall be used for setting pay levels, which are commensurate with the responsibilities, work requirements, and duties of each position. Copies of the Job Classification Plan shall be given to all supervisory personnel. The Human Resources Department and the City Manager shall review the duties and responsibilities of the various City positions with the Department Directors and/or supervisors and make any necessary adjustments to the Classification Plan. An employee may request that the employee's position be reviewed for proper classification at the time of their annual performance review.

The Job Classification Plan may be revised from time to time as circumstances change and market conditions require, and upon recommendation by the Director of Human Resources and approved by the City Manager and the City Council. Such revisions may consist of the addition, deletion, abolishment, consolidation, division, or amendment of existing position classifications.

SECTION 2: JOB DESCRIPTION

Each job is distinguished by a written job description which are developed through the use of extensive incumbent provided information and/or task interviews, job analysis and incumbent-supervisor reviews.

Job Descriptions serve as the basis for job evaluation, performance documentation and appraisal, selection standards, promotional standards, and training criteria. They also help employees and supervisors communicate job responsibilities.

The job descriptions will contain the "essential job functions" and other information describing the requirements of positions within the City. Job descriptions are intended to describe the general nature and level of work to be performed. Job descriptions are not intended to be an exhaustive list of all responsibilities, duties, skills, and physical demands required for the job. While the written job descriptions should be generally descriptive of the typical duties and responsibilities, employees of the City are expected to perform a broad range of duties for which their background and training have qualified them.

The job description will be provided for signature and reviewed with new employees during onboarding. The signed job description will be maintained in the employee's personnel file and a copy provided to the employee.

Due to major duty changes, technology, and service demands, the City has the exclusive right to alter job descriptions at any time. The Human Resources Department is responsible for the maintenance and updating of job descriptions. In the event the job description changes the employee will be notified and provided a copy for signature.

If an employee believes that they are physically unable to perform a task, the employee should bring that fact to the attention of the immediate supervisor. The immediate supervisor should then refer the issue to the Director of Human Resources for review under the reasonable accommodations provisions of these policies.

SECTION 3: SALARY and WAGE PLAN

The City utilizes a fair, equitable and non-discriminatory pay system in order to attract, hire, develop and retain a highly competent workforce. Subject to the approval by the City Council, the City Manager shall prepare and administer a written compensation plan for City employees. City employees shall be paid salaries or wages in accordance with the compensation plan. In preparing the compensation plan, consideration shall be given to prevailing rates of pay among public and private employers; the duties, responsibilities, and qualifications required for the position; and other relevant factors.

SECTION 4: EMPLOYEE PAY SCHEDULE

All employees will be paid on a biweekly (every 2 weeks) basis with paychecks distributed every other Friday by the end of normal business hours. The City of Bastrop work week runs from Monday to Sunday. The paycheck covers the previous two-week period. Pay dates falling on a City recognized holiday will be scheduled for the preceding day.

Employees who receive a paper check and are absent from work on a pay day are requested to make arrangements with the Finance Department or through the Human Resources Department to pick up their paycheck. Paychecks will not be given to third parties without express written authorization from the employee.

SECTION 5: DIRECT DEPOSIT

The City of Bastrop offers the convenience of payroll direct deposit to the bank of the employee's choice. Direct deposit affords employees the use of their money on payday, regardless of whether they are on vacation, ill or simply not in a position to pick up their paycheck. Employees enrolled in direct deposit can deposit directly into checking or savings accounts and will still receive an earnings statement from the City on payday.

SECTION 6: FIRST PAYCHECK

The date of the first paycheck will depend on the date the employee began working during the pay period. In all cases, employees will receive their paycheck either the second or third Friday after beginning work. The first paycheck will be a paper check.

SECTION 7: FINAL PAYCHECKS

Final paychecks for discharged employees will be available within six (6) calendar days from the termination date. For voluntary resignations, final paychecks will be available on the next regular scheduled pay date. Final paychecks will be distributed through the Human Resources Department.

SECTION 8: NO CHECK ADVANCES / NO LOANS

Under no circumstances will the City of Bastrop issue a paycheck in advance and no money will be loaned to employees.

SECTION 9: ON-CALL and CALL BACK (Non-Exempt Employees)

The City provides for after-hour service needs by allowing some departmental operations to designate certain non-exempt employees to be “on-call”. Employees designated to be “on-call” are expected to respond to departmental after-hour service calls as required by procedures established by their department.

A. Definitions

- 1) **On-Call:** A condition outside normally scheduled work hours, in which a designated non-exempt employee is continuously available by telephone, is fit for duty, and is able to respond and report to work within a specified time period. On-Call does not include previously scheduled overtime or holiday time.
- 2) **Call-Back:** An unscheduled or emergency Call-Back in which a non-exempt employee is required to return to work outside of officially scheduled work hours. Call-Back may occur after leaving the job site, or during a holiday or a regular workday. It does not include overtime or holiday work scheduled in advance.

B. On-Call Employee Provisions

After regularly scheduled working hours, On-Call employees are free to pursue personal activities but must respond to a Call-Back via phone within the designated guidelines set by their Department. Employees designated as On-Call must be fit, both mentally and physically, to accomplish the On-Call services within the time frame required. An employee is considered officially scheduled and designated as On-Call only when approved by the supervisor in accordance with procedures established by the Department.

C. On-Call Compensation

- 1) **Regular On-Call Time Worked:** On-Call status is not considered time worked and is not compensable unless the employee actually responds to a call. On-Call employees called back to the workplace will be paid at their regular rate of pay for their actual hours worked and are guaranteed a minimum of two (2) hours pay for each call-back within the same 24-hour period after their regularly scheduled working hours or on a regular day off. Time worked immediately after regularly scheduled working hours at the request or approval of the supervisor will not be considered call-back and will

be paid at the employee's regular rate of pay until overtime requirements are met. On-Call employees who do not return to the workplace but who handle a workplace issue by phone and/or email, will be paid for actual time spent on the phone or computer. In all cases, employees must report their actual hours worked on their time sheets.

- 2) **Holiday On-Call Time Worked:** Employees who are scheduled to be On-Call during a week that includes a City holiday and who are called back to the workplace on the City holiday, or anytime during their On-Call scheduled work week, will be paid at the rate of one and one-half (1-1 / 2) times their regular hourly rate of pay for any call-back. Employees must report their actual hours worked on their time sheets.
- 3) **Exempt Status Employees:** Employees who are exempt from overtime are not eligible for compensation under the provisions of this policy.

D. Departmental Policies

Each Department has its own internal procedures for handling On-Call services. Departments may establish guidelines for varying levels of response to Call-Back situations depending on the nature and importance of the services to be completed.

SECTION 10: OVERTIME

Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour requirements. Exempt employees are not paid overtime compensation.

Overtime shall be allocated as evenly as possible among all employees qualified to perform the work involved. Overtime pay will be paid for all time worked over forty (40) hours for non-exempt employees.

Paid sick, vacation and holiday leave, time taken for jury duty, witness duty, bereavement leave, injury on duty leave, traveling to and from schools, conferences, seminars, or any other leave of absence shall not be considered as time worked for purposes of calculating overtime pay. All overtime worked must be clearly reflected on the employee's time records before it will be approved by the City.

A. Non-Exempt Employees

Non-exempt employees are those who are covered by the overtime requirements of the Fair Labor Standards Act. Employees classified as "Non-Exempt" may be scheduled to work overtime, at the request of their supervisor, Department Director, or the City Manager when the City's operating requirements, special events, or other needs cannot be met during regular working hours. When possible, advance notification of mandatory overtime assignments will be provided. Refusal or other failure to work mandatory overtime may result in disciplinary action up to and including termination. Overtime work is otherwise subject to the same attendance policies as straight time work.

All non-exempt employees must receive prior authorization from their supervisor or Department Director before performing any overtime work. This means employees may not begin work prior to their scheduled work time and may not continue working beyond the end of their scheduled work time without prior

authorization from the appropriate supervisor. Any overtime must be approved by the appropriate supervisor before submitting for processing and payment. Similarly, employees may not work through their lunch break without prior authorization from the appropriate supervisor. The appropriate supervisor must approve any overtime worked on the employee's time sheet or in time entry before submitting for processing and payment.

Non-exempt employees who work overtime without receiving proper authorization will likely be subject to disciplinary action, up to and including termination.

Generally, except for Fire Department and Police Department shift employees, overtime pay for non-exempt employees is at the rate of one and one-half (1-1 / 2) times the employee's regular hourly rate of pay for hours actually worked in excess of forty (40) in the City's workweek. (The City's workweek begins at 12:00 a.m. on Monday and ends at 11:59 p.m. the following Sunday.) An employee's regular hourly rate includes all pay incentives, such as longevity, assignment pay, etc. Fire and Police personnel are paid overtime based on the work cycle adopted by their Department under Section 207(k) of the Fair Labor Standards Act. The City may round time to compute overtime pay.

B. Firefighters

The Fair Labor Standards Act (FLSA) states that employees who engage in fire protection activities are required to be paid for overtime when they exceed 106 hours in a 14-day work period. The City will pay all non-exempt Firefighters overtime when the number of hours worked exceeds the regular scheduled hours for any weekly work period. For purposes of this section, "regular scheduled" hours shall mean the number of hours an individual Firefighter is assigned to work for a particular week as indicated by the Department's schedule at the start of the week in question.

C. Police Officers

The Fair Labor Standards Act (FLSA) states that employees who engage in law enforcement activities are required to be paid overtime when they exceed 86 hours in a 14-day work period. The City will pay all non-exempt Police Officers overtime when the number of hours worked exceeds the regular scheduled hours for any weekly work period. For purposes of this section, "regular scheduled" hours shall mean the number of hours an individual Police Officer is assigned to work for a particular work week as indicated by the Department's schedule at the start of the week in question.

SECTION 11: FLEX-TIME WORK SCHEDULE

In situations where overtime payment is not feasible due to budgetary constraints, the Department Director or supervisor must consider flexing the employee's work schedule in an effort to minimize the need for overtime compensation. Flexing must be completed within the same workweek (or work cycle if under the 207(k) exemption of FLSA) that the overtime was worked and must be accurately reflected on the affected employee's time record.

SECTION 12: EXEMPT EMPLOYEES

Exempt employees are those who are not covered by the overtime requirements of the FLSA. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek. Exempt status employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner. Because of the complexity and nature of the duties entailed in 'exempt status' jobs, it is inherent that, periodically, work beyond that described as a normal '40-hour week' may be required to adequately perform the duties of such exempt status positions. Nevertheless, employees filling such positions are not entitled to 'overtime pay,' unless required for compliance with State and Federal laws.

Exempt employees will be allowed to take time off, from time-to-time, at the discretion of and with prior approval of the City Manager.

"Docking" an exempt employee's pay for a partial day's absence will be permitted only as authorized by law and approved by the Director of Human Resources or City Manager. It is the policy of the City not to make improper deductions from an exempt employee's pay. Any exempt employee who believes an improper pay deduction has been made, must immediately notify the Director of Human Resources. The City will promptly reimburse an exempt employee for any improper deduction(s) and will make a good faith commitment to comply in the future.

An exempt employee who is absent and has no accrued paid leave time, need not be paid for any workweek in which no work was performed.

SECTION 13: SALARY STEP INCREASES

The purpose of the Salary Step Increase (hereafter "Step") is to motivate employees to achieve higher levels of sustained performance and result in a work performance and product that will justify consideration of an increase in the pay status of the employee. Step increases, if approved by City Council in the annual budget, shall be considered following the annual performance evaluation of each regular employee. Step increases shall be awarded in accordance with criteria established by the City Manager. A Step increase will become effective on the anniversary date of the employee's first day of employment.

Employees who are in their introductory period are not eligible for step increases until after completion of the introductory period.

SECTION 14: LONGEVITY

A. Definitions

- 1) **Full-Time Position / Employee:** any position where the employee is prescribed to work 40 hours each week in exchange for 40 hours pay.
- 2) **Regular Part-Time Position / Employee:** any position where the employee is prescribed to work a minimum of 20 hours in exchange for 20 hours pay.

A Longevity Pay Plan has been established to compensate regular full-time employees for their length of service with the City. Regular part-time employees shall earn longevity pay on a pro-rated basis. Longevity pay is based on a per month rate approved by the City Council for each year of continuous service and is calculated from the date of employment. Longevity pay is accrued monthly and shall be paid annually in the month of November after the employee has completed one (1) full year of continuous service.

SECTION 15: TERMINATION PAY

Regular full-time and part-time employees who leave employment with the City and have completed six (6) months of continuous service shall receive all pay that is due to them, in accordance with State and Federal law, and as follows:

- A. An employee will be paid for any hours worked and for any overtime compensation due to them.
- B. An employee will be paid for any longevity pay earned in accordance with the Longevity Policy if applicable (see Section 14: Longevity). The employee's final longevity pay compensation will be based only on periods of time actually worked. Additional longevity pay will not be calculated on accrued vacation time the employee may be paid at the time of termination.
- C. An employee must have successfully completed their initial six (6) month introductory period in order to be paid for unused vacation time earned at the time of termination.
- D. All City property issued to employees during employment will remain property of the City and must be returned to the City in good condition upon termination. This property shall include, but not be limited to, cash, equipment, tools, vehicles, keys, uniforms, safety equipment, radios, ID cards, badges, Employee Handbook, or any other property. Employees are personally responsible for any indebtedness to the City incurred by them prior to or upon termination of employment. Indebtedness may result from replacement value of damaged or unreturned City property, lost cash, negligence, insurance premiums, reimbursement due the City as a result of workers' compensation salary continuation benefits, as well as any and all other debts, costs, or sums of money the employee may owe the City.
- E. To the extent allowed by law, any indebtedness to the City which the employee might have incurred shall be deducted from the final pay authorization. In accordance with an agreement signed by each employee, the reasonable value of any indebtedness owed to the City by an employee will be withheld from the employee's final check upon termination or retirement, unless a release is granted by the Department Director.
- F. The City will issue any unpaid pay, unused vacation time, sick leave, and accumulated benefits to the designated beneficiary of any employee who dies while employed by the City, in accordance with the provisions of this policy.
- G. Employees may request that any retirement benefits paid by the employee, through payroll deductions, be refunded in accordance with the applicable program.



CHAPTER 7: PERFORMANCE EVALUATIONS

SECTION 1: EMPLOYEE PERFORMANCE EVALUATIONS

The City uses a thorough performance evaluation system for assisting supervisors in communicating job expectations, measuring the employee's level of past performance, recognizing employee achievements and exemplary performance, and strengthening the supervisor-employee relationship. The performance evaluation system provides necessary information for management decisions including career development and training, assignments, advancements, transfers, disciplinary actions, retention, compensation, etc. The purpose of the performance evaluation system as outlined herein is to achieve optimum employee performance resulting in outstanding service.

A. Schedule

- 1) Regular full and part-time employees hired are eligible for a performance review as follows:
 - a) After completing their initial three (3) months of their initial introductory period;
 - b) After completing their initial six (6) month introductory period; and thereafter,
 - c) Annually on their employment anniversary date.
- 2) Newly transferred or promoted employees who are serving their initial introductory period shall also receive periodic evaluations during their introductory period.
- 3) Department Directors are not governed by the above schedule; the City Manager establishes a performance evaluation system for Director-level positions.

B. Supervisory Responsibilities

All performance evaluation information must be written and forwarded to the Human Resources Department for retention in the employee's official personnel file. Supervisors will strive to clearly communicate all elements of job performance, key result areas, performance standards, measures, goals, strengths, and areas of development needed by completing the Performance Assessment and Development form. Each employee will sign and date a copy of the Performance Evaluation when it is reviewed. An evaluation is considered complete at the time the employee signs and dates the evaluation document, or the supervisor or Department Director has a witness acknowledge the employee's refusal to sign the evaluation document. A copy of the evaluation shall be provided to the employee.

Department Directors are expected to ensure compliance with this policy and ensure that evaluating supervisors and managers under their direction are adequately trained in the performance evaluation process. Department Directors and/or mid-level managers are encouraged to review all Performance Evaluation documents for validity prior to the department supervisor conducting the performance evaluation with the employee, in order to correct any obvious errors or rating bias.

C. Director of Human Resources Responsibilities

The Director of Human Resources will review all evaluation documents for obvious errors and return them to the Department Directors for any clarifications or procedural corrections. The Human Resources Department is responsible for maintaining original evaluation documents in official personnel files, and for timely processing of Personnel Action Forms for any compensation due.

D. Employee Responsibilities

Employees are expected to be knowledgeable of their essential job functions and key result areas and maintain established performance standards and requirements. Employees are encouraged to address issues and concerns regarding their annual performance evaluation with their evaluating supervisor. If the employee is unable to resolve issues and concerns with the evaluating supervisor, the employee may address them with the Department Director; if the Department Director is the evaluating supervisor, the employee may address their concerns to the Director of Human Resources or City Manager.

SECTION 2: INTRODUCTORY PERIOD EMPLOYEE PERFORMANCE EVALUATIONS

Employees who are in their introductory period of employment with the City shall be evaluated at the end of three (3) and six (6) months of employment. Marginal or unsatisfactory ratings on any of the measures of the performance evaluations shall constitute sufficient justification for discontinuance of employment. Introductory period may be extended in accordance with Chapter 5, Section 6. Employees who successfully complete their introductory period (6 months) and are approved by their respective Department Director, may be recommended for regular employee status.

CHAPTER 8: ATTENDANCE and LEAVE BENEFITS

SECTION 1: WORK HOURS

Nonexempt full-time employees of the City, except for Police Officers and Firefighters, normally work 40 hours in a seven-day (7) workweek. Exempt employees may be required to work in excess of 40 hours in certain weeks. The work week begins at 12:00 a.m. on Monday and ends at 11:59 p.m. on Sunday. The regular workday normally begins at 8:00 a.m. and ends at 5:00 p.m., although employees in some departments may have different work schedules.

In times of disaster or emergency, working hours shall be determined by the City Manager.

A. Adjustment to Work Hours

In order to assure the continuity of City services, it may be necessary for Department Directors to establish other operating hours for their departments. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of work with the City includes the employee's acknowledgement that changing shifts or work schedules may be required and indicates that the employee will be available to do such work.

B. Attendance Records

Department Directors shall establish work schedules and maintain daily employee attendance records. Employees with access to Incode are required to record the number of hours worked each day utilizing the Time Entry automated system. All other employees are required to record the number of hours worked each day, as well as the time they arrived at work, the time they left for and returned from lunch, and the time(s) they left for and returned from unpaid break(s) during the workday.

C. Attendance and Punctuality

To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Department Directors and/or supervisors shall establish work schedules and maintain daily employee attendance records for their respective departments.

Employees should be at their workstations / work sites, mentally and physically fit, ready to work at their scheduled start time in accordance with City and departmental policies and regulations.

Regular and reliable job attendance is an essential function of every job. Excessive absenteeism and tardiness are disruptive and place a burden on the City and co-workers. Either may lead to disciplinary action, up to and including termination. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee must personally notify their supervisor by phone, text or e-mail as soon as possible in advance of the anticipated tardiness or absence in accordance with departmental procedures. The employee must disclose to their supervisor whether the absence or tardiness is approved Family Medical Leave (if applicable) or sick leave and the date and time of

anticipated arrival. The employee must personally notify the supervisor on each day of absence for absences of a day or more unless their supervisor expressly waives this requirement.

In most instances, an employee who fails to properly notify the supervisor in advance of an absence or tardiness will be subject to disciplinary action up to and including termination. An employee who fails to notify the City of an absence may be presumed to have voluntarily resigned employment.

SECTION 2: HOLIDAYS

The City provides paid holidays to all regular full-time and all regular part-time employees, and employees serving in their initial introductory period. All other employees are extended the official holiday, but without pay. The following official holidays will be observed:

New Year's Day	January 1st
Martin Luther King Day	Third Monday in January
Texas Independence Day	March 2nd
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Veteran's Day	November 11th
Thanksgiving Day	Fourth Thursday in November
Thanksgiving Friday	Fourth Friday in November
Christmas Eve	December 24th
Christmas	December 25th
Floating Holiday*	Optional

A. *Floating Holiday (effective Fiscal Year 2022)

All regular full-time and regular part-time employees are entitled to one floating holiday each calendar year that may be used either for observance of a holiday not included on the City's current holiday schedule or as a personal day off. The floating holiday must be used in the calendar year accrued and will not carry over into the next calendar year.

B. Scheduling of Holidays

As many employees as possible shall be given each holiday off consistent with the maintenance and performance of essential City functions. Official holidays occurring on Saturday will normally be observed on the preceding Friday and official holidays occurring on Sunday will normally be observed on the following Monday. When Christmas Eve or Christmas Day falls on a Saturday and/or Sunday, days in the preceding or following week will be observed, as approved by the City Manager.

Department Directors and/or supervisors shall insure that employees working non-standard schedules or assigned to be 'on duty' during official holidays receive benefit of the full number of official holidays.

C. Regular Full-time Employees

All regular full-time employees shall be entitled to all paid holidays.

D. Regular Part-time Employees

Regular part-time employees shall be compensated on a pro-rated basis. All regular part-time employees shall be entitled to all paid holidays observed on a day of the week that the employee would normally have worked and shall be compensated for the number of hours they would have worked on that day.

E. Temporary and Seasonal Employees

All Temporary and Seasonal employees will be paid their regular hourly rates for a holiday only if required to work on a holiday. No holiday pay is authorized for Seasonal or Temporary employees who do not work on a holiday.

F. Employees Required to Work on a Scheduled Official Holiday

Employees required to work on a scheduled official holiday shall receive compensation for the holiday at their regular rate of pay, in addition to the hours worked, or be granted an alternate day of paid leave within the same pay period, at the employee's request.

G. Employee's Scheduled "Off-Duty" on an Official Holiday

When an official holiday and an employee's regularly scheduled day off occur on the same day, the employee will be paid eight (8) hours of holiday pay. Part-time employees will be paid for the number of hours they would have worked on that day.

H. Non-exempt Emergency Personnel Called Back on a Holiday

Non-exempt employees called in on an emergency basis to work on a scheduled holiday for which they are not scheduled to work will be paid for all hours worked on the holiday at the rate of one and one-half (1½) times the employee's regular base pay and eight (8) hours for the holiday or will be given an alternate day off within the same pay period at the employee's request.

I. Eligibility for Holiday Pay

To receive pay for an official holiday, an employee must be in a pay status on that holiday, as well as the scheduled workday before and after the official holiday.

J. Ineligibility for Holiday Pay

Employees on unpaid leave the day before or after the holiday are not eligible for Holiday Pay. Likewise, non-exempt employees who are absent without authorized leave on the day immediately preceding or following a scheduled holiday will not be paid for the holiday.

K. Holidays Occurring During Vacation Leave

An official City observed holiday that falls within an employee's vacation period will be counted as paid Holiday time in lieu of a day of vacation leave.

L. Separating Employees

Except in extraordinary situations, separating employees will not be allowed to use a holiday as their final day of employment. Exceptions must be scheduled and authorized in advance by the Department Director, Human Resources Director and City Manager.

M. Paid Leave Status

An employee on a paid leave status will normally be paid Holiday pay in lieu of the leave status pay they would ordinarily receive at the time of the holiday.

N. Other Religious Holidays

Employees desiring to observe religious holidays not coinciding with City official holidays may request to utilize a Floating Holiday (see Subsection A of this Section). If the employee has utilized their one (1) floating holiday for the year, the employee must charge the time to vacation or an excused absence without pay. Employees shall notify their supervisor in advance of their decision in this regard to facilitate department scheduling. The City does not discriminate in its employment practices on the basis of religion or the religious practices of its employees.

O. Holiday Pay During Workers' Compensation Leave

An employee on Worker's Compensation leave will receive Holiday pay.

SECTION 3: VACATION LEAVE

All regular full-time and regular part-time employees accrue vacation starting from their first date of employment.

A. Eligibility

All regular full-time and regular part-time employees are eligible to take vacation after completing their initial six (6) month introductory period. However, the City Manager and Department Directors shall be granted vacation leave as accrued during their first six (6) months of employment. The City Manager shall be granted their full vacation benefits according to the time remaining in the fiscal year of employment.

B. Accrual

Regular full-time employees, except the City Manager, shall earn vacation leave based on their service

years completed as indicated in the table below. Regular part-time employees shall earn vacation leave on a pro-rated basis to be computed in direct ratio of actual hours worked to the normal work week for the department concerned (see example below). Temporary and seasonal employees do not earn vacation leave.

EXAMPLE OF VACATION ACCRUAL FOR REGULAR PART TIME EMPLOYEES

Employee works 20 hours per week.

$$20 \text{ hours} \times 52 \text{ weeks} = 1040 \text{ hours}$$

$$40 \text{ hours} \times 52 \text{ weeks} = 2080 \text{ hours}$$

$$1040 = .5$$

$$2080$$

$$.5 \times 10 \text{ regular vacation days} = 5 \text{ vacation days for part time employees.}$$

VACATION LEAVE ACCRUAL TABLES FOR EMPLOYEES

REGULAR FULL-TIME EMPLOYEES

(based on 40 hours worked per week)

Service Years Completed	Vacation Days Earned Annually	Hours Earned Per Pay Period
0-2	10	3.08
3-4	11	3.38
5-6	12	3.69
7-8	13	4.00
9	14	4.31
10-12	15	4.62
13-14	16	4.92
15-16	17	5.23
17-18	18	5.54
19-20	19	5.85
21	20	6.15

VACATION LEAVE ACCRUAL TABLES FOR FULL-TIME FIREFIGHTERS (SHIFT WORK)
 (based on average of 56 hours worked per week)

Service Years Completed	Vacation Days Earned Annually	Hours Earned Per Pay Period
0-2	14	4.31
3-4	15	4.74
5-6	17	5.17
7-8	18	5.60
9	20	6.03
10-12	21	6.46
13-14	22	6.89
15-16	24	7.32
17-18	25	7.75
19-20	27	8.18
21	28	8.62

C. Use and Scheduling of Vacation Leave

Vacation leave is an earned benefit intended to provide employees with paid time away from the work environment to pursue activities that will promote the well-being of the individual. Absences on account of sickness, injury or disability in excess of that hereinafter authorized for such purposes may be charged to vacation leave, when sick leave is exhausted, at the request of the employee and with approval by the Department Director. Any other use of vacation leave shall require advanced approval by the Department Director or supervisor.

Employees must schedule their annual vacation leave in accordance with their department's guidelines governing vacation scheduling and utilizing the "Absent From Work Form" Employees with access to Incode are required to record the number of hours worked each day utilizing the Time Request automated system. Whenever possible, vacation leave will be scheduled at the convenience of employees. However, Department Directors must be certain that vacations do not interfere with the normal functions and activities of department operations. Whenever possible, employees are encouraged to submit their preferred vacation schedule to their appropriate supervisor as far in advance as possible to relieve any scheduling problems that may develop. To ensure proper payment of vacation pay, employees must make sure they have an approved vacation request on file before leaving for vacation.

Each Department Director or supervisor and the Finance Department shall keep records of vacation leave allowance and use.

D. Administering Vacation Leave

Vacation leave shall be administered according to the following rules:

- 1) Vacation leave shall be taken in minimum increments of one half (.50) hour.
- 2) An employee who enters employment before the 16th of any month or who leaves employment after the 15th of any month shall earn vacation leave for that month. Employees starting on or after the 16th of any month or leaving employment on or before the 15th of any month shall not earn vacation leave credit for that month.
- 3) An employee may not take more than two (2) consecutive weeks of vacation at any given time, unless approved by their Department Director, Supervisor, and the City Manager.
- 4) Vacation leave shall be charged only for the time during which the employee would have been scheduled to work.
- 5) Paid vacation leave is not considered hours worked for purposes of performing overtime calculations.
- 6) Employees being laterally transferred, promoted, or demoted shall retain accrued vacation leave.
- 7) Vacation leave shall not be advanced to employees.
- 8) Vacation leave hours are not transferable between employees.

E. Maximum Accruals

The maximum number of vacation days that an employee may accumulate is two (2) times the employee's current annual accrual rate, unless approved by the City Manager. No employee may accrue more than thirty (30) days of vacation leave except in extenuating circumstances as determined by the City Manager. All days in excess of the maximum are "lost" on the employee's next anniversary date (except as otherwise provided for in this policy). Employees will not be paid for vacation in excess of the maximum accrual or for vacation that is "lost" on their anniversary date. If the needs of the City or Department preclude the taking of a scheduled vacation, the Department Director or supervisor may defer an employee's scheduled vacation leave. In such cases, the Department Director or supervisor shall grant the employee's deferred vacation leave within 60 days or payment will be made to the affected employee for the deferred vacation hours upon approval by the City Manager. All deferred vacation carryover or payment must be approved by the City Manager and must be forwarded to the Finance Department before the employee's anniversary date.

F. Compensation for Vacation Leave

Vacation is paid at the employee's base rate at the time of vacation. It does not include overtime or any special forms of compensation. Vacation time is paid only for hours the employee would ordinarily have worked. Employees will not be paid for any unused vacation leave, except upon separation of employment, or if an employee is precluded from taking a scheduled vacation due to City or department needs as set out above.

Upon termination, retirement, resignation, or death, an employee shall be paid for accrued vacation leave up to a maximum of thirty (30) days at the rate of pay the employee was receiving at the time of separation. Only employees who have successfully completed their initial introductory period of employment are entitled to this payout provision upon separation.

SECTION 4: SICK LEAVE

Sick leave is defined as paid time away from work provided by the City for the purpose of permitting an employee to be relieved of their work duties due to a bona fide illness or injury, for visits to a doctor or dentist, pregnancy, if it significantly impairs the employee's ability to work, birth of a child (if the employee physically gave birth, otherwise use of sick leave for child birth falls under Subsection F below), or when an employee is needed to provide care for their immediate family, as defined in Subsection F, below, who is ill or injured.

Employees who are unable to work due to illness or injury or other situations covered by this policy must immediately notify their appropriate supervisor in accordance with the procedures adopted by their Department.

Employees who use their sick leave without just cause may be dismissed from employment with the City. Sick leave may not be taken in advance of it being earned. Official holidays and regular days off shall not count against sick leave.

A. Eligibility

All full-time and regular part-time employees are entitled to accrue sick leave. Full-time employees who are in their initial introductory period may use accrued sick leave only if approved by their supervisor or Department Director. An employee who is released for and offered modified duty by the City, but elects not to accept such assignment, will generally be ineligible for paid sick leave benefits. Temporary and seasonal employees do not accrue sick leave.

B. Accrual Rate

- 1) All full-time employees shall accrue sick leave from the first date of employment at the rate of one (1) day (8 hours) for each month of continuous employment, for a total of twelve (12) days (96 hours) per year. Regular part-time employees shall earn sick leave on a pro-rated basis to be computed in direct ratio to actual hours worked in the normal work week (see example below). Sick leave may not be taken in advance of it being earned.
- 2) An employee who begins employment before the 16th of any month or who leaves employment after the 15th of any month shall accrue sick leave credit for that month.
- 3) An employee who begins employment on or after the 16th of any month or who leaves employment on or before the 15th of any month shall not accrue sick leave credit for that month.
- 4) Sick Leave accrues only during pay periods in which the employee works or is otherwise on an approved paid leave status.

EXAMPLE OF SICK LEAVE ACCRUAL FOR REGULAR PART TIME EMPLOYEES

Employee works 20 hours per week.

20 hours x 52 weeks = 1040 hours
40 hours x 52 weeks = 2080 hours

1040 = .5
2080

.5 x 12 regular sick leave days = 6 sick leave days for regular part time employees.

SICK LEAVE ACCRUAL TABLE

REGULAR FULL-TIME EMPLOYEES

(based on 40 hours worked per week)

Service Years Completed	Sick Days Earned Annually	Hours Earned Per Pay Period
NA	12	3.69

FULL-TIME FIREFIGHTERS (SHIFT WORK)

(based on average of 56 hours worked per week)

Service Years Completed	Sick Days Earned Annually	Hours Earned Per Pay Period
NA	12	3.69

C. Maximum Accrual

The maximum sick leave that may be accrued by any full-time employee is 120 days (960 hours). The maximum accrual for regular part-time employees is on a pro-rated basis to be computed in direct ratio to actual hours worked in the normal work week.

Accrued sick leave will not be compensated by the City, in any way, at the time of termination, whether by resignation or dismissal. Fifty percent (50%) of accrued sick leave, not to exceed sixty (60) days, shall

be compensated only for the death of an employee or in the case of retirement under the City sponsored Texas Municipal Retirement System plan.

D. Authorized Use of Sick Leave

Supervisors closely monitor the use of sick leave. It is expected that employees will use their paid City sick leave in accordance with this policy. Trips to the doctor or hospital stays / visits, which take the employee away from the home, are acceptable, but other personal pursuits during paid sick leave will be considered as abuse of this policy.

Abuse of sick leave, including use of sick leave for anything other than as provided for in this policy, may result in immediate disciplinary action, up to and including termination, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness due to illness, injury, or doctor / dentist appointment may be disqualified from using sick leave for the absence.

E. Sick Leave for the Employee

Sick leave is provided by the City for the purpose of permitting an employee to be relieved of their work duties due to the employee's bona fide personal illness, accident or injury that prevents working, doctor and dentist appointments, pregnancy, if it significantly impairs the employee's ability to work, birth of a child (if the employee physically gave birth, otherwise use of sick leave for childbirth falls under Subsection F below). Employees who use their sick leave without just cause may be dismissed from employment with the City.

An employee who is pregnant may use accrued sick leave for maternity purposes prior to delivery and for a reasonable time following delivery as may be determined necessary by her physician. The City complies with all State and Federal laws related to pregnancy and maternity leave.

F. Sick Leave for the Employee's Immediate Family

Sick leave may be used for absences when needed to care for a member of the employee's immediate family who is ill or injured. If additional time is needed, employees must first use all accrued vacation leave. For purposes of this policy, "immediate family" is defined as the employee's parent(s), current spouse, domestic partner, children, stepchildren, and other relatives residing in the employee's home. In the event of a life-threatening illness or injury of the employee's family member who does not meet the definition of "immediate family", the Department Director (and in the case of Department Directors, the City Manager) may allow the employee to use accrued sick leave. Sick leave may also be used by employees for their immediate family's scheduled doctor and dentist appointments.

G. Administration of Sick Leave

Sick leave shall be administered according to the following rules:

- 1) Sick leave may not be taken in advance of it being earned.
- 2) Sick leave may be taken in minimum increments of one half (1 / 2) hour.

- 3) Official holidays observed by the City while an employee is on approved paid sick leave will be treated as a paid holiday, rather than a day of sick leave, if the employee is eligible for the paid holiday.
- 4) Regular days off shall not count against sick leave.
- 5) Employees shall notify their supervisor in advance, or at the earliest possible time, of the need to use sick leave. Supervisors may require a doctor's statement if deemed necessary.
- 6) If an employee becomes ill, has an injury, or doctor / dentist appointment, and cannot report for work, their absence must be reported to their immediate supervisor or Department Director prior to, or within one (1) hour after their regular reporting time, so that such absence will be charged to sick leave.
- 7) Failure to report to work or failure to report their absence from work may cause an employee's absence or tardiness to be disqualified from using sick leave for their absence and may be charged as leave without pay.
- 8) An employee who becomes ill or injured during a vacation may request that the vacation be terminated, and the time of illness or injury be charged to sick leave. Such request must be made immediately to the Department Director or their supervisor, or at least on the first regularly scheduled workday following the vacation. A physician's statement will normally be required in such instances.
- 9) After an employee's accumulated sick leave has been exhausted, they may use accrued vacation leave as sick leave (see Use of Other Leave below). When absence due to illness exceeds the amount of paid leave earned and authorized, the pay of an employee shall be discontinued until they return to work.
- 10) Under certain circumstances and with the approval of the Department Director or supervisor, the employee may flex their work schedule to attend to medical or dental appointments. This is acceptable provided that work time is accurately recorded on the time sheet for the week or work cycle in which the flex time was approved. Under no circumstances can flex time extend beyond the affected workweek for non-exempt employees or pay period for exempt employees. The total of a non-exempt employee's sick leave time plus hours worked cannot exceed forty (40) hours within the same workweek.
- 11) Employees missing more than three (3) consecutive workdays due to illness or injury may be required to provide a statement from the employee's physician regarding the illness and fitness to return to duty. Failure to do so, when required, may result in dismissal, suspension, and/or forfeiture of pay for sick leave.
- 12) An employee terminating from City employment must submit certification of illness from a physician before being eligible to use sick leave during the last two (2) calendar weeks of employment.
- 13) Department Directors or supervisors shall be responsible for reporting and approving all sick leave used by an employee on the employee's time sheet or electronic leave request.

H. Use of Other Leave

If approved by the Department Director (in the case of Department Directors, by the City Manager), employees who have successfully completed their initial introductory period may use accrued vacation leave or take a leave of absence without pay, but only if an employee has no accrued sick leave time.

I. Documentation

Employees requesting paid sick leave must complete an "Absent From Work Form" and submit it to their

supervisor for approval. Employees with access to Incode are required to submit their “Time Request” via the automated time entry system. Absence for illness / injury of three (3) or more consecutive workdays requires verification of the illness / injury. An employee must provide verification of an absence any time it is requested by the City.

An employee may also be required to present satisfactory proof of family relationship and/or satisfactory proof of a family member’s illness, injury, or doctor / dentist appointment if the employee wishes to use accrued sick leave to care for an immediate family member. If the employee fails to present such proof in a timely manner, use of sick leave will not be permitted and no other paid leave may be used for the absence. Abuse of sick leave may result in discipline up to and including termination.

J. Other Employment During Sick Leave

Employees on sick leave, whether paid or unpaid, may not work a second job, including self-employment, or participate in volunteer work, during the period of leave, even if they have written authorization from their Department Director to work a second job. Exceptions to this policy must be obtained in writing from the Department Director and the Director of Human Resources (See Outside Employment Policy).

K. Temporary Disability and Sick Leave:

Employees with temporary disabilities may, at the discretion of the City Manager, or as required by law, be granted unpaid leave after exhausting all available paid leave. Inability to work because of pregnancy or childbirth will be treated as any other temporary disability. The employee requesting a leave of absence must submit a treating health care provider’s statement confirming the employee’s inability to work, the projected dates of the leave, and the reason for the leave. The Human Resources Director may also place employees on temporary disability leave upon determination that the employee is not fit for duty. Except as otherwise required under the Family and Medical Leave Act, the employee’s job is not guaranteed to be held open after the exhaustion of paid leave.

SECTION 5: CATASTROPHIC LEAVE PROGRAM

The purpose of the Catastrophic Leave Program is to provide employees with the possibility of obtaining additional paid sick leave to avoid loss of compensation due to a catastrophic illness or injury when the employee has exhausted all accrued paid leave balances.

This Program allows eligible City employees to voluntarily donate sick leave earned by the employee to the Catastrophic Leave bank. Eligible employees may donate sick leave in eight (8) hour increments.

The Catastrophic Leave Program is a generous benefit that has been implemented for employees that have their lives disrupted by a catastrophic injury or illness. Please remember that it is a privilege to receive contributions from the Program, not an entitlement. No minimum amount of Catastrophic Leave is guaranteed to any employee.

A. Definitions

- 1) **Eligible Recipients:** All regular full-time and regular part-time employees who have completed one

(1) year of employment and who suffer from a catastrophic illness or injury that involves inpatient care at a hospital, hospice, or treatment center or continuing treatment under the supervision of a state licensed medical or health care provider for an extended period.

- 2) **Eligibility Requirements:** To receive donated leave, the employee must deplete or will soon deplete their accrued sick leave and vacation leave which will result in leave without pay status. All Catastrophic leave shall be taken concurrently with eligible leave under the Family and Medical Leave Act when applicable. The employee must not have a history of any of the following:
 - a) Excessive absences that are unrelated to FMLA or ADA-protected leave
 - b) Currently under a Performance Improvement Plan, or
 - c) Pending disciplinary action.
- 3) **Eligible Catastrophic Illnesses or Injuries:** Those where the employee is required to be away from work for an extended period of time and which would be deemed a “serious health condition” as defined in the Family and Medical Leave Act. Cosmetic surgeries unrelated to a “serious health condition” are not eligible.
- 4) **Employees Eligible to Donate:** All regular full-time and regular part-time employees who have completed one (1) year of employment.
- 5) **Duration:** The interval of donated time shall not exceed the employee’s time available under FMLA (See Family and Medical Leave Act policy), unless approved by the City Manager. Any Catastrophic leave shall run concurrently with FMLA time when applicable.

B. Privacy

All information related to health matters is confidential. Anyone inappropriately disclosing health or payroll information is subject to disciplinary action, up to and including termination. Employees with questions or concerns about catastrophic illnesses or injuries are encouraged to contact the Human Resources Department.

C. Procedures

1) Donating Leave

Eligible employees may donate not less than eight (8) hours or more than forty (40) hours of their accrued sick leave in eight (8) hour increments in each twelve (12) month period. Employees with a balance of 120 days (960 hours) of sick leave may donate up to sixty-four (64) hours of sick leave to the pool in each twelve (12) month period. The contribution of sick leave is strictly voluntary. Eligible employees requesting to donate leave must complete the Catastrophic Illness / Injury Donation form which can be obtained from the Human Resources Department.

2) Requesting Leave

Eligible employees requesting leave must complete the Catastrophic Illness / Injury Request form and

provide documentation from a state licensed medical or health care provider stating the reasons in detail why the employee needs the time and how much time off is anticipated. The details should relate solely to the amount of time that is needed off and sufficient information to determine that the injury or illness is a serious health condition. The eligible employee must exhaust all of their earned sick leave and vacation leave before receiving catastrophic leave.

3) Receiving Leave

Employees who receive Catastrophic Leave are not required to pay it back. In addition, they are not eligible to receive additional Catastrophic Leave for a period of twelve (12) months from the initial date the Catastrophic Leave was utilized, unless approved by the City Manager.

D. Employee's Responsibilities

1) Requesting Catastrophic Leave

The employee must complete a Catastrophic Illness / Injury Request form indicating the need for the leave, the estimated time needed, and return it to the Director of Human Resources with any required documentation.

2) Donating Leave

The employee requesting to donate leave to the City Catastrophic Leave Bank must complete a Catastrophic Illness / Injury Donation form indicating the total hours desired to donate and return it to the Director of Human Resources.

E. Approval Process

Under the direction of the City Manager, the Human Resources Director and/or the Chief Financial Officer shall review all requests for Catastrophic Leave to determine if the employee and the incident qualify. Consideration will be given to any past substantiated leave abuse. Employees will be notified in writing as to the approval or denial of their request.

Catastrophic leave will be allocated to an employee from pay period to pay period on an as-needed basis from the City Catastrophic Leave Bank, depending on the availability of donated leave. Employees will be considered for allocation in the order in which applications are received.

SECTION 6: BEREAVEMENT LEAVE

A. Definition of Immediate Family

For the purposes of using City paid Bereavement Leave, Immediate Family shall be defined as an employee's husband, wife, domestic partner, son, daughter (including adopted and foster children), stepson, stepdaughter, mother, father, stepmother, stepfather, mother-in-law, father-in-law, daughter-in-law, son-in-law, grandchildren, grandparents, brother, sister, brother-in-law, sister-in-law, nieces,

nephews, and other relatives residing in the employee's home.

B. Receiving Leave

All regular full-time employees and all regular part-time employees may be granted bereavement leave for a period not to exceed three (3) workdays in the event of a death(s) in their Immediate Family (see definition above). Seasonal and temporary employees may be granted up to three (3) days leave of absence without pay in such cases.

Bereavement leave will not be charged against sick or vacation leave. Bereavement leave is paid at the employee's base rate at the time of absence. It does not include overtime or any special forms of compensation. Paid time off for bereavement leave is not counted as hours worked for purposes of determining overtime. An employee may be required to provide proof of death / funeral / family relationship in support of bereavement leave.

C. Employees Responsibilities

Employees who wish to take bereavement leave must notify their supervisor immediately. Employees requiring additional time off to attend the funeral, make arrangements, or otherwise attend to the affairs of the deceased member of the Immediate Family (see definition above) may use accrued sick leave for two (2) additional days. Additional time off, if approved, above and beyond these noted times must be taken as vacation leave or leave without pay. If no sick leave or vacation leave is available, the additional time off may be authorized as leave without pay upon approval of the Department Director. All bereavement leave time must be requested on the City's "Absent From Work Form".

SECTION 7: MILITARY LEAVE

The City complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. Temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue indefinitely or for a significant period of time are generally ineligible for extended paid Military leave in excess of 15 days, reemployment rights, or any other Military leave benefits under this policy.

This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

A. Notice to City of Need for Leave

Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the City no later than 24 hours after the employee receives the military orders. To be eligible for paid Military leave, employees must complete and submit an "Absent From Work Form" along with the official documents setting forth the purpose of the leave and, if known, its duration. The "Absent From Work Form" must be turned into the Department Director and the Director of Human Resources as far in advance of the leave as possible.

B. Paid and Unpaid Leave for Training and Duty

1) Compensation

a) Full Pay for Up to 15 Days:

Employees will be paid for military absences of up to a maximum of 15 workdays per fiscal year (October 1 through September 30). Shift employees will be transitioned to a 40-hour work week during military absences. This leave may be used when an employee is engaged in National Guard or United States armed forces reserve training or active military duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year. An employee who qualifies for this leave may request an annual accounting of the use of this leave.

b) Other Paid Leave:

Employees who have exhausted all available paid Military leave may, at their option, use any other available paid leave time (i.e., vacation leave) to cover their absence from work.

c) Unpaid Leave:

After an employee has exhausted all available paid Military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on Leave Without Pay.

C. Benefits

The City will continue to provide employees on paid military leave with most City benefits.

1) Medical and Dental Insurance

While an employee is on paid Military Leave (or any military leave of less than 31 days), the City will continue to pay its portion of the monthly premium for group health benefits. When Military leave is unpaid, the employee may elect to continue group health coverage for up to 24 months following separation of employment or until the employee's reemployment rights expire, whichever event occurs first, for the employee and eligible dependents.

Upon an employee's return to employment following military service, the City will provide health insurance coverage immediately. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.

2) Other Benefits

While on paid military leave, employees continue to accrue vacation, sick leave and other benefits

provided to other employees on paid leave. The City will also continue to pay the premium for any City-provided life insurance while the employee is on paid Military leave. While on unpaid Military leave, employees are generally ineligible for most City-provided benefits. Benefits, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid Military leave. While on unpaid Military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, the employee will be treated as though continuously employed for purposes of determining benefits based on length of service, such as vacation accrual and longevity pay.

3) Texas Municipal Retirement System (TMRS)

Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active-duty Military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must: return to work for the City within 90 days after discharge; receive an honorable discharge; and timely complete the necessary application. In order to receive monetary credit, an employee has the lesser of 5 years or 3 times the length of the military service to make up any TMRS contributions that were missed while on military leave.

D. Returning From Leave

1) Return to Work

A person returning from service must report back to work or apply for reemployment within the time constraints prescribed by USERRA. The City shall re-employ a returning veteran according to the provisions of USERRA.

2) Deadline to Notify City of Intent to Return to Work

The deadline for an employee to return to work and/or notify the City that the employee intends to return to work following military leave depends upon how long the employee's military service lasted:

- a) For service of less than 31 days, employees have eight (8) hours following their release from service to report for their next scheduled work period.
- b) For service between 31 days and 180 days, employees have fourteen (14) days following their release from service to apply for reemployment.
- c) For service of more than 180 days, employees have 90 days following their release from service to apply for reemployment.

These deadlines may be extended for two (2) years or more when an employee suffers service-related injuries that prevent the employee from applying for re-employment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

3) Required Documentation

To qualify to return to work, an employee returning from leave must provide documentation of the

length and character of military service. Also, evidence of discharge or release under honorable conditions must be submitted to the City if the military leave lasted more than 31 calendar days.

SECTION 8: INCLEMENT WEATHER / EMERGENCY CLOSING

Except for extraordinary circumstances, City offices DO NOT CLOSE. All City employees, whether exempt or non-exempt, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations.

If an employee determines that the weather conditions constitute a danger to life and/or property, the employee must notify their immediate supervisor and/or Department Director and make arrangements to report to work if weather conditions improve. Any leave taken due to inclement weather can be flexed or charged to vacation leave. Regular full-time and regular part-time non-exempt employees who have no accrued vacation leave available will not be paid for the time missed.

The Department Director / immediate supervisor is responsible for seeing that City services are staffed while City offices are open for business during inclement weather or emergency conditions. Any City service that cannot be provided during inclement weather or other emergency conditions must be immediately reported to the City Manager's Office.

When weather or other conditions are such that the City Manager declares certain City offices / departments officially closed, all affected personnel, (i.e., those non-essential employees who were scheduled to work during the time of closure), will be granted "administrative leave" with pay, at the discretion of the City Manager, for the time the office / department is closed.

Essential personnel must report to work even when other City departments are officially closed due to weather or other types of extraordinary circumstances. Essential personnel required to be on the job regardless of adverse weather or other conditions are designated by the Department Director and/or the City Manager. Essential personnel who fail to report to work may be subject to disciplinary action up to and including termination. Employees are required to sign an acknowledgement form that they have received notice of their designation of essential or non-essential status and requirement to work during inclement weather at time of employment.

SECTION 9: VOTING LEAVE

Employees are encouraged to exercise the right to vote in elections. If the polls are not open on election day for voting for two (2) consecutive hours outside of the employee's working hours, employees shall be granted sufficient leave with pay during working hours, when necessary, in order to vote in an official election.

Upon two (2) days' notice to the supervisor, employees will be granted time off to attend a precinct convention or a county, district, or state convention to which the employee is a delegate. Time may be charged to vacation or leave without pay for the time missed.

SECTION 10: JURY SERVICE

The City provides paid leave to regular full-time and regular part-time employees required to serve on jury

duty or requested to testify as a witness by the City in a City-related civil, criminal, legislative, or administrative proceeding. Court appearances for testimony, investigation, and court preparation as a result of official duties as a City employee (e.g., police, fire, inspections, animal control, etc.) are compensated as actual hours worked and are not classified as paid leave. In all other cases, employees are required to schedule accrued vacation leave; otherwise, a nonexempt employee's time off to testify will be considered a leave without pay (i.e, employees who receive a subpoena to appear in court on matter that is unrelated to City business).

The employee must provide documentation of the requirement for jury duty, subpoena compliance, etc., with the leave request. Employees must submit an "Absent From Work Form" along with supporting documentation to their supervisor as soon as possible so that arrangements can be made to accommodate the absence.

An employee who is on jury duty typically must report to work for the remainder of the day upon completion of court or jury service in accordance with departmental instructions, or request approval for use of other available paid time off. Any payment for jury duty received by the employee may be retained by the employee.

Jury duty leave is paid at the employee's base rate at the time of leave and does not include overtime or any other special forms of compensation.

The City is prohibited from threatening, intimidating, coercing, or discharging any permanent employee based upon their jury service.

SECTION 11: ADMINISTRATIVE LEAVE

The City may grant administrative leave with or without pay to an employee, at the discretion of the City Manager (or designee), when no other paid leave category is available or applicable.

Department Directors in consultation with the Director of Human Resources may designate administrative leave with pay only pending a disciplinary decision or drug / alcohol screening results, or during an internal investigation.

Written notice of administrative leave shall be provided to the employee and a copy forwarded to the Director of Human Resources for proper payroll processing.

SECTION 12: LEAVE WITHOUT PAY

In circumstances not falling within other provisions of these rules, the City Manager may authorize an employee to take leave, without pay, for situations deemed appropriate by the City Manager. When approved by the City Manager, an employee taking leave without pay shall not lose or gain seniority and all applicable employee benefits will remain in effect during the approved period of authorized leave without pay.

An employee may be granted a maximum of one (1) day leave, without pay, per calendar quarter for personal business. Requests for personal leave should be submitted to the City Manager two (2) days in advance of the requested leave.

SECTION 13: ABSENCE WITHOUT LEAVE

An employee failing to report to work or remain at work as scheduled without proper notification to the employee's immediate supervisor and/or without obtaining authorization or excuse has committed a serious violation of the City's personnel policies and shall not be paid for the time involved. Absence without leave constitutes abandonment of duties and will subject the employee to disciplinary action up to and including termination. If an employee is dismissed for being absent without leave, that employee shall not be considered to be in "good standing" at the time of termination of employment with the City.

SECTION 14: TEMPORARY DISABILITY

Accrued sick leave or vacation leave may be used for any temporary disability including maternity purposes prior to delivery and for a reasonable time following as may be determined necessary by an employee's physician. For maternity purposes, at least ten (10) days' notice of leave is required, and the request for such leave shall include a statement of the employee's intentions concerning resumption of work, except in emergencies.

A medical statement of an employee's "fitness to return to duty" shall be required for all employees desiring to return to work after leave caused by a temporary disability, injury or extended illness. In all cases, statutory and legal requirements will control such matters.

SECTION 15: WORKERS COMPENSATION

An employee injured in the line of duty may receive worker's compensation and injury wage continuation benefits under the terms and conditions prescribed in any applicable programs or policies.

A. Eligibility for Workers' Compensation

Workers' compensation is designed to cover the costs associated with injuries resulting from identifiable and specific accidents or injuries occurring during the course and scope of one's employment. It is not designed to cover ordinary diseases of life. All employees and volunteers of the City are covered by workers' compensation insurance.

An employee injured on the job may be eligible for workers' compensation benefits, which may cover the cost of hospitalization, doctors, treatment, prescription drugs and other related expenses, to include possible partial salary continuation.

Injuries not directly related to or caused by a specific accident or incident that occurred in the performance of the employee's job duties for the City, injuries occurring while an employee or volunteer is working or volunteering for an employer or organization other than the City, and/or injuries occurring during self-employment, are not covered under the City's workers' compensation plan.

B. Accident and Injury Reporting Procedures

1) Medical Attention

When an employee is injured on the job, the City's first priority is to ensure that the employee gets timely medical attention. The employee must immediately report the circumstances of the accident and/or injury to the supervisor who will direct the employee to seek medical treatment, if necessary, from the Approved Doctor List (ADL), as provided by the Texas Department of Insurance and in compliance with the City's reporting requirements.

2) Reporting and Documentation

The employee's supervisor is responsible for notifying the Department Director and the Human Resources Department immediately upon being made aware of an employee's involvement in an accident or injury. This timely notification is critical.

The employee's supervisor will initiate a thorough investigation into the cause and circumstances of the accident causing the injury, including interviewing all witnesses and preparing a detailed written report explaining the facts of the accident that occurred. The supervisor must submit the City's Accident Report, First Report of Injury or Illness, and any other related information to the Human Resources Department no later than the next business day after the injury was reported or no later than 9 a.m. on Monday for injuries occurring over the weekend.

If the employee's supervisor has reason to believe that an injury has been reported that is not directly related to or caused by a specific accident or incident occurring in the performance of the employee's assigned job duties, the supervisor must advise the Human Resources Department of these circumstances. The decision of whether or not an injury will be covered by workers' compensation will be made by the Texas Department of Insurance and not by the City.

If the employee's treating physician recommends convalescence at home, the employee is required to contact the supervisor each day during the time away from work and to report to the Human Resources Department each Friday. For every doctor's office visit, the employee is required to obtain from their doctor a completed "Work Status Report", which includes the employee's diagnosis, when the employee is expected to be able to return to work, the employee's restrictions and the date of the employee's next appointment. It is the employee's responsibility to ensure that a copy of the "Work Status Report" is forwarded to the Human Resources Department and to the supervisor. Failure to report to Human Resources as required may result in disciplinary action, up to and including termination.

C. Returning to Work

The employee is to return to work immediately after treatment unless the employee's physician provides documentation of the employee's inability to perform the essential duties of the job in either a regular or modified duty capacity. The employee must have a written release from the doctor to return to work and the release must specify any restrictions. The City does not guarantee the availability of a modified duty opportunity. However, the employee must accept any modified duty assignment that is offered, including

an assignment in another department.

All modified duty assignments must be approved by the Human Resources Director to ensure compliance with the City's policies, the physician's restrictions / release and with the Americans with Disabilities Act (ADA), the Americans with Disabilities Act as Amended (ADAAA), and other applicable laws.

D. Maximum Time Limits

Subject to other restrictions, limitations, and earlier terminations as applicable in particular circumstances, the City will hold open an employee's position, following an injury that occurred while performing official job duties or conducting City business, for a reasonable time period if holding the position does not result in undue hardship on the City. Twelve weeks of this period will be deemed leave under the Family and Medical Leave Act (FMLA), running concurrently with the employee's worker's compensation leave. The Director of Human Resources will engage in discussions of any reasonable accommodations that may assist the employee in performing the essential functions of the job. At the end of the reasonable period of time, should the employee still be unable for any reason to perform the essential duties of the job, with or without accommodation, the employee's position may be filled, and the employee may be considered for a vacant position for which the employee is qualified and released from the physician to perform. If no vacant position is available for which the employee is qualified, if not selected to fill the vacant position or if the employee declines to accept another position, employment with the City will be terminated.

SECTION 16: FAMILY and MEDICAL LEAVE ACT (FMLA)

A. Definitions

- 1) **12-Month Period:** A rolling 12-month period measured backward from the date the leave is taken.
- 2) **12-Month Service Member Period:** A single 12-month period measured forward from the first day Service Member Family Leave is taken.
- 3) **Child:** A biological, adopted or foster child, a stepchild, a legal ward; or a child of a person standing in loco parentis, who is standing in the place of a parent, who is either under the age of 18, or age 18 or older and requires active assistance or supervision to provide daily self-care. A biological or legal relationship is necessary. A more detailed definition is provided in the Family and Medical Leave Act which is available in the Human Resources Department.
- 4) **Health Care Provider:** A Doctor of Medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or any other person determined by the Secretary of Labor to be capable of providing health care services. A more expansive definition is provided in the Family and Medical Leave Act of 1993 which is available in the Human Resource Department.
- 5) **Key Employee:** A salaried FMLA-eligible employee who is among the highest ten percent (10%) of all of the City's employees within 75 miles of the employee's worksite.
- 6) **Next of Kin:** The nearest blood relative of a Covered Service member.
- 7) **Parent:** A biological parent or an individual who stands or stood in the place of a parent to an employee when the employee was a child. This term does not include parents-in-law.
- 8) **Serious Health Condition:** An illness, injury, impairment, or physical or mental condition that involves:

- a) Any period of incapacity or treatment that results in inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
- b) Any period of incapacity requiring absence from work, school, or other regular daily activities, of more than three calendar days, that also involves continuing treatment by (or under the supervision of) a health care provider; or
- c) Continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or 4) for prenatal care. Voluntary or cosmetic treatments (such as most treatments for orthodontia or acne) which are not medically necessary are not "serious health conditions," unless inpatient hospital care is required. Restorative dental surgeries after an accident or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met.

9) **Spouse:** A husband, wife or domestic partner as defined or recognized under state or federal law for purposes of marriage, including common law marriage.

B. Policy

An employee may be eligible to take up to twelve (12) weeks of unpaid family and medical leave during a rolling twelve (12) month period. An eligible employee is one who has been employed with the City for at least twelve (12) months, and who has worked at least 1,250 hours during the twelve (12) months preceding the first date leave is to be taken. Leave can be taken for any of the following reasons: birth of a child, placement with the employee of a child for adoption or foster care; when the employee is needed to care for a child, spouse, domestic partner, or parent who has a serious health condition; or when the employee is unable to perform the essential functions of the position because of the employee's own serious health condition.

Generally, except for those employees designated as "key employees," employees will be returned to the same or an equivalent position upon their return from FMLA leave. The City complies with all provisions of FMLA in its employment practices and makes available detailed explanations and instructions of FMLA benefits and procedures to all employees who fall within its provisions, should such circumstances arise.

C. Conditions

All eligible employees shall be granted family or medical leave consisting of unpaid leave, and when requested and appropriate, accrued sick and/or vacation leave, for a combined total of up to twelve (12) weeks during the FMLA leave year for the following reasons:

- 1) Family Leave: Any family leave must be taken within twelve months from the date of the birth or placement of a child for adoption or foster care.
 - a) The birth of the employee's child and in order to care for the child;
 - b) The placement of a child with the employee for adoption or foster care.

2) Medical Care

- a) To care for a husband, wife, domestic partner, child, or parent who has a serious health condition;
- b) The employee is unable to perform the essential functions of their position due to the employee's own serious health condition;
- c) Any other circumstance provided by the FMLA.

D. Procedures

1) Twelve Month Period

The twelve (12) month period for counting family and medical leave is a “rolling” twelve (12) month period measured backward from the date an employee requests or is placed on FMLA leave. Each time an employee takes FMLA leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months, or 26 weeks provided in certain circumstances.

Employees are eligible to take medical leave intermittently or on a reduced leave schedule only when medically necessary. Employees are not entitled to take family leave intermittently or on a reduced leave schedule unless approved by their Department Director.

2) Employee Request for Leave

An employee must give at least thirty (30) days' advance notice in writing for the need to take foreseeable family or medical leave for planned medical treatment, unless the need is unforeseeable, in which case, as much notice as is practicable should be given. The request must state the reason for the leave, the anticipated duration of the leave, and the starting and ending dates of the leave. When it is not practicable under the circumstances to provide thirty (30) days advance notice, the employee must give notice to the Human Resources Department as soon as possible but no later than two (2) business days after the employee learns of the need for the FMLA leave.

3) Department Notification

Each department supervisor is responsible for notifying the Human Resource Department immediately when an employee is away from work for a family and medical leave qualifying event (if family and medical leave has not been approved), even if the employee is utilizing paid vacation, sick or personal leave, or is out due to a work-related injury. An employee using sick leave should be reported to the Human Resources Department if it is anticipated that the duration of the illness will be three (3) or more days, or two (2) or more shifts for Fire Department employees, or once the employee exceeds three (3) days, or two (2) or more shifts for Fire employees of sick leave use.

4) Human Resources Responsibility

Human Resources is responsible for central administration of all requests for family and medical leave. The Human Resources Department reserves the right to automatically place an employee on

family and medical leave if it is determined that a qualifying event has occurred. The Human Resources Department may retroactively designate the beginning date of FMLA to the beginning date of the employee's absence for the qualifying event.

5) Approval

An employee shall submit a request for family and medical leave through proper channels to the Department Director who will then forward it to the Human Resources Department for approval. Confidential medical information that accompanies the application can be submitted directly to the Human Resources Department.

6) Substitution of Paid Leave

An employee utilizing this policy for the placement of a child for adoption or foster care with the employee shall be required to exhaust all accrued vacation and any other applicable paid leave prior to going on unpaid leave. An employee utilizing this policy for the serious illness of a child, spouse or parent must exhaust all accrued personal leave, vacation leave and any other applicable paid leave prior to going on unpaid leave. If an employee gives birth to a child, sick leave can be utilized until the employee receives a release from the doctor. After being released, the employee may use additional sick leave if permitted in accordance with the sick leave policy. Once all applicable sick leave has been used, the employee shall be required to exhaust all accrued vacation, compensatory time, holiday leave and any other accrued paid leave, prior to going on unpaid leave. An employee utilizing this policy for the employee's own serious health condition shall exhaust all accrued sick leave, vacation leave and personal leave prior to going on unpaid leave. If an employee is off work due to a work-related injury and the employee qualifies for family and medical leave, it will run concurrently with any paid leave. ***The City reserves the right to count any paid leave that qualifies for family and medical leave toward the twelve (12) or twenty-six (26) weeks allowed under this policy.***

If medical leave is requested, the employee may use accrued sick leave. After an employee's accrued sick leave has been exhausted, vacation leave may be used as sick leave upon request of the employee. If family leave is requested, the employee may use accrued vacation leave. For the birth of the employee's child and in order to care for the child, the employee may use accrued sick leave.

In the event that the appropriate paid leave is exhausted, the remainder of the family or medical leave period will consist of unpaid leave. Family and Medical leave will run concurrently to accrued sick leave and/or vacation, personal or other leave used for FMLA leave purposes.

7) Maximum Time Allowed

The maximum amount of family and medical leave available is twelve (12) weeks during a twelve (12) month period even if there is more than one family and medical leave qualifying event. The only exception to the twelve (12) week maximum is the leave to provide care of an injured service member, described below, which allows for an extended FMLA leave of 26 weeks.

8) Medical Certification

The Human Resources Department may require satisfactory proof of the proper use of medical leave and may disallow the applicability of medical leave in the absence of such proof.

The City requires medical certification from a health care provider to support a claim for leave to care for a seriously ill child, spouse, or parent, or for the employee's own serious health condition. Medical certifications must be returned to the Human Resources Department within fifteen (15) working days. Recertification may also be required every 30 days. An employee will be notified if recertification is required. For leave to care for a seriously ill child, spouse, or parent, the certification must include an estimate of the amount of time the employee is needed to provide care. For the employee's own serious health condition, the certification must include a statement that the employee is unable to perform the essential functions of the position, and expected duration. The City does not seek and should not be provided genetic information. If an employee or applicant's genetic information is inadvertently received by the City; the City will return it to the health care provider and not use genetic information for any employment decision or action.

Employees on an extended FMLA leave must check in every two (2) weeks by phone or email with the Human Resources Department or supervisor. If a question arises whether an employee on FMLA is utilizing FMLA for reason(s) other than an FMLA-approved illness or injury, the City may take steps to verify the proper use of FMLA leave, including home checks.

Upon returning to work after leave for the employee's own illness, an employee is required to provide certification to the supervisor that the employee is able to return to regular duties. If the validity of a certification is questioned, the City may require that a second opinion be obtained. If the first and second opinions differ, the City may require a third opinion be obtained. The employee and the City must agree upon a health care provider for the third opinion and this opinion shall be binding on both parties. The City shall bear the expense of second and third opinions.

9) Return to Work

When an employee returns to work after family and medical leave, the employee shall be restored to the same position or to an equivalent position involving the same or substantially similar duties and responsibilities. An employee will be restored to the same worksite or to a geographically proximate worksite. The employee is also entitled to return to the same shift or an equivalent schedule.

Other than key employees under certain circumstances, employees eligible for family and medical leave will generally be returned to their old position or to a position with equal pay, benefits, and other terms and conditions of employment. However, the City cannot guarantee that employees will be returned to their original jobs in all cases. The City will determine whether a position is an equivalent position.

This policy does not entitle any employee to any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken leave. For example, if during an employee's approved leave, the employee is terminated for reasons unconnected with a legitimate leave, or the employee's position is eliminated through a

reduction in force, the commitment to return the employee to a position with the City will cease at the time the employee is terminated or the position is eliminated. An employee on medical leave for five (5) consecutive working days or more for the employee's serious health condition, must provide a "Return-to-Work" release from the employee's health care provider before the employee will be permitted to return to work. The "Return-to-Work" release must state that the employee is able to resume work and must specifically reference that employee's job description and specific duties.

The City reserves the right to consult with the employee's health care provider for clarification on "Return to Work" releases or other FMLA documentation provided by the employee. An employee's failure and/or refusal to provide the necessary FMLA documentation and the periodic written updates as to the employee's FMLA status, as required by the FMLA and the City's policies, shall subject the employee to possible cancellation of the leave, and other disciplinary action up to and including termination.

10) Failure to Return to Work

Employees who do not return to work after using all family or medical leave will be subject to disciplinary action up to and including termination unless additional leave has been requested, in writing, and approved by the City in accordance with the City's policies. Employees should submit a written request for an extension of leave to the Department Director. This written request should be made as soon as the employee knows that they will not be able to return to work on the originally declared return date.

An employee who fails to return to work after the expiration of the leave will be required to reimburse the City for the City's portion of health premiums paid during the leave, unless the reason the employee fails to return is a serious health condition which prevents the employee from performing the employee's job, or if the circumstances are beyond the employee's control or ability to reasonably remedy.

11) Effect on Married Couples

If a City employee is married to another City employee and either or both employees request family and medical leave for the birth or placement of a child with the employee for adoption or foster care, the total time allowed shall be limited to no more than twelve (12) weeks combined during any rolling twelve (12) month period. For other qualifying family and medical leave events, each employee is entitled to leave as long as the total amount of leave taken during any twelve (12) month period does not exceed twelve (12) weeks or twenty-six (26) weeks, if applicable for one employee.

12) Continuation of Insurance Benefits

While utilizing unpaid family and medical leave, an employee's insurance benefits will continue without interruption as long as the employee pays their portion of the insurance premiums. Insurance premiums can be deducted from the paycheck before the leave begins, or during the leave, if the employee continues to receive pay (pre-tax), paid monthly or bi-weekly.

13) Intermittent Leave

When medically necessary, an employee may take family and medical leave on an intermittent basis or work a reduced schedule. Arrangements should be made with the employee's immediate supervisor so that the operations of the department are not unduly disrupted. An employee taking intermittent leave or leave on a reduced schedule may be temporarily assigned to an alternative position with equivalent pay and benefits if it better accommodates the needs of the department.

Employees are not entitled to take family leave intermittently or on a reduced leave schedule unless approved by their Department Director and the Director of Human Resources.

14) Holidays

Holidays will be paid in accordance with the Holidays policy. City holidays will be counted as part of the twelve (12) or twenty-six (26) weeks of family and medical leave, whether the employee is on paid or unpaid leave.

15) Texas Municipal Retirement System (TMRS)

Employee contributions to TMRS may be made on a voluntary basis through a special arrangement with the City while an employee is in a leave without pay status. It is the employee's responsibility to initiate such an arrangement by timely contacting the City's Director of Human Resources and completing the necessary paperwork.

16) Recordkeeping

Family medical leave time will be tracked on an hourly basis for payroll and compliance purposes. To determine entitlement for employees who work variable hours, the minimum hours required for eligibility is calculated on a pro rata or proportional basis by averaging the weekly hours worked during the twelve (12) weeks prior to the start of family and medical leave.

17) Exempt Employees

Paid leave accounts may be charged for less than one (1) full workday according to department policy and the salary of an exempt employee may be docked for absences of less than one (1) full workday. Salaried executive, administrative, professional, and other employees of the City who meet the Fair Labor Standards Act (FLSA) criteria for exemption from overtime do not lose their FLSA-exempt status by using any unpaid FMLA leave.

18) Military Family Leave Entitlement

- a) **Military Exigency Leave:** Employees who are otherwise eligible for FMLA and have a spouse, child, or parent on covered active duty (deployed to a foreign country) or called to covered active duty status in the National Guard or Reserves (deployment to a foreign country or in support of a contingency operation) may use their 12-week unpaid, job protected leave to address certain qualifying exigencies including eligible: short-notice deployments; attendance at military events and related activities; childcare and school activities; addressing financial and legal

arrangements; attending counseling sessions; attending post-deployment activities; up to 15 days of rest and recuperation; and parental care.

- b) **Military Caregiver Leave:** Employees who are the spouse, parent, child or next of kin of a service member who incurred a serious injury or illness while on active duty in the Armed Forces and is undergoing medical treatment, recuperation, or therapy, may take up to 26 weeks of leave to care for the injured service member in a single 12-month period. The covered service member must be a current member or eligible veteran of the Armed Forces (including a member of the National Guard or Reserves) with a serious injury or illness incurred in, or aggravated by, service in the line of duty on active duty that may render the service member medically unfit to perform their duties.

SECTION 17: MODIFIED WORK DUTY PROGRAM

The City's Modified Work Duty Program will apply to non-introductory employees who sustain an injury or an illness at work or elsewhere which prevents them from temporarily performing their normal work duties but nonetheless leaves them with some work capacity. Modified Work Duty is considered to be a rehabilitative tool in assisting an employee in regaining or maintaining the employee's work tolerance and is used to provide an injured worker a feeling of self-worth and to help prevent post-injury or illness related emotional problems. It is the intent and policy of the City to apply the Modified Work Duty Program equally to all non-introductory City employees.

The Modified Work Duty Program is established for non-introductory City employees who are temporarily unable to perform their regular assigned work duties, as a result of a work or non-work-related disabling injury or illness subject to the guidelines below. An injured employee who is certified by their health care provider, in writing, to be eligible for participation in the City's Modified Work Duty program may be allowed to participate in Modified Work Duty that is consistent with the employee's physical abilities and limitations, as indicated by the treating physician during the employee's recovery period. The maximum time that a City employee may be permitted to participate in Modified Work Duty for any specific illness, injury or re-injury is three (3) months in any fifteen (15) month period. However, after an evaluation of all factors, including consultation with the Director of Human Resources and the employee's Department Director, in extraordinary circumstances the City Manager may, in their sole discretion, permit a limited extension of the time periods stated herein.

A. Guidelines

If an employee is approved by the Department Director and the City's Human Resources Department for Modified Work Duty, the employee's treating physician shall be required to describe, in writing, a suitable work or task assignments appropriate to the physical and mental capabilities of the employee.

When possible, approved temporary Modified Work Duty assignments that are suited to the physical limitations of the employee, as determined by the treating physician, shall be located in the employee's regular work unit or department, and shall be managed by the employee's regular Department Director (which under certain circumstances may also be referred to herein as the "Loaning Department Director").

If no suitable temporary Modified Work Duty assignment is available within the employee's regular

department, the Director of Human Resources will evaluate and report to the City Manager to coordinate the potential options for arranging alternative employment in the City and to determine if, after consideration of all factors, including potential effects on the Loaning Department, there is an available task within the City which can be safely and effectively performed by the employee in consideration of the restrictions involved. In the event the employee is provided a Modified Work Duty assignment in a different department than the one for which the employee was originally hired, the “Loaning Department Director” and the Director of Human Resources shall communicate regarding the progress of the employee and the time remaining on the Modified Work Duty assignment. Any temporary re-assignment of the employee on an interdepartmental basis shall be coordinated and approved by the City Manager and the Director of Human Resources. In the event of an interdepartmental Modified Work Duty assignment, the department to which the employee is regularly assigned shall continue to provide wages from its regularly budgeted salary account. However, the Department Director and the Human Resources Department shall periodically evaluate the potential drain on the Loaning Department’s resources resulting from the “loan” of the employee.

Employees on Modified Work Duty shall not be scheduled for overtime, standby, or compensatory time. Prescribed medical treatments, doctor's visits, and physical therapy shall be given assignment consideration. Supervisors, (whether it is the Loaning Department Director or the Receiving Department Director), will be notified of any scheduling issues and will arrange work activities in such a manner as to encourage the rapid recovery of the employee.

Employees assigned to Modified Work Duty are responsible for maintaining acceptable performance standards and for compliance with all other procedures and policies outlined in this Handbook regarding work-related duties.

It is the responsibility of the Department Director who is assigned supervisory responsibility of an employee on Modified Work Duty, (i.e., the “Supervising Department Director”, whether it is the Loaning Department Director or the Receiving Department Director), to:

- 1) Supervise the employee in a manner that encourages the employee’s recovery.
- 2) Insure, to the extent possible, that the employee meets the performance standards of the assigned position regardless of whether the position is in the employee’s regularly assigned department or a different department. The Supervising Department Director shall provide the Human Resources Director with weekly performance evaluations, as well as information on any relevant matters or changed conditions of the assignment.
- 3) Notify the City Manager and the Human Resources Department immediately if disciplinary action is indicated and assist in counseling an employee who fails to perform up to the standards of the position to which the employee was assigned.
- 4) If, after consultation with the employee, the Supervising Department Director, the Human Resources Director, and the City Manager, a determination is made that it is not feasible and/or in the best interest of the operations of the department to have the employee reassigned to temporary Modified Work Duty, the Supervising Department Director, with approval from the Human Resources Director and the City Manager, may terminate the employee’s Modified Work Duty.

- 5) Upon release by the treating physician to work without restrictions, if the employee has been on Modified Work Duty for less than three (3) months during any fifteen (15) month period, the employee shall be returned to their regular work unit and position with the City.

B. Modified Work Duty assignments are temporary, discretionary, and must be explicitly approved by the Director of Human Resources and the City Manager, if applicable, in advance of any such assignment and will be discontinued if / when any one of the following occur:

- 1) The treating physician returns the employee to full duty with no restrictions.
- 2) The treating physician temporarily prohibits the employee from continuing with a Modified Work Duty assignment, for any reason.
- 3) There is no longer any available task within the City which can be performed by the employee given the employee's current restrictions and qualifications.
- 4) The treating physician indicates that the employee has reached maximum improvement and will not be able to return to the employee's prior position, resulting in reassignment to another position or release from employment with the City.
- 5) An employee has been on Modified Work Duty for a period of three (3) months during any fifteen (15) month period, which is the maximum time allowed for an employee to remain on Modified Work Duty.

C. Procedure

The injured employee and the Director of Human Resources shall inform the treating physician of the City's policy regarding Modified Work Duty for all injured City employees.

The injured employee and the Human Resources Department shall give the treating physician the City of Bastrop's "Return to Work Evaluation Form" with the employee's job description which includes the physical demands of the employee's temporary job. In addition, the employee shall be responsible for obtaining from the Human Resources Department the appropriate forms to be completed by the treating physician – on each visit during the recovery process – and then providing same to the Director of Human Resources so that the City may continue to monitor the physical condition of the employee while on Modified Work Duty.

If the treating physician agrees to Modified Work Duty, the employee shall meet with the employee's current Department Director, who will coordinate a meeting with the Director of Human Resources and the proposed Receiving Department Director (either in person or by written communication) to discuss the appropriateness of a Modified Work Duty Program, and activities and a schedule consistent with the medical release and restrictions involved.

The City may require an employee to obtain a second opinion by a health care provider designated or approved by the City at the City's expense before approving a Modified Work Duty Program. A health care provider designated or approved by the City may not be employed by the City.

Adjustments to the employee's temporary work schedule and Modified Work Program duties will be made as dictated by common sense and the circumstances of each Loaning Department Director, Receiving Department Director, if applicable, the Human Resources Director and the employee.

When applicable, the Loaning Department Director and the Receiving Department Director will meet with the Human Resources Director to confirm that the injured employee has been assigned to a Modified Work Duty Program, and to confirm the details of such assignment. In all such cases, within twenty-four (24) hours of the assignment, the "Return-to-Work Evaluation Form" shall be completed by the attending health care provider and employee confirming the start and end dates of the Modified Work Duty assignment. Once the attending physician completes the "Return-to-Work Evaluation Form", it shall be provided to the Human Resources Department for review, and then, upon approval by the Director of Human Resources, forward to the Department Director for execution.

The employee's time sheet shall be maintained by the specific department to which the employee was assigned for Modified Work Duty.

CHAPTER 9: EMPLOYEE CONDUCT and WORK RULES

SECTION 1: INTRODUCTION

To ensure orderly and productive operations and provide the best possible work environment, the City requires employees to follow rules of conduct that will protect the interests and safety of the City, its citizens, and employees.

SECTION 2: WORK STANDARDS

It shall be the duty of each employee to maintain high standards of cooperation, efficiency, and economy in their work for the City. Employees are expected at all times to conduct themselves in a positive and courteous manner in order to promote the best interest of the City. Department Directors shall organize and direct the work of their departments to achieve these objectives. If work habits, attitude, production, and/or personal conduct of an employee become a problem, supervisors or Department Directors should point out the deficiencies at the time they are observed and take appropriate disciplinary action, when appropriate. Verbal counseling and informal warnings to the employee about minor deviations from City work standards are generally intended to provide sufficient time for improvement, prior to more formal disciplinary action by a supervisor or Department Director, but nothing herein shall prevent immediate formal disciplinary action, pursuant to the City's policies, whenever an employee's work standard is found to be deficient, and the interest of the City requires such action.

Appropriate employee conduct includes:

- A. Treating all customers, visitors, and coworkers respectfully and courteously.
- B. Refraining from behavior or conduct that is offensive, unproductive, or undesirable and not in the City's best interest.
- C. Reporting to management unethical or illegal conduct by others, including coworkers, suppliers, or customers.
- D. Reporting to management any threatening or potentially violent behavior by coworkers.
- E. Cooperating with City investigations.
- F. Complying with all City safety and security policies.
- G. Wearing or using clothing and protective equipment as per City rules and policies.
- H. Reporting to work punctually and as scheduled.
- I. Performing assigned tasks efficiently and in accord with City's quality standards.
- J. Giving proper notice whenever unable to work or report on time.
- K. Maintaining cleanliness and order in personal appearance, the workplace and work areas.

SECTION 3: POLITICAL ACTIVITIES

City employees will not be appointed or retained on the basis of their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. No City employee is prohibited from becoming a candidate for public office. However, except as may be otherwise provided by law, City employees may not:

- A. During the time that the employee is officially on duty or making a public appearance in an official capacity as a City employee, publicly endorse or campaign in any manner for or against any person seeking a City public office or public office in any jurisdiction. Private acts of support, such as liking a political page from another person's personal social media page or displaying a campaign sign are usually permissible political activities under the First Amendment. When not on duty and not in a uniform of the City, an employee may engage in political activity with respect to governments and entities other than the City.
- B. Use the employee's position or office to coerce political support from employees or citizens.
- C. Use the employee's position or office to solicit campaign contributions for a candidate.
- D. Use the employee's official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.
- E. Make, solicit, or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Council or take any part in the management, affairs, or political campaign of any such candidate; provided nothing herein shall infringe upon the rights of employees to seek office, express their opinions, and to cast their vote. If a City employee is elected to office, the City may terminate the employee.
- F. Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution, or political service to circulate petitions or campaign cards / literature on behalf of an election issue or candidate for public office in any jurisdiction.
- G. Contribute money, labor, time, or other valuable thing(s) to any person for City election purposes, except as permitted by law.
- H. Hold an appointive or elective office of public trust, partisan office in any jurisdiction, or any other office where service would constitute a direct conflict of interest with City employment (e.g., City of Smithville City Council, Bastrop ISD, Bastrop County), with or without remuneration. Upon being elected to such an office, an employee must immediately resign or will be dismissed upon failure to do so.

SECTION 4: SOLICITATIONS and ACCEPTANCE OF GIFTS PROHIBITED

- A. Solicitation of funds or anything of value for any purpose whatsoever shall not be permitted of, or by, City employees while on the job. No employee may be required to make any contribution, nor may an employee be penalized or rewarded in any way in connection with their employment according to the employee's response to a solicitation.
- B. No employee shall accept or solicit any property, service, gift, or other thing of value in excess of \$50.00 from a person, business entity or other organization regulated by, contracting with, or having any other business relationship with the City department of which the employee is a member.
- C. If a person presents a gift to a City employee as a reward for service or as an act of expressing appreciation, the employee shall report the gift in writing to their supervisor, the Human Resources Department, and the City Manager.
- D. No employee shall accept or solicit any property, service, or other thing of value in excess of \$50.00 for the benefit of the City, or any employee, or department of the City, unless approved in advance by the City Council.
- E. No employee shall personally accept or solicit cash or a negotiable instrument regardless of the amount.
- F. Violations of this policy may result in disciplinary action. Employees should direct questions regarding the prohibitions imposed by this policy to your Department Director, the Director of Human Resources, or the City Manager's office.

SECTION 5: OUTSIDE EMPLOYMENT

An employee shall not engage in outside employment, including self-employment, where such employment would constitute a conflict of interest or would adversely affect the employee's performance of their work responsibilities with the City. All outside employment must be reported to and approved by the Department Director and City Manager in writing, prior to beginning same. Failure to seek and obtain prior approval for outside employment shall be grounds for disciplinary action, up to and including termination.

A. Outside Jobs Coordinated Through Police Department

Police officers authorized to work part-time jobs coordinated by and through the City's Police Department must perform the outside employment in accordance with applicable Police Department procedures.

B. Prohibited Activities

Employees will not be permitted to engage in outside employment (including self-employment) or other activities that might discredit the City, result in a conflict of interest or a potential conflict of interest, or adversely affect the employee's job performance.

C. Workers' Compensation Coverage

Employees are not covered by the City's workers' compensation insurance while working for another employer.

D. Outside Employment While on Leave Prohibited

Approval for outside employment as set out in this policy does not authorize an employee on Family Medical Leave, sick leave, disability leave, workers' compensation leave, administrative leave, an unpaid leave of absence, or on restricted or light duty to engage in any outside employment. Any exceptions must be expressly authorized in writing by the Department Director and the Human Resources Department, or if applicable, by the City Manager.

SECTION 6: SEXUAL and OTHER UNLAWFUL HARASSMENT POLICY

All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens, and vendors. This means that each employee must be respectful of others and act professionally. Harassment is prohibited both during work hours and at any work-sponsored social function or other event. Online harassment, including but not limited to harassment via social media, is strictly prohibited. City employees are also prohibited from engaging in unlawful harassment of other employees, citizens, vendors, and all other third parties.

To assure that the City of Bastrop maintains a workplace free of sexual harassment and intimidation, the following shall be the official policy of the City:

A. Sexual Harassment

All types of sexual harassment are prohibited, including harassment based upon pregnancy, sexual orientation, and transgender status. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, such as conditioning a raise in salary on the submission to sexual advances; or
- 2) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, such as requiring a potential new hire to go out with a supervisor prior to extending a job offer; or
- 3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment, such as continuous sexually explicit comments directed at an employee.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Sexual harassment does not require sexual attraction or interest. This policy prohibits sexual advances and requests for sexual favors, sexual jokes and innuendos; comments about bodies, sexual desirability or lack of desirability, sexual prowess, sexual preferences, sexual experiences or sexual deficiencies; leering, whistling, or touching; verbal abuse of a sexual nature, including insulting or obscene comments or gestures; gender stereotypes about women or men; display in the workplace of sexually suggestive objects or pictures, including nudity and pornography; and all inappropriate conduct of a sexual nature, whether it be physical, verbal or visual conduct.

B. Other Prohibited Harassment

In addition to the City's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, sex, sexual orientation, transgender status, pregnancy, national origin, age, disability, genetic information, veteran status, citizenship, or any other characteristic protected by law is also prohibited.

Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited.

Harassment includes not only written or verbal comments, but any action over email, text message, or social media posting. This policy prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to e-mail, cell phone or other electronic devices, social media, and/or the Internet, such as YouTube and Facebook. Harassment of any nature, when based on race, religion, color, sex, sexual orientation, transgender status, pregnancy, national origin, age or disability, pregnancy, genetic information, veteran status, citizenship, or any other characteristic protected by law is prohibited and will not be tolerated.

The City of Bastrop does not tolerate the harassment of any employee or non-employee by any other employee or non-employee, supervisor, manager, or Department Director for any reason. Additionally, harassment of a sexual nature is a violation of various State and Federal laws, which may subject the individual harasser to liability for any such unlawful conduct.

This policy applies to City employees, citizens, vendors, and other visitors to the workplace. Violators of this policy will be subject to immediate disciplinary action up to and including termination.

Non-employee violators of this policy will be subject to expulsion from a City of Bastrop facility when harassment occurs on City property. Furthermore, violators may be reported to the appropriate authority for civil or criminal action. Retaliation of any kind against employees who, in good faith, bring harassment complaints or assist in investigating complaints is strictly prohibited by the City.

Exercising rights under this policy shall not in any way effect an employee's right to seek relief through the Texas Commission on Human Rights, the Equal Opportunity Commission, or in a court of proper jurisdiction for any complaint for which a remedy is provided under State or Federal law.

It is the policy of the City of Bastrop to assure that the City maintains a workplace free of harassment, intimidation, and retaliation.

C. Mandatory Reporting

The City requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise becomes aware of possible harassment in the workplace, or who feels that harassment has occurred, or that they have been subjected to such conduct prohibited by this policy must report it immediately to the following regardless of the offender's identity or position:

- 1) Their immediate supervisor; or
- 2) the Department Director; or
- 3) the Director of Human Resources; or
- 4) the Assistant City Manager; or
- 5) the City Manager.

It is not necessary to file an informal complaint or formal grievance to complain of harassment. All complaints will be taken seriously by the City and will be handled as confidentially as possible.

Any supervisor, manager, or Department Director who becomes aware of possible conduct prohibited by this policy must immediately advise the Department Director and/or the Director of Human Resources. A formal Complaint Form is available from the Director of Human Resources.

Under this policy, an employee may report to and/or contact the Director of Human Resources directly, without regard to the employee's normal chain of command. Voice messages or e-mails may be left at any time. The following information must be provided:

[Name]
[Title]
[Work address]
[Telephone number]
[Cell phone]
[E-mail]

D. Procedure

The following steps will be taken when a sexual or other prohibited harassment complaint is reported:

- 1) The complaint will be handled by the appropriate Department Director or supervisor, Human Resources Director, Assistant City Manager, or by the City Manager. Interviews will be conducted with the complainant and the alleged harasser. Written statements may be requested. If the Department Director or supervisor is not a suitable avenue for addressing their complaint, employees are advised to contact the Human Resources Department directly.
- 2) The Department Director will forward their findings to the Human Resources Department, the Assistant City Manager, and the City Manager with a recommendation regarding actions to be taken. After reviewing the report, the City Manager will determine if further investigation is needed.
- 3) If it is determined that an investigation is not necessary, the Department Director's report, all documentation, and the City Manager's recommendation will be kept on file by the Human Resources Department.

E. Investigation

All reports of prohibited conduct will be investigated promptly and in as confidential a manner as possible. All employees are required to cooperate with the investigation and to maintain confidentiality.

- 1) If an investigation is deemed appropriate, the City Manager, City Attorney and the Human Resources Department will conduct a thorough investigation of all allegations, which may include individual interviews with parties involved and, where necessary, with City employees, other individuals, or customers, as appropriate, who may have other relevant knowledge, to obtain corroboration.
- 2) When all information relating to the complainant's allegations has been reviewed and corroborated to the extent possible, the alleged harasser will be interviewed by the City Manager, City Attorney, and the Human Resources Director. The alleged harasser will be cautioned that any attempts to retaliate against or influence the testimony of the complainant or witnesses will result in the alleged harasser's immediate termination, whether or not the underlying complaint is found to be valid.
- 3) After a thorough investigation of the allegations regarding harassment have been conducted, the City Manager will review all findings to determine, based upon the information available, the validity of the complaint.
- 4) The City Manager will determine what disciplinary action, if any, is warranted by the results of the investigation. The City Manager may consult with the City Attorney or any other members of management before rendering a decision.
- 5) The responsible Department Director and the employees involved (i.e., the complainant and the alleged harasser) will be notified of the City Manager's decision.
- 6) If an employee feels that they are in immediate danger, they should dial 911 and inform their

supervisor immediately of the call. If the supervisor is the alleged harasser, the employee should immediately inform the Human Resources Department of the call to 911.

- 7) Interviews, allegations, statements, and identities will remain confidential to the extent possible and allowed by law.
- 8) No information concerning the complaint, or any investigation will be filed in the regular personnel files of the involved employees.

F. Retaliation Prohibited

Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.

G. Responsive Action

Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including termination will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were untruthful, fabricated or exaggerated or when employees are untruthful during an investigation.



CHAPTER 10: DISCIPLINE, APPEALS, and GRIEVANCES

SECTION 1: POLICY

To ensure orderly and productive operations and provide the best possible work environment, the City of Bastrop requires employees to follow rules of conduct that will protect the interests and safety of the City, its citizens, and employees. Employees are expected to accept reasonable and appropriate work assignments willingly and to perform them in a satisfactory manner. Employees are also expected to comply with all rules, regulations, and policies pertaining to job performance standards and personal conduct on the job. If an employee fails to perform satisfactorily or if their personal conduct is unacceptable, appropriate disciplinary action will be taken.

The City of Bastrop will attempt to review and resolve all employee problems as promptly and equitably as possible and at the lowest possible organizational / supervisory level. All employees will be provided with a fair, expedient, objective, and consistent means of resolving work related problems.

A. Progressive Discipline

In certain instances, the City will use a progressive disciplinary system. The City is not obligated to use all of the progressive disciplinary steps available, and may begin the disciplinary process at any level, up to and including immediate discharge, depending upon the severity of the conduct, the employee's work performance and prior disciplinary history, the employee's length of service, and any mitigating circumstances. At-will employment status is not affected by the use of the progressive discipline process. Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following:

- 1) verbal reprimand (documented in writing)
- 2) letter of counseling
- 3) written reprimand
- 4) probation
- 5) suspension (without pay)
- 6) demotion
- 7) last chance agreement
- 8) termination

B. Documentation

All forms of discipline must be documented and placed in the employee's personnel file. In the event an employee is to be discharged, the supervisor shall forward a copy of the documentation to the Director of Human Resources for review prior to taking the action, who shall forward a copy of the dismissal to the City Manager. The Supervisor will also make a recommendation concerning the possible rehiring of the person in the future.

C. Supervisory Responsibility

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

D. Review by Director of Human Resources

Any proposed disciplinary action in excess of an oral warning or letter of counseling must be reviewed by the Director of Human Resources prior to being given to the employee. This applies to both employees serving in the introductory period and regular employees that have completed the introductory period.

SECTION 2: GROUNDS FOR DISCIPLINARY ACTION

Disciplinary action will be imposed for violations of City or departmental policies and procedures, codes of conduct, rules and regulations, either written or verbal. In addition, acts which are not specifically addressed in policies and procedures, codes of conduct, and rules and regulations, yet may adversely affect the City or put the health and safety of fellow employees, citizens or other third parties, at risk, may also result in disciplinary action.

Commission of any of the following offenses or similarly serious offenses may result in disciplinary action by the City Manager or Department Director, up to and including termination:

- Illegal, unethical, abusive, or unsafe acts while on duty or personal time.
- Violation of any provision of the City Charter.
- Violation of City or departmental codes of conduct, rules, regulations, policies, or procedures.
- Insubordination or otherwise refusing management's instruction concerning a job-related matter, or other disrespectful or unprofessional conduct.
- Inefficiency, incompetence, or neglect of duty.
- Violation of safety or health rules, or failure to immediately report an on-the-job injury / accident to immediate supervisor.
- Participation in prohibited political activities.
- Unauthorized soliciting while on duty.
- Unauthorized use of public funds or property.
- Absence without leave including:
 - 1) Excessive or unscheduled absenteeism;
 - 2) Repeated tardiness in reporting for work or returning from lunch or breaks;
 - 3) Failure to notify a supervisor of sick leave, vacation, or military duties;
 - 4) Repeated early departure;
 - 5) Abandonment of duties.

- Breaks in excess of the allotted time.
- Violation of smoking policy.
- Endangering the safety of other persons through negligent or willful acts.
- Failure to conduct oneself in a courteous and proper manner while on duty.
- Conviction of official misconduct.
- Falsification or alteration of timekeeping or other records, or any other official document or record including employment application.
- Being at work under the influence of alcohol, illegal drugs, or controlled substances. (If any employee is using prescription drugs that may affect their performance on the job, the immediate supervisor shall be notified at the beginning of the workday.)
- Possessing, distributing, using, selling, or transferring alcohol, illegal drugs, or controlled substances in the workplace, while on duty, or while operating City-owned equipment.
- Conduct which results in damaging City, a co-worker's, or citizen-owned equipment, tools, machines, and/or property; and failure to report such cases.
- Conduct which results in waste of City or a co-worker's materials or supplies.
- Disruptive activity in the workplace including carelessness, recklessness, or engaging in horseplay.
- Engaging in a work stoppage.
- Violation of the City's policy regarding sexual or other unlawful harassment of any person. Complaints arising from this may be referred directly to the Human Resources Department and/or the City Manager.
- Retaliation against an employee who has filed a complaint.
- Immoral conduct or indecency.
- Abuse of illness, injury, disability, or other benefits.
- Unauthorized use or disclosure of official or confidential information.
- Unauthorized or improper use of official authority.
- Failure to properly document time and attendance records.
- Failure to work within the chain of command to resolve problems and grievances.
- Coercion, intimidation, engaging in or threatening acts of workplace violence, including but not limited to:
 - 1) Possessing weapons on City time, City premises, or while on City business (except for licensed peace officers required to carry a weapon as part of their job duties or employees with concealed handgun licenses with permitted weapon locked in their personal vehicle);
 - 2) Fighting, provoking, or instigating a fight, or assaulting co-workers, City officials, customers, or visitors;
 - 3) Threatening or intimidating a co-worker, City official, customer, or visitor.
- Theft or unauthorized removal, destroying, defacing, or misusing City property or other property not belonging to the employee.
- Misusing the City's communications systems, including electronic mail, computers, Internet access, telephones, and cell phones provided by the City.
- Failing to wear assigned safety equipment or failing to abide by safety rules and policies.
- Using profanity, abusive language, or slurs.
- Sleeping on the job without authorization (except for Fire Department personnel who are governed by applicable Fire Department Rules and Regulations).
- Gambling on City property.
- Interfering with work schedules or another employee's ability to work.

- Making or publishing false, vicious, or malicious statements about the City, or a City employee, City official, or citizen, or others.
- Unsatisfactory performance or conduct.
- Discourteous treatment of the public.
- Violation of local, state or federal law.
- Conviction of a felony, including reasonable belief employee has committed a crime under Texas Penal Code or Class A or B misdemeanor involving moral turpitude, or repeated conviction of Class C misdemeanor charges, or any crime.
- Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension.
- Outside employment that conflicts with, or potentially conflicts with, City interests.
- Acceptance of payment of any kind for activities related to City Employment.
- Failure or refusal to follow lawful orders.
- Dishonesty, including misrepresentation during the hiring process.
- An accumulation of minor infractions.

The foregoing offenses are by way of example only and are not intended to limit the City's right to discipline an employee. Employment with the City is on an at-will basis and may be terminated at any time, either by the employee or by the City, with or without cause.

SECTION 3: TYPES OF DISCIPLINARY ACTION

Formal disciplinary action shall be consistent with the nature of the deficiency or infraction involved and the prior performance record of the employee. Formal disciplinary actions include verbal reprimands, written reprimands, suspensions, reductions in pay, demotions, dismissals, restitution, counseling, or mandatory corrective education / training. Any of the foregoing types of formal disciplinary action may be invoked for a particular deficiency or infraction, depending upon the circumstances involved. Nothing herein shall prohibit an employee's supervisor or manager from also using informal disciplinary action, such as oral reprimands. Informal disciplinary actions shall be documented in the employee's official personnel file.

Supervisory personnel are encouraged to consider the following as normal disciplinary transitional steps, in situations requiring disciplinary action:

- A. Verbal Reprimands with records of each warning being noted in the employee's personnel file;
- B. Written Reprimands which the Department Director must in all cases cause to be transmitted through the City Manager and placed in the employee's personnel file;
- C. Suspension with or without Pay or Reduction in Pay;
- D. Demotion and/or Dismissal.

Nothing herein is intended to negate or otherwise interfere with the authority and responsibilities of a superior to take whatever level of disciplinary action they believe appropriate, based upon the relevant circumstances under review.

SECTION 4: VERBAL REPRIMAND

When an employee is not meeting the City's standards of conduct or performance, the employee's supervisor

should meet with the employee to discuss the matter. During the meeting, the supervisor should inform the employee of the nature of the problem and the action(s) that the employee must take to correct it. The supervisor should prepare a "Memorandum of Verbal Reprimand" for inclusion in the employee's personnel file indicating the date the meeting took place, stating the reason the verbal warning was given and the corrective action required. The Memorandum should be signed by both the supervisor and the employee, acknowledging the employee's receipt of a copy of the Memorandum. Refusal of the employee to sign the Verbal Reprimand should be noted on the disciplinary form by the employee's immediate supervisor. (Ex. "Employee refused to sign reprimand on ___ date" with the supervisor's signature beside the statement).

SECTION 5: WRITTEN REPRIMAND

In the interest of good discipline, an employee may be formally reprimanded in writing. A Written Reprimand shall describe the deficiency or infraction involved, state the corrective action required by the employee, and shall state the likely consequence of further unsatisfactory performance and/or conduct. The Written Reprimand should be signed by the employee stating that the employee was personally notified of the Written Reprimand. A copy of the Written Reprimand will be kept in the employee's personnel file. Refusal of the employee to sign the written reprimand should be noted on the disciplinary form by the employee's immediate supervisor. (Ex. "Employee refused to sign reprimand on ___ date" with the supervisor's signature beside the statement.)

SECTION 6: SUSPENSION

When necessary for disciplinary purposes, an employee may be suspended from employment with the City, either "with" or "without" pay. An employee may be suspended without pay for up to thirty (30) calendar days, in any one (1) calendar year. There is no limitation on the number of days an employee may be suspended with pay, for disciplinary purposes. A written "Notice of Suspension" must be given to the employee which describes the deficiency or infraction involved and which states the likely consequences of further unsatisfactory performance and/or conduct. The suspension shall be permanently noted in the employee's official personnel file. No vacation, sick leave, City holiday or other leave time may be used by an employee during a suspension.

When an employee is under investigation for a crime or official misconduct or is awaiting hearing or trial in a criminal matter, the employee may be suspended either with or without pay for the duration of the proceedings, when such suspension would be in the best interest of the City and the public. The Department Director shall notify the City Manager in writing regarding recommendation concerning the suspension of an employee in that Department. The City Manager's decision as to whether the suspension shall be "with" or "without pay" shall be final. If the investigation or proceedings clear the employee, the employee shall be eligible for reinstatement with full pay and benefits restored, if the suspension was "without pay."

A supervisor shall have the authority to temporarily relieve any employee from work for the balance of the working day if the employee, by continuing to work, would tend to interfere, disrupt, or impair the operation of the department. In such cases, the supervisor should immediately notify the City Manager, in writing, of any such temporary action taken and provide full details concerning same. The City Manager, after consulting with the supervisor, shall determine whether the suspension should be continued, and whether the suspension, if continued will be "with" or "without" pay.

SECTION 7: ADMINISTRATIVE LEAVE

During an investigation into alleged offenses or violations of City policies, the City may, in its sole discretion, place the employee on administrative leave. The leave may be with or without pay and may be charged to available accrued leave if authorized by the City Manager.

SECTION 8: DISCIPLINARY DEMOTION / PAY REDUCTION / DISMISSAL

In the interest of good discipline, an employee may be demoted. A notice of demotion must be given to the employee which describes the deficiency or infraction involved and which states the likely consequences of further unsatisfactory performances and/or conduct. The demotion shall be permanently noted in the personnel file, but the employee shall not be disqualified from consideration for later advancement.

In the interest of good discipline, an employee's pay may be reduced, as is determined by the City's management to be reasonably appropriate in light of the deficiency or infraction involved. A notice of reduction must be given to the employee which describes the deficiency or infraction involved and which states the likely consequences of further unsatisfactory performance and/or conduct. The reduction shall be permanently noted in the employee's personnel file, but the employee shall not be disqualified from consideration for later pay increases.

An employee may also be dismissed from the City in the interest of good discipline. A notice of dismissal must be given to the employee, which describes the deficiency or infraction involved. A copy of the notice shall be placed in the employee's personnel file. At the time of dismissal, the employee shall be notified, in writing, of the employee's rights to appeal the dismissal pursuant to these policies.

SECTION 9: APPEALS OF DISCIPLINARY ACTION

Disciplinary actions taken under this chapter may be appealed, in writing, to the City Manager, within five (5) working days after the employee receives actual or constructive notice of the disciplinary action issued. The disciplinary action taken by the supervisor may either be stayed, pending a final decision on the employee's appeal, or it may take effect at the time it is issued, as determined by the City Manager.

The City Manager, after conducting a thorough investigation of the facts and circumstances, shall have broad authority to approve, disapprove, modify, or rescind any disciplinary actions taken or proposed. The City Manager shall attempt to resolve the issue with expediency and will, when feasible, notify the employee of the status of the appeal within ten (10) calendar days of completing the investigation. The City Manager's decision shall be final.

Disciplinary actions for employees working directly under the City Manager, taken under this chapter may be appealed in writing in the form of a Request for Reconsideration submitted to the Director of Human Resources within five (5) working days after the employee receives actual or constructive notice of the disciplinary action issued. The disciplinary action taken by the City Manager may be stayed, or modified, or it shall take effect at the time it is issued, at the City Manager's sole discretion. The City Manager's determination on a Request for Reconsideration shall be final, and no further appeals are available.

A. Appeal Rights

Positions classified as Director level and above have no right of appeal for any type of disciplinary action, including termination. Employees serving in the introductory period have no right of appeal for disciplinary action taken against them.

SECTION 10: GRIEVANCE PROCEDURES

A. Grievance Definition

Employee complaints of inconsistent and/or unlawful treatment, interpretation and/or application of City or departmental policies, procedures, or practices; and retaliation.

B. General Policy

The purpose of the Grievance Procedure is to afford employees a systematic means of obtaining satisfactory resolution of concerns or problems as quickly and informally as possible.

C. Matters Subject to Grievance

Any alleged violation(s) of City rules, regulations, and/or established policies; any alleged improper treatment of an employee; or any decision affecting an employee's continued employment is considered to be a matter subject to review through the grievance procedure.

D. Matters Not Subject to Grievance

Matters which may not be addressed through the grievance process include, but are not limited to, compensation; work methods; equipment; hours of work; services provided; staffing levels and position classifications. A decision may be made at any step in the grievance process that the matter involved is not subject to grievance.

E. Procedure

Employees wishing to submit a complaint or grievance are encouraged to try to resolve them by first discussing them directly with their supervisors. The City recognizes however, that not all problems can be resolved in this manner, and employees may sometimes be reluctant to approach their supervisors. [e.g., When an employee's grievance involves the employee's direct supervisor, the employee may initiate the grievance process by taking the complaint directly to the member of the management team immediately above the supervisor at issue.]

After consideration of an employee's concern the supervisor / Department Director will take appropriate action utilizing the following guidelines:

Step One: An employee who has a problem is responsible for verbally reporting the problem (i.e., using an "informal grievance process") to the employee's immediate supervisor within five (5) working days of

the date the problem became known to the employee, seeking a resolution to the grievance. The supervisor must deliver a response, in writing, to the employee within ten (10) working days after receiving the informal grievance.

Step Two: If the grievance is not satisfactorily resolved using the above informal process, the employee shall submit the grievance, in writing, to the immediate supervisor within five (5) working days after receiving the written response to the prior informal decision from the immediate supervisor. Upon receipt of the written (i.e., “formal”) grievance, the supervisor must deliver a response, in writing, to the employee within ten (10) working days after receiving the formal grievance.

Step Three: If the formal grievance is not satisfactorily resolved at the second step, the employee may submit the grievance in writing to the Department Director within five (5) working days after the supervisor’s decision in Step Two is received. The Department Director shall deliver a written response to the employee within fifteen (15) working days after receiving the formal grievance.

Step Four: If the formal grievance is not satisfactorily resolved at the third step, the employee may submit the grievance in writing to the City Manager within five (5) working days after the Department Director’s decision in Step Three is received. The City Manager shall deliver a written response to the employee as soon as feasible and, unless circumstances prevent it, shall attempt to provide a written response within fifteen (15) working days after receiving the grievance. The City Manager’s response shall be final.

F. Miscellaneous Provisions:

- 1) Time Limits: Time limits specified above may be extended, based on the schedules of parties involved, or by mutual agreement of the employee and the reviewer concerned. The City Manager may refer the complaint / grievance for investigation to the Human Resources Department and the City Attorney prior to the City Manager’s consideration. When an investigation becomes necessary, the response time noted above may be extended without written prior notice, in order to assure that all employees’ due process rights are protected. Under such circumstances, the parties involved will be notified of the anticipated investigation and/or response times involved.
- 2) No Reprisal: Every employee is assured of freedom from reprisal for using the Grievance Procedure.
- 3) Dismissal of Grievance: Failure to comply with the proper Grievance Procedure as specified in this rule may be cause for immediate dismissal of the grievance.

The employee should always keep in mind the responsibility of the City to its citizens and to the public. It is the responsibility of the employee to assist in discharging this responsibility by contributing to a good working relationship among employees in the City government. In order to minimize disruption of the operation of City government and damage to the reputation of the City among its citizens, the employee shall use this grievance procedure.

CHAPTER 11: NON-DISCIPLINARY SEPARATIONS

The City designates all employee separations as one of the following types:

SECTION 1: RESIGNATION

An employee may leave the City service in "good standing" by submitting their resignation to the employee's supervisor, in writing, at least ten (10) working days prior to their last day of work. The employee's supervisor is responsible for immediately notifying the Human Resources Department upon receipt of any notice of resignation. The Department Director may waive any portion of the notice period related to a non-disciplinary separation. An employee resigning without the required notice is ineligible for reinstatement or future employment with the City.

SECTION 2: RETIREMENT

Eligible employees may elect to retire from City service in accordance with applicable retirement programs. The employee must notify the Department Director, supervisor, and the Director of Human Resources, in writing at least thirty (30) days prior to the date of retirement. The Texas Municipal Retirement System (TMRS) Application for Retirement must be in the TMRS office no later than the day of intended retirement date to lock in the in-service-date.

A. Retiree Health Coverage

An employee who retires from City employment and who is entitled to receive retirement benefits from TMRS, is entitled to purchase continued health benefits coverage for the retiree and eligible dependents unless the person is eligible for group health benefits coverage through another employer. To receive continued coverage under the plan, the employee must so inform the Director of Human Resources on or before the date of retirement. If the employee elects to continue coverage for the retiree and/or any eligible dependents and later elects to discontinue such coverage, the retiree and/or dependent is no longer eligible for coverage. An employee can elect retiree coverage only if covered under the plan at the time of retirement. Similarly, a retiree may elect to cover only those eligible dependents who were covered under the plan at the time the employee retired. A person who was not covered under the plan at the time of the employee's retirement is not eligible for retiree coverage. The City may provide for a different monthly premium rate(s) for retirees who elect to continue health benefits coverage. The City may substitute Medicare supplement health benefits coverage as the coverage provided for a person who receives health benefits coverage, including an eligible dependent, after the date the person becomes eligible for federal Medicare benefits. A person who is entitled to retiree group health coverage must make payments for the coverage at the same time and in the same manner as current City employees.

SECTION 3: DISMISSAL / TERMINATION

The City may terminate an employee's employment because of unsatisfactory performance or conduct, or violation of City policies or procedures, including a new hire who fails the Introductory Period. City employees who are terminated, or who resign in lieu of termination, due to unsatisfactory performance, pending results

of an investigation, or conduct, or violation of City policies or procedures, are not eligible for rehire.

SECTION 4: JOB ABANDONMENT

An employee failing to report for duty or remain at work as scheduled without proper notification, authorization, or excuse shall be considered to be absent without leave which constitutes abandonment of duties. An employee who is absent without leave may be considered to have voluntarily resigned their employment with the City, and such resignation shall be effective on the date the absence without leave began. In such cases, the employee's separation shall not be considered "in good standing".

SECTION 5: LONG-TERM ABSENCE

Leave of absence beyond twelve (12) weeks may be granted if it is a reasonable accommodation justified by medical necessity. This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act.

SECTION 6: DISABILITY OR INCAPACITY

The City of Bastrop adheres to the guidelines set forth by Title I and Title V of the Americans with Disability Act as Amended (ADAAA), which prohibit employment discrimination against qualified individuals with disabilities in the private sector, and in State and local governments, and as enforced by the Equal Employment Opportunity Commission (EEOC). An employee may be separated when, for physical or mental reasons, the employee cannot perform the duties of the job and no reasonable accommodations can be made that enable the employee to continue to perform the duties of the job, as required by the ADA.

Separation for incapacity shall not be considered a disciplinary action and shall not operate to deny any employee the use of any accrued illness, injury, disability, or other benefits. If the employee is qualified and able to perform another job in the City service, and such a position is available and does not require displacing another employee, the disabled employee shall be placed in that job before the employee is dismissed from the City service.

SECTION 7: REDUCTIONS IN FORCE / REORGANIZATION

An employee may be separated from employment with the City when it is deemed necessary by reason of the employee's position is abolished or when there is either a lack of funds or work, or other material change in the duties of the organization, or for other reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee. When reductions in force are necessary, the following factors, in order of importance, will be considered:

- A. **First Priority:** The performance record of each employee
- B. **Second Priority:** Qualifications of the employee for remaining positions
- C. **Third Priority:** Seniority

SECTION 8: DEATH

If a City employee dies, the designated beneficiary or estate will be paid all earned pay and payable benefits.

SECTION 9: EXIT INTERVIEWS and RECORDS

The City usually provides separating employees with an exit interview prior to their last day of work. The purpose of the exit interview is to finalize all compensation due, return City equipment, provide explanation of any continuing benefits, review employment history, discuss the reason(s) for the separation, and solicit constructive feedback to improve the City. Exit interviews are conducted confidentially by the Director of Human Resources. Information discussed during the exit interview may be shared with the City Manager's office and acted upon as deemed appropriate by the City. An employee who is leaving the City employment shall discuss the reasons for separation in an exit interview with the Human Resources Department whenever possible. Reasons for the separation shall be stated in writing and must be signed by the supervisor and initialed by the employee, except in unusual or emergency circumstances. The Department Director (or designee) is responsible for promptly notifying the Director of Human Resources of all separations, arranging for the exit interview, and providing documentation of receipt of all departmental and/or City property from the exiting employee.

Final payment of compensation may be withheld pending return of City property, completion of necessary paperwork, and other requirements of separation.

CHAPTER 12: PERSONNEL RECORDS

SECTION 1: PERSONNEL FILES and RECORDS

The Human Resources Department will maintain personal work history records for each active City employee. Records will also be maintained on past City employees for not less than the period required by law and pursuant to the City's Record Retention policy. An employee's personnel records are available for inspection in the Human Resources Department by the employee, any individual authorized by the employee, the employee's immediate supervisor, Department Director, or designee. The Human Resources Department will not release personnel records to individuals or agencies outside the City, except as required by law.

Employee personal work history records maintained within each department are subject to the same provisions as those records maintained by the Human Resources Department. An employee, at all times, has a right to inspect any and all documentation made a part of the employee's personal work history records and may, at any time, submit personal work history information, which will be included into the employee's official records [e.g., continuing education material or certifications relevant to position held and upon approval by the Human Resources Department]. Employees will be given a copy of any written record of a disciplinary action or performance counseling that is made a part of their personnel file.

SECTION 2: STATUS CHANGES OR NEW HIRES

Department Directors shall submit to Human Resources, for review, recommended changes in personnel status. Any request for change of an employee's status, or requests to hire new employees will be approved by the supervisor and the Department Director, prior to making any commitments to existing employees or prospective new hires.

SECTION 3: PERSONNEL REPORTS

Department Directors shall be responsible for providing the Human Resources Department with all necessary employee reports and records associated with personnel management for their department, in compliance with the requirements of this policy. Such records and reports shall include, but not be limited to, certification updates, Personnel Action Forms, performance reports, counseling records, and written reports related to disciplinary actions. Failure to do so may result in formal disciplinary action of Department Directors and/or supervisors who have these responsibilities.

The Human Resources Department and/or Department Directors shall prepare such narrative reports, statistical summaries, and other personnel reports as necessary or desirable to provide useful information to the City Manager and Council.

SECTION 4: PERSONNEL ACTION FORM

The Personnel Action Form (PAF) is the official document for recording and transmitting each personnel action to the personnel file. The PAF is used to promote uniformity in matters affecting position title, classification, pay range and step, salary and other actions affecting the employee's status. Each PAF becomes part of employee's permanent file. Copies of all PAFs are provided to the employee involved.

SECTION 5: CONTENTS OF PERSONNEL FILES

The City's Goal is for each employee's personnel file to contain the following:

- A. Employment Application;
- B. Acknowledgement and Receipt of Employee Handbook signed by the employee acknowledging review of personnel policies and procedures;
- C. Complete performance evaluation records;
- D. Records of any citation for excellence or awards for good performance;
- E. Records of any reprimands or other disciplinary actions;
- F. Any other pertinent information having a bearing on the employee's status or performance;
- G. A copy of applicable Job Description(s), signed by the employee;
- H. Personnel Action Forms;
- I. Public Access Option Form signed by employee.

SECTION 6: LEAVE RECORDS

Official records of vacation and sick leave accrual and usage will be kept for each employee by the Finance Department. Leave records will be kept and maintained in accordance with state and federal law.

SECTION 7: CONFIDENTIALITY OF MEDICAL INFORMATION

Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. The Director of Human Resources maintains these confidential medical files.

Examples of information that may be provided to the City by an employee or the employee's health care provider, and maintained in the confidential medical file, include, but are not limited to:

- A. A note to justify an absence;
- B. A note to request leave;
- C. A note to verify the employee's ability to return to work;
- D. Medical records to support a claim for sick pay or disability benefits;
- E. Insurance records;
- F. Workers' compensation records; and
- G. Medical history records

The City does not request genetic information from an applicant, employee, or health care provider. The City discourages health care providers from sending genetic information. Any genetic information inadvertently sent to the City will be returned to the health care provider.

When an employee provides information to the supervisor, the supervisor is expected to share the information only on an "as needed" basis with other members of management.

Employees must also respect the privacy and confidentiality of other coworkers' medical information. Employees are expected to use discretion and judgment when dealing with such information.

CHAPTER 13: EMPLOYEE BENEFITS

SECTION 1: MEDICAL INSURANCE / DENTAL INSURANCE

A. Medical Insurance

All full-time employees (30 hours per week or 130 hours per month) and all retired employees are provided medical insurance benefits. Employees working thirty (30) hours or more per week will pay 25% of the cost, with the City paying the remaining 75% of costs. Effective June 1, 2015, the City will contribute 100 percent of the retired employee's cost of participation in the City's group health insurance plan if, at the time of resignation or retirement, the retired employee:

- 1) Has completed 25 years of service with the City of Bastrop; and,
- 2) Is at least 58 years of age; and,
- 3) Retires in good standing with no active investigation or pending allegations of misconduct; and,
- 4) Elects to continue coverage prior to or on the last date of employment. (Refer to Executive Orders.)

Coverage shall begin sixty (60) days from the date of employment (first of the month), except for Department Directors and the City Manager, in which case coverage shall begin immediately (first of the month). This insurance provides for payment of hospitalization and major medical expenses up to the limits of the policy for illness and accidental injuries off the job. Coverage for other family members is at the option of and payable by the employee through payroll deductions at the prevailing rates.

B. Dental Insurance

All full-time employees (40 hours per week) are provided dental insurance benefits. Coverage shall begin sixty (60) days from the date of employment for all employees (first of the month), except for Department Directors and the City Manager, in which case coverage shall begin immediately (first of the month). Coverage for other family members is at the option of and payable by the employee through payroll deductions at the prevailing rates.

C. Part-Time Employee Coverage

Part-time employees (pro-rated 20 hours or more per week) will have the option of having medical and dental insurance if they wish to pay 50% of the cost of the policy. The City will pay the remaining 50% of the policy costs. Employees working thirty (30) hours or more per week will pay 25% of the cost, with the City paying the remaining 75% of costs for dental insurance. Full-time and part-time employees will be defined by the insurance plan in effect.

The terms and conditions of the level of medical / dental coverage may be changed, amended, or modified on an annual basis by the City Council.

SECTION 2: LIFE INSURANCE and LONG-TERM DISABILITY INSURANCE

A. Life Insurance

The City provides group life insurance coverage for all full-time employees and all retired employees, in a coverage amount determined by the City. Coverage shall begin upon sixty (60) days from the date of employment (first of the month), except for Department Directors and the City Manager, in which case coverage shall begin immediately. The cost of providing this insurance to employees is paid by the City. The life insurance is payable in the event of death of an employee. Payment will be made to the beneficiary designated by the employee. Full-time and part-time employees will be defined by the insurance plan in effect.

B. Long-Term Disability

The City also provides a Long-Term Disability (LTD) benefit for all full-time employees. Coverage shall begin sixty (60) days from the date of employment (first of the month) except for Department Directors and the City Manager, in which case coverage shall begin immediately. The cost of providing this insurance to employees is paid by the City. The coverage provides income replacement benefits when you become disabled, as that term is defined by the policy provider. When the insurance company receives satisfactory proof of disability, LTD monthly benefits according to the terms of the policy will be paid.

C. Part-Time Employee Coverage

Part-time employees working twenty (20) hours or more per week will have the option of having life / long term disability insurance if they wish to pay 50% of the cost. The City will pay the remaining 50% of the cost. Part time employees working thirty (30) hours or more will have the option of having life insurance if they wish to pay for 25% of the cost. The City will pay the remaining 75 % of the cost.

SECTION 3: WORKER'S COMPENSATION INSURANCE / INJURY WAGE CONTINUATION BENEFITS

A. Eligibility for Workers' Compensation

Workers' compensation is designed to cover the costs associated with injuries resulting from identifiable and specific accidents or injuries occurring during the course and scope of one's employment. It is not designed to cover ordinary diseases of life. All employees and volunteers of the City are covered by workers' compensation insurance.

Any City employee injured as the result of duties performed in the course of the employees' job shall be eligible to receive workers' compensation benefits, which may cover the cost of hospitalization, doctors, treatment, prescription drugs and other related expenses, from the City's insurance carrier at no expense to the employee.

Injuries not directly related to or caused by a specific accident or incident that occurred in the performance

of the employee's job duties for the City, injuries occurring while an employee or volunteer is working or volunteering for an employer or organization other than the City, and/or injuries occurring during self-employment, are not covered under the City's workers' compensation plan.

B. Accident and Injury Reporting Procedures

1) Medical Attention

When an employee is injured on the job, the City's first priority is to ensure that the employee gets timely medical attention. The employee must immediately report the circumstances of the accident and/or injury to the supervisor who will direct the employee to seek medical treatment, if necessary, from the Approved Doctor List (ADL), as provided by the Texas Municipal League and in compliance with the City's reporting requirements.

2) Reporting and Documentation

The employee's supervisor is responsible for notifying the Human Resources Department immediately upon being made aware of an employee's involvement in an accident and/or injury. This timely notification is critical.

The employee's supervisor will initiate a thorough investigation into the cause and circumstances of the accident causing the injury, including interviewing all witnesses and preparing a detailed written report explaining the facts of the accident that occurred. The supervisor must submit the City's Accident Report, First Report of Injury or Illness and any other related information to the Human Resources Department no later than the next business day after the injury was occurred, or no later than 9 a.m. on Monday for injuries occurring over the weekend.

If the employee's supervisor has reason to believe that an injury has been reported that is not directly related to or caused by a specific accident or incident occurring in the performance of the employee's assigned job duties, the supervisor must advise Human Resources of these circumstances. The decision of whether or not an injury will be covered by workers' compensation will be made by the Texas Municipal League and not by the City.

If the employee's treating physician recommends convalescence at home, the employee is required to report to the Human Resources Department each Friday. For every doctor's office visit, the employee is required to obtain from their doctor a completed Work Status Report, which includes the employee's diagnosis, when the employee is expected to be able to return to work, the employee's restrictions and the date of the employee's next appointment. It is the employee's responsibility to ensure that a copy of the Work Status Report is forwarded to the Human Resources Department and to the supervisor. Failure to report to Human Resources as required may result in disciplinary action, up to and including termination.

3) Returning to Work

The employee is to return to work immediately after treatment unless the employee's physician provides documentation of the employee's inability to perform the essential duties of the job in either

a regular or modified duty capacity. The employee must have a written release from the doctor to return to work and the release must specify any restrictions. The City does not guarantee the availability of a modified duty opportunity. However, the employee must accept any modified duty assignment that is offered, including an assignment in another department.

All modified duty assignments must be approved by the Human Resources Director to ensure compliance with the City's policies, the physician's restrictions / release, the Americans with Disabilities Act (ADA,) the Americans with Disabilities Act as Amended (ADAAA), and other applicable laws.

4) Maximum Time Limits

Subject to other restrictions, limitations, and earlier terminations as applicable, in particular circumstances, the City will hold open an employee's position, following an injury that occurred while performing official job duties or conducting City business, for a reasonable time period if holding the position does not result in undue hardship on the City. Twelve (12) weeks of this period will be deemed leave under the Family and Medical Leave Act (FMLA), running concurrently with the employee's worker's compensation leave. The Director of Human Resources will engage in discussions of any reasonable accommodations that may assist the employee in performing the essential functions of the job. At the end of the reasonable period of time, should the employee still be unable for any reason to perform the essential duties of the job, with or without accommodation, the employee's position may be filled and the employee may be considered for a vacant position for which the employee is qualified and released from the physician to perform. If no vacant position is available for which the employee is qualified, if not selected to fill the vacant position, or if the employee declines to accept another position, employment with the City will be terminated.

5) Injury Wage Continuation Benefits

Subject to the provisions set forth below, paid employees who sustain physical injury on the job will receive wage payments as injury wage continuation payments, separate and distinct from and in addition to worker's compensation payments, during such time as an appropriate, health care provider certifies that the employee is not able or should not return to regular or full-time work due to the injury.

Wage continuation benefit payments shall not be charged against sick leave or vacation leave until supplemental wage continuation benefits have been exhausted. The total amount paid an injured employee while absent from work, including any combination of worker's compensation benefits, wage continuation benefits, sick leave, vacation leave, and wages for work performed, shall not exceed one hundred percent (100%) of full pay which the employee should have received for such period at the employee's regular hours and rate of pay. All checks received by the employee from the insurer during this time must be submitted to the Human Resources Department, who will in return ensure that the employee receives 100% of the applicable pay. In no event shall the total amount of wage continuation benefits paid to an employee as the result of any incident resulting in physical injuries (including any later aggravation, relapse, or re-injury) exceed 12 weeks at 100%. While off work and drawing injury wage continuation benefits, an injured employee shall continue to accrue vacation and sick leave at the regular rate.

Injury wage continuation benefits shall be administered under the following rules:

- a) The term "physical injury" as used herein, shall mean an injury to the physical structure of the body or a part thereof including any subsequent aggravation or reinjury that occurs while the employee is acting in the course and scope of their employment and shall not include any illness, disease, or infection except such illness, disease, or infection as is directly caused by and naturally results from a physical on-the-job injury. Injuries that occur while traveling to and from work, while acting beyond the scope of employment, while engaged in horseplay, while attending to personal matters and partly in employment matters, shall not be deemed injuries so as to qualify for this supplemental benefit.
- b) During the time an employee is unable to work and is authorized to be off duty due to a physical injury, the employee will be paid injury wage continuation benefits for a period not to exceed 12 weeks, in an amount not to exceed the difference between their regular pay and their workers' compensation benefit payment in accordance with the maximum limits established herein.
- c) An employee with a physical injury who is able, as determined by the treating physician, to perform light duty may be required to do so for the employee's original department or another department as determined appropriate by the City.
- d) If an injured employee is unable to perform the regular work duties and tasks of the employee's position for a period of six (6) months or more, the City Manager, upon a determination of City need, may permanently fill the employee's position and terminate the employment of the employee. The terminated employee may be reinstated in a position as similar to the employee's former position as is available.
- e) An employee who does not qualify for injury wage continuation benefits, or whose benefits are used up before being released to duty by the treating physician may take their accrued sick leave and/or vacation leave, to equal 100% of regular pay. If the employee is receiving weekly worker's compensations payments, then sick and vacation leave may be taken in an amount necessary to make up the difference between such payments and full regular pay. An employee who has used all accrued sick and vacation leave, and injury wage continuation benefits before being released to duty by the treating physician may be granted a leave of absence without pay for a reasonable period upon recommendation of the Department Director and approval by the City Manager.
- f) An employee who is physically able and who fails to report any on-the-job injury, however minor, within twenty-four (24) hours after it occurs to the employee's supervisor and take such first aid treatment as may be necessary shall not receive or be eligible for injury wage continuation benefits. When an employee is injured on the job, the employee shall complete a written accident report as soon as possible and submit it to the Department Director with a copy to the Human Resources Department. Refusal to assist the City with completing and filing proper documentation of on-the-job injuries may result in disciplinary action, when appropriate.
- g) Documented abuse of the City's worker's compensation and leave benefit program and policies will result in disciplinary action up to and including termination.

SECTION 4: GROUP HEALTH CONTINUATION COVERAGE (COBRA)

COBRA is a federal law that requires most employers who sponsor group health plans to offer employees and their families the opportunity to temporarily extend their group coverage at group rates in certain instances where coverage under the employer's group health plan would otherwise terminate. The employee is responsible for paying for the cost of any such continuation coverage.

Under COBRA, employees may elect COBRA continuation coverage for up to 18 months after termination of employment (unless the employee is terminated due to gross misconduct), or if an employee's hours are reduced to such an extent that the employee no longer qualifies for participation in the group health plan. Under other circumstances, COBRA coverage is available for up to 36 months following a qualifying event. Employees must notify the City within 60 days of the occurrence of the employee's legal separation or divorce and of a covered dependent ceasing to qualify as a dependent under the medical plan.

Detailed COBRA notices are given to employees when an employee becomes eligible for participation in the City's group health plan and again when a qualifying event occurs. For more complete information on COBRA and your health plan, you should review your summary plan description or review a copy of the full health plan at the Human Resources Department.

SECTION 5: SOCIAL SECURITY / MEDICARE

All employees of the City are covered under the Federal Insurance Contributions Act (FICA). This type of government insurance, known as "Federal Old Age and Survivor's Insurance", provides benefits for retirement and disability.

This insurance is financed through payroll deductions by the employee and the City's matching contributions.

SECTION 6: UNEMPLOYMENT INSURANCE

The City is a participant in the Texas Unemployment Compensation Insurance program, which provides payments for unemployed workers in certain circumstances as provided by law. All employees of the City are covered under the state's Unemployment Compensation Insurance program.

SECTION 7: RETIREMENT and IN-SERVICE DEATH BENEFITS

The City of Bastrop is a member of the Texas Municipal Retirement System (TMRS). The purpose of TMRS is to provide a plan for the retirement and disability of employees of Texas municipalities. Participation in TMRS is compulsory for all full-time employees and all part time employees who work at least 1,000 hours per year. Coverage shall begin on the first (1st) day of employment. The employee will contribute six percent (6%) of their salary through payroll deductions into the retirement plan, with the City matching this amount on a 2 to 1 basis. Employee participation is mandatory.

In addition to the retirement plan, the City also provides an "In Service Death Benefit" for its employees' participation in the TMRS. This death benefit is payable to the designated beneficiary upon death of the covered employee. The amount payable to the beneficiary is equal to the annual salary of the covered employee. This supplemental benefit is provided by the City at no cost to the employee.

SECTION 8: TERMINAL ILLNESS BENEFIT

The City of Bastrop Terminal Illness Benefit allows employees with a terminal illness to apply for a terminal illness benefit after all other vacation, sick leave, catastrophic leave, and any other earned or available leave time has been exhausted. The terminal illness benefit is limited to a maximum of 520 hours / lifetime total, per employee.

Employees wishing to request the terminal illness benefit must meet the following guidelines:

- A. Must be a permanent full-time City employee.
- B. Must have a terminal illness, which has caused you to exhaust all paid leave balances (including vacation, sick leave, catastrophic leave, and any other earned leave time).
- C. Must complete a City of Bastrop Terminal Illness Benefit Request Form and provide the requested information from the employee's physician.
- D. Must have demonstrated a strong desire to return to work for the City.
- E. Must have a minimum of 20 years of service with the City. This service does not have to be continuous.
- F. This benefit terminates if employee is not physically at work for the City for at least 70% of any calendar year in which they are receiving the benefit.
- G. If the employee is unable to complete any portion of the application process for the terminal illness benefit, they must designate a representative from their department to act on their behalf.
- H. Once the application is completed, it must be submitted to the Human Resources Department to determine your eligibility as an applicant for the terminal illness benefit. It is then submitted to the City Manager for review. The City Manager then determines whether the employee qualifies to receive the terminal illness benefit.



CHAPTER 14: TRAVEL POLICY

SECTION 1: APPLICABILITY OF TRAVEL POLICY

This policy is applicable to all City employees and Elected Officials. It is the City's policy to pay for, or reimburse, all reasonable and necessary expenses incurred by an employee or elected official when the employee or elected official travels on City related business outside of the City limits in accordance with this policy.

All travel related expenses and reimbursements are subject to budget limitations and authenticated expenses.

SECTION 2: AUTHORIZATION REQUIRED

The City Manager shall authorize travel leave, advances, and expenses for City Department Directors for City business to be conducted outside of the City limits. Department Directors (or designee) shall be responsible for approving all travel leave, advances, and expenses for employees within their department.

The City Secretary shall verify that funds are available and sign off on travel advances and expenses for Elected Officials on City related business to be conducted outside of the City limits.

SECTION 3: REQUESTS FOR TRAVEL

All travel requests must be submitted and approved by the City Manager and/or the Department Director (or designee), a minimum of two (2) weeks prior to the travel date utilizing the City of Bastrop "Travel and Authorization Expense Form" (Travel Authorization Form) specifically provided for that purpose, as required by the Finance Department. Failure to provide requisite and timely documentation in accordance with this Section and Section 4 of this Chapter, may result in discipline, including but not limited to forfeiture of travel expenses and a revocation of future travel privileges. Department Directors shall confirm by signature on the Travel Authorization Form that the employee's absence (Department Director's absence, if applicable), will not affect the management or operation of the department. Any employee traveling on official City business shall advise their supervisor as to where they can be reached while out of the City.

SECTION 4: TRAVEL ADVANCES / RETURN OF UNEXPENDED FUNDS / REPORTS

A. Travel Advances

Travel advances will be drawn from the Finance Department by employees traveling on City business. Travel advance requests for the projected cost of the authorized travel must be submitted to the Travel Coordinator of the respective department at least fifteen working (15) days in advance of travel. The Travel Coordinator will complete and submit the "Travel Authorization Form" requesting the advance to the Finance Department in accordance with Finance's payment processing schedule. The Travel Coordinator will also pre-pay all registration fees, lodging costs, and air fare.

Travel advances are not considered documentation of travel expenses. All unexpended, unauthorized,

or unapproved travel advanced funds must be reimbursed to the City. Reimbursements must be remitted along with the Travel Authorization Form to the Travel Coordinator of the respective department in accordance with Subsection B of this Section. Authorized expenses in excess of advanced funds received will be reimbursed with proper approval.

B. Reports

Upon completion of travel, a Travel Authorization Request Form accounting for all expenditures of City funds must be completed. Return of all unexpended, unauthorized, or unapproved travel advanced funds, must be filed with the Travel Coordinator of the respective department and submitted to the Finance Department within two (2) working days following the trip. Receipts for all expenses, including hotel bills and registration fees, must be attached to the Travel Authorization Request Form. Failure to submit the completed Travel Authorization Request Form as required will subject the employee to a payroll deduction for any funds advanced. All cash advance and expenditure reports shall be submitted on forms provided for that purpose as required by the City Manager.

SECTION 5: PERSONAL CREDIT CARDS

City credit cards will be used for travel, when available. Personal cards may be used by employees for City of Bastrop travel related expenses when absolutely necessary due to an emergency or other unanticipated or unplanned occurrence. At the discretion of the City Manager, a violation of this section may result in the forfeiture of all expenses charged to the employee's personal credit card.

SECTION 6: TRANSPORTATION

When travel is required for City business, the most efficient and economical mode of travel must be used. A City vehicle or personal vehicle may be used when travel distances are within a two hundred fifty (250) mile radius of the City. For travel beyond a two hundred fifty (250) mile radius, air transportation may be approved as authorized by the City Manager.

All approved transportation expenses will be reimbursed, when properly documented, as follows:

- A. **Personal Vehicle:** Employees authorized to use their personal vehicle for travel on City business will be paid on a per mile basis equivalent to the current IRS mileage reimbursement rate; or will be paid the equivalent of a coach airline fare, whichever results in the lower cost to the City. Mileage will be reimbursed only for the difference in miles from the lesser of the two:

Total miles from the City of Bastrop to the business-related destination or event; or,
Total miles from the employee's residence to the business-related destination or event.

- B. **City Vehicle:** When a City vehicle is used, all expenses incidental to the use of such vehicle (gasoline, oil, repairs, etc.) shall be reimbursed. Receipts are required for reimbursement.
- C. **Parking / Toll Fees:** Reimbursement will be made for the cost of parking and toll fees. Receipts are required for reimbursement except for coin fed parking meters which will only be reimbursed up to a maximum of \$5.00 per day.

- D. **Air Travel:** When approved, air travel must be booked at the most discounted fare basis whenever possible. Air travel arrangements are to be made by the Travel Coordinator for the applicable department.

Note: Where airlines allow discounted fares, if the passenger stays over on a night where the total extended travel cost exceeds the savings, the employee may request to stay over with approval from the City Manager or Department Director (or designee). The City will pay for lodging and meals for the extra day(s), but not compensated time.

- E. **Rental Vehicles / Taxi and Bus Fares:** Reimbursement will be made for the use of rental vehicles, taxi, or bus fares, provided such expenses are necessary and reasonable. Receipts are required and must be submitted for reimbursement.
- F. **Alternate Routes:** Routes which are desirable because of personal affairs of the traveler may be used, but only on the traveler's time and with the traveler bearing the additional cost of the alternate route. Mileage and expenses incurred on alternate routes must be shown on the Travel Authorization Form that is submitted for reimbursement or for travel advances.

SECTION 7: LODGING

It is the policy of the City to pay / reimburse only for lodging that is economical and practical. Whenever authorized by the City Manager, lodging expenses will be paid / reimbursed at single occupancy rates unless two or more employees occupy a single room. An itemized receipt of hotel expenses must be attached and submitted with the Travel Authorization Form.

Reimbursement will not be made for extra charges for room service, personal telephone calls, alcoholic beverages, entertainment expenses, or other sundry items not relevant to the public purpose of the travel, except as provided in Section 8 hereafter.

Hotel reservations will be made by the Travel Coordinator in the respective department and paid for with a City credit card.

SECTION 8: MEALS

The City shall pay actual necessary food expenses for an employee or elected official traveling on City business. The City will not reimburse employees for individual meals for City related business "day-trips" (i.e., trips that do not involve / require an overnight stay, whether in-State or Out-of-State), as compensation for such meals is considered, by the Federal Government, to be taxable income paid to the employee. The City will cover the cost of meal(s) included as part of the City paid registration fee.

A. Meals for In-State Overnight Travel

Employee meal expenses incurred as part of In-State overnight travel, for work / training, will be paid in accordance with the current IRS per diem rate with no receipts necessary. Tips are included in the per diem rate.

On the day of travel departure, breakfast is reimbursable if departure is prior to 7:00 a.m.; lunch is reimbursable if departure is prior to 11:00 a.m.; and dinner is reimbursable if departure is prior to 4:00 p.m.

On the date of return from travel, breakfast is reimbursable if return is after 9:00 a.m.; lunch is reimbursable if return is after 1:00 p.m.; and dinner is reimbursable if return is after 7:00 p.m.

Meals included as part of a City paid registration fee will not be reimbursed as part of the meal allowance per diem.

The City Manager may approve reimbursements for actual travel expenditures for employees with actual receipts. Specific per diem rates may be established by the City Manager for business travel that requires such an increase. Travel reimbursements for elected officials with actual receipts will be approved by the City Secretary.

B. Meals for In-State / Out-of-State “Day-Trip” Travel

The City will not provide advances or reimbursements to employees and elected officials for “out of pocket” meals during “day-trips” (i.e., trips that do not involve / require an overnight stay, whether in-State or Out-of-State). Compensation for such meals is considered, by the Federal Government, to be taxable income to the employee. The City will cover the cost of meal(s) included in City paid training program.

C. Meals for Out-of-State Overnight Travel

Employee meal expenses incurred as part of out-of-state, overnight travel will be reimbursed at the actual cost of the employee’s meal, when accompanied by receipts for same, in accordance with the current IRS High-Low Substantiation Method. The City will cover the cost of meal(s) included in the City paid training program.

D. Business Meals / Entertainment Related Meal Expenses

- 1) To be a reimbursable “Business Meal”, the meal must be one that is:
 - a) Approved in advance by both the City Manager and Department Director,
 - b) Is ‘non-routine’ in nature,
 - c) Is entertainment that has a clear business objective which will benefit the City, and
 - d) Involves more than one person.

- 2) In addition, to be a reimbursable “Business Meal”, the meal must fall within one of the following tests:
 - a) Directly Related Test: The meal must satisfy all of the following:
 - (1) The main purpose of the combined business and meal is active conduct of business;
 - (2) Business is actually conducted during the meal period; and
 - (3) There is more than a general expectation of deriving income to the City, lowering City

expenses, or some other specific City benefit at some future time.

- b) Associated Test: The meal must satisfy all of the following:
- (1) Associated with the active conduct of the City's business; and
 - (2) Directly before or after a substantial business discussion.

Approved Business Meal expenses, including the expenses of non-employees at the meal, will be reimbursed, provided the circumstances are considered to be conducive to a business purpose, and the meal meets all of the criteria stated herein. The Travel Authorization Form requesting reimbursement for such expenses must include the names of all individuals in attendance, identify the various business relationships involved, and a summary of business discussed (recorded on the reimbursement form).

When a personal or City credit card is required to be used for Business Meals, in accordance with the terms of these policies, an itemized receipt, as well as any other necessary forms, must be provided to the Finance Department and approved by the City Manager before a reimbursement will be allowed. At the discretion of the City Manager, a violation of this section may result in the forfeiture of all expenses charged to the employee's personal credit card and any other appropriate discipline.

E. Group Meals

In order to be reimbursable, Group Meals are considered to be the occasional, infrequent, and non-routine meals that are provided to a group of employees, such as employee picnics, appreciation lunches or retirement parties, and are considered by the IRS to be a non-taxable de minimis fringe benefit.

Group meals may also include such things as occasional provision of coffee, donuts, or soft drinks or a meal that is provided to promote good will, boost morale, or to attract prospective employees to the City.

To be a reimbursable expense, costs related to Group Meals must be approved, in advance, by the City Manager's Office.

F. Non-Allowable Expenses

The following expenses or charges will not be reimbursed and must be paid for by the employee or elected official:

- 1) Alcoholic Beverages;
- 2) In-hotel pay or pay per view television or movies;
- 3) Dry cleaning and laundry services;
- 4) Health club and spas;
- 5) Expenses of a guest / spouse; and
- 6) Other items of a personal nature.

G. Expenses Not Covered in Policy

The City Manager's approval must be obtained prior to any expenditure of funds for items or charges

which are not specifically addressed in this travel policy.

H. Compliance

Abuse of this policy, including falsifying Travel Authorization Forms, expense reports, or submitting false claims, will result in disciplinary action, up to and including termination.

CHAPTER 15: CITY PROPERTY, VEHICLES and EQUIPMENT USE

SECTION 1: GENERAL POLICY

The City attempts to provide each employee with adequate tools, equipment, vehicles, and facilities for the City job being performed, and the City requires all employees to observe safe work practices and lawful, careful, and courteous operation of vehicles and equipment in compliance with all municipal, County, and State regulations. Any City provided safety equipment must be used at all times.

SECTION 2: APPLICABILITY and VIOLATION OF POLICY

These policies shall apply to all City owned tools, equipment, vehicles, facilities, and all persons assigned such, inclusive of operators and passengers in vehicles. Any violations of the Vehicle Policy will be subject to disciplinary action or civil / criminal penalty dependent upon the nature of the violation.

SECTION 3: USE OF CITY OWNED TOOLS, EQUIPMENT, PROPERTY and VEHICLES

The City may issue tools, equipment, or other property to employees (e.g., credit cards, keys, tools, security passes, manuals, written materials, uniforms, cell phones, computers, and computer-related equipment, etc.). Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties. At the time of issuance, employees may be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment and authorizing a payroll deduction for the cost of lost, damaged, or unreturned items. In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.

Employees must notify their supervisor immediately if any vehicle, equipment, machinery, tools, etc., appears to be damaged or defective, and/or need repair. The employee's supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of equipment will likely result in disciplinary action, up to and including termination.

SECTION 4: PERSONAL USE PROHIBITED

City property, materials, supplies, tools, equipment, or vehicles may not be used for personal business without prior written approval by the Department Director or City Manager. Violations may result in discharge and/or possible prosecution.

SECTION 5: TOBACCO USE PROHIBITED

The use of all tobacco products of any kind, including smokeless electronic cigarettes, is prohibited at any time in City buildings and other facilities, in City vehicles, while using City equipment, and as otherwise directed. Employees are welcome to smoke on their breaks outside of the City buildings in designated smoking areas. Smoke breaks which are excessive in frequency or length will be treated as an attendance issue.

SECTION 6: OPERATION and RIDERSHIP

Except for maintenance, service, and repair only City officials and employees are allowed to operate a City vehicle. Ridership should be limited to City employees or persons on official City business.

SECTION 7: USE OF CITY VEHICLES

City-owned or leased vehicles may be used only for official City business and may only be driven by authorized City employees. If an employee drives a personal vehicle, or a City-owned, rented, or leased vehicle on the job or while carrying out City-related business, the employee must comply with the following:

- A. Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
- B. Cell phone use is prohibited unless it is an emergency.
- C. Always observe all posted laws and speed limits.
- D. Always wear seat belts when the vehicle is in operation.
- E. No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the Department Director or City Manager.
- F. No personal use of City-provided vehicle is allowed without the prior, specific approval of the Department Director or City Manager.
- G. All drivers must be eligible for coverage under the City's insurance policy.
- H. Drivers covered by Department of Transportation (DOT) regulations must comply with the DOT regulations at all times.
- I. At no time may an employee under the influence of alcohol or illegal drugs drive a city vehicle or a personal vehicle while conducting city business.

The City may, at any time, check the driving record of a City employee who drives as part of the job duties to determine that the necessary qualifications are maintained as a City driver. Employees must cooperate in giving the City whatever authorization is required for this purpose.

The above is not a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of a vehicle, may result in loss of driving privilege or disciplinary action.

SECTION 8: SAFETY, MAINTENANCE, and CARE

No City employee shall operate a City vehicle or equipment that is unsafe. The operator will be responsible for exercising good judgment and performing a cursory inspection prior to operating a City vehicle or equipment. An employee who identifies a problem (e.g., broken, missing, worn parts, tires, any needed maintenance, etc.) with a City vehicle or equipment shall promptly report the matter to their supervisor or Department Director and shall refrain from using the vehicle or equipment if the employee believes that doing so is dangerous to the employee or others. All operators and passengers will be individually accountable for abiding with all laws pertaining to vehicles and their operation.

Employees who are assigned use of a vehicle or equipment will be responsible for the maintenance and care

of said vehicle / equipment. All maintenance and use records for City vehicles and equipment must be completed as directed by the employee's supervisor. Damage arising from misuse or neglect attributable to operator negligence is subject to review by the City Manager and subsequent repair at the expense of the employee held responsible for same.

SECTION 9: SAFETY and FITNESS OF OPERATOR

At no time may an employee under the influence of alcohol, illegal drugs, or medication(s) that may cause drowsiness, alter vision, judgement, or reflexes, drive a city vehicle or a personal vehicle while conducting city business.

No person with corrective devices or appliances shall be allowed to operate City vehicles or equipment without same being in place and in good working order and repair.

Any person who is injured or becomes ill should use their cell phone to obtain assistance, rather than trying to operate a vehicle or piece of equipment.

SECTION 10: VEHICLE LOGS

It will be the responsibility of each operator of a City vehicle or piece of equipment to properly fill out any paperwork associated with the use, mileage, gas / lubricant applications, or any other documentation, which may be required from time to time.

SECTION 11: VALID DRIVER LICENSE

Employees who operate City vehicles and equipment, or who drive in a privately owned vehicle while carrying out job duties, are required to have and maintain a valid Texas Driver License appropriate to operate such vehicle or equipment and must promptly inform their supervisors of any change in status of their license(s) or certifications.

Driving records will be checked prior to employment and periodically throughout the course of employment. Applicants and employees are required to provide the City with any authorizations necessary for the City to perform such a check. More than three (3) moving traffic violations that result in final convictions in a one (1) month period is considered excessive and will result in failure to hire in the case of prospective employees and may result in disciplinary action in the case of employees, up to and including termination.

When a special classification of driver's license is required to operate City equipment, it is the employee's responsibility to maintain the required license.

Suspension or revocation of the driver's license of an employee who is assigned as a vehicle or equipment operator may result in demotion or termination.

A record of three (3) or more moving violations or a single citation for driving while intoxicated is grounds for prohibiting use of City vehicles or equipment and may result in demotion or termination. The Police and Fire Departments may have stricter standards imposed.

An automatic annual driver record check will be conducted on every employee operating a City vehicle or equipment. In addition, the City may conduct random, sporadic driver record checks of City employees, at its

discretion.

SECTION 12: ACCIDENT REPORTING

Employees involved in a vehicle accident, property damage or liability claims while operating a City vehicle, City equipment, or while operating a personal vehicle on City business, must immediately notify the Bastrop Police Department or proper law enforcement agency (if applicable), and their appropriate supervisor, Department Director, and/or City Manager. City vehicles or equipment will not be moved until permission is given to do so by the city police department or proper law enforcement agency.

Each vehicle accident, no matter how minor, must be reported to the Police Department so that an official accident report can be filed. The Police Department shall notify the Human Resources Department by forwarding a copy of all accident reports involving City equipment or vehicles as soon as the investigation is completed. The Department Director shall complete an accident report and submit a copy to the Human Resources Department. The accident report shall be placed in the personnel file of the employee involved in the accident. An accident report must be provided by the Department Director no later than the following business day. Failure to timely file, or otherwise cooperate in the filing of an accident report may result in disciplinary action up to and including termination.

The City may, at any time, check the driving record of a City employee who drives as part of the job duties to determine that the necessary qualifications are maintained as a City driver. Employees must cooperate in giving the City whatever authorization is required for this purpose.

The above is not a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of a vehicle, may result in loss of driving privilege or disciplinary action up to and including termination.

SECTION 13: TAKE HOME VEHICLES POLICY

A City vehicle may be assigned to a position or employee when it is more economical than payment of a car allowance or mileage reimbursement. City vehicles shall not be allowed or assigned to City employees to be used solely as transportation to and from work. To be eligible for assignment of a take-home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal workstation. No personal use of a take-home vehicle is permitted except to commute to and from home or work. A City vehicle is not to be used for personal business such as going to the bank, grocery store, etc. without prior written approval of the Department Director or City Manager.

Department Directors who are assigned a City vehicle are exempt from this policy. In the event a Department Director is incapacitated or out of town for a period of time of two (2) days or more, their City assigned vehicle may be assigned to the department's next in command and may be used as transportation to and from work in order to respond to after-hours business matters for the purpose of attending to department related City business. Such vehicle assignment shall be only for the time the Department Director is incapacitated or out of town.

No alcoholic beverages are allowed in City vehicles. No passengers may be transported in take-home vehicles except as required by official duties.

The City's vehicles are classified as either "exempt" or "non-exempt" as prescribed by law. Most pickups, vans and automobiles are classified as "non-exempt" vehicles. Employees to whom a "non-exempt" vehicle is assigned for take-home may incur a federal income tax liability for the fringe benefit of commuting to and from work in a City vehicle. Police and fire vehicles used by employees on call 24-hours are normally exempt from the fringe benefit tax liability.

SECTION 14: PERSONAL PROPERTY

All employees shall be solely responsible for their personal property at all times.



CHAPTER 16: ELECTRONIC COMMUNICATIONS and SYSTEMS ACCESS USE / SOCIAL MEDIA / TELEPHONES / NEWS RELEASES

SECTION 1: ELECTRONIC COMMUNICATIONS and SYSTEMS ACCESS USE

A. City Provided Electronic Communications Equipment and Systems

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

B. Computers, Network, Internet, Instant Messaging and Email Access

City computers, the computer network, Internet, instant messaging and/or email access assigned to employees are the property of the City. Employees (“Users”) are provided access to computers and the network to assist them in the performance of their jobs. Additionally, certain Users may also be provided with access to the Internet through the computer network. All Users have a responsibility to use the City’s computer resources and the Internet in a professional, lawful, and ethical manner. Users must acknowledge an understanding of this policy and its guidelines as a condition of receiving access to Internet, instant message and/or email account. Failure to adhere to this policy and its guidelines may result in disciplinary action under City policies, up to and including but not limited to, loss of computer privileges, suspensions, termination, and civil and/or criminal liability.

C. Acceptable Use

Electronic Communication Systems are to be used primarily for conducting City business. Electronic Communications Systems are not intended to be used for conducting Personal business. Network users are encouraged to develop uses which meet their individual needs and which take advantage of the City’s internal network function.

Users must understand that use of any City-provided computer, publicly accessible computer network such as the Internet, instant messaging and email is a privilege and such resources are to be used for conducting City business and performing municipal tasks. Personal use of City electronic media is not permitted. Supervisors cannot alter the restrictions of this policy.

Occasional, limited, and appropriate personal use of the computer is permitted if such use does not (a) interfere with the user’s or any other employee’s job performance; (b) have an undue effect on the

computer or network performance; or (c) violate any other policies, provisions, guidelines, or standards of this agreement or any other policies of the City. Each Department Director must authorize such use by their employees. Personal use of the computer is a privilege that may be revoked at any time.

D. Illegal Copying / Copyright

Users may not illegally copy material protected under copyright law or make that material available to others for copying. Users are responsible for complying with copyright law and applicable licenses that may apply to software, files, graphics, documents, messages, and other material that is loaded on City computers. Any software or other material, including music, downloaded into a City computer may be used only in ways consistent with the licenses and copyrights of the vendor, author or owner of the material. Unauthorized software should not be downloaded onto the City's computer system. Prior written authorization from the Director of Information Technology is required before introducing any software into the City's computer system. Employees may not download entertainment software, games, or any other software unrelated to their work. An employee may not agree to a license or download of any material for which a registration fee is charged without first obtaining the express written permission of the City.

E. Unacceptable Uses of Electronic Communication Systems include:

- 1) Using profanity, obscenity, or other language which may be offensive or harassing to other coworkers or third parties.
- 2) Using the systems to send or distribute off-color jokes, articles, or stories that are lewd, and a reasonable person would find them offensive.
- 3) Using the systems in a manner that neglect's the employee's assigned duties or interferes with City operations.
- 4) Accessing, displaying, downloading, or distributing sexually explicit material.
- 5) Using the systems to invite an employee on a date or make sexual propositions of employees.
- 6) Accessing, displaying, downloading, or distributing profane, obscene, harassing, offensive or unprofessional messages or content.
- 7) Using the systems to send threatening messages to any other person or institution.
- 8) Copying or downloading commercial software in violation of copyright law.
- 9) Using the systems for financial gain or for any commercial activity unrelated to City business.
- 10) Using the systems in such a manner as to create a security breach of the City network.
- 11) Looking or applying for work or business opportunities other than for internal City postings.
- 12) Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks. This prohibition includes but is not limited to remarks or content regarding race, religion, genetic information, color, sex, sexual orientation, national origin, age, disability, physical attributes, marital status, or veteran status.
- 13) Transmitting or sharing information regarding a coworker's health status without permission.
- 14) Expressing opinions or personal views that could be misconstrued as being those of the City.
- 15) Expressing opinions or personal views regarding management of the City of other political views.
- 16) Using the electronic communication systems for any illegal purpose or in any way that violates City policy or is contrary to the City's best interest.

F. Disseminating, Viewing or Storing of the following is prohibited:

- 1) Commercial or personal advertisements, solicitations, and promotions;
- 2) Destructive code (e.g., viruses, Trojan horse programs, etc.);
- 3) Political material (political activity is prohibited for government employees while on duty or through the use of government property);
- 4) Gambling; and
- 5) Any other unauthorized material.

G. Filtering

The City has the right to and therefore utilizes software to filter Internet and instant message content for all employees. These filters are designed to prevent viewing, sending, or access to material deemed inappropriate for the workplace.

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

H. Responsibility

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

I. Electronic Communication Systems No Right of Privacy / Monitoring

Users are assigned City computers, computer network, Internet, instant messaging and/or email access to assist them in the performance of their jobs. Users may not assume they are provided any degree of anonymity and expressly waive any right of and should have no expectation of privacy in anything they create, store, send, or receive using the City's electronic communication systems to include computer equipment and Internet access. Personal passwords are not an assurance of confidentiality. To ensure proper use of its electronic communications systems, the City will monitor their use. Management staff has the ability and will, with or without advance notice, monitor and view usage, including but not limited to employee email, voice mail, instant messages, text messages, information and material transmitted, received or stored using City systems and user Internet access and usage patterns to assure that the City's Internet resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy. The computer network is the property of the City and may be used only for City purposes.

J. Duty Not to Waste or Damage Computer Resources

- 1) Accessing the Internet: To ensure security and avoid the spread of viruses, Users accessing the Internet through a computer attached to the City's network must do so only through the City's Internet provider, which has an Internet firewall or other security device. Bypassing the City's computer network security by accessing the Internet directly by modem or other means is strictly prohibited.
- 2) Frivolous Use: Computer resources are not unlimited. Network bandwidth and storage capacity have finite limits, and all Users connected to the network have a responsibility to conserve these resources. As such, the User must not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, playing games, sending / receiving mass mailings, chain letters and jokes, spending excessive amounts of time on the Internet, engaging in online chat groups, uploading or downloading files, accessing streaming audio and/or video files, or otherwise creating unnecessary loads on network traffic associated with non-business-related uses of the Internet.
- 3) Virus Detection: Files obtained from sources outside the City, including disks brought from home, files downloaded from the Internet, newsgroups, bulletin boards, or other online services, files attached to email, and files provided by customers or vendors, may contain dangerous computer viruses that may damage the City's computer network. Users should never download files from the Internet, accept e-mail attachments from outsiders, or use disks from non-City sources, without first scanning the material with City software. If you suspect that a virus has been introduced into the City's network, notify your Department Director immediately.

K. Disclaimer

The Internet is a worldwide network of computers that contain millions of pages of information. Users are cautioned that many of these pages include offensive and sexually explicit materials. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. Users accessing the Internet do so at their own risk and the City of Bastrop is not responsible for the content of material viewed or downloaded by users from the Internet. To minimize these risks, your use of the Internet at the City of Bastrop is governed by this policy.

SECTION 2: SOCIAL MEDIA

A. Policy

An employee's use of social media, both on-duty and off-duty, must not interfere or conflict with the employee's duties or job performance, or reflect negatively on the City or violate any City policy.

The intent of this policy is to regulate the creation and distribution of information concerning the City, its employees, public officials, and citizens through electronic and social media. Protecting the City's reputation and ensuring that a person's communications with people outside the City not only reflects positively on the person as an individual, but also as a representative of the City.

Personal use of the internet is a privilege and carries responsibilities requiring ethical and responsible use. While every person has the right of free speech under the First Amendment, not all speech by a public employee or official falls within the protection of the First Amendment. Employees and public officials may comment on issues of general or public concern (as opposed to personal grievances) so long as the comments do not disrupt the workforce, interfere with important working relationships or efficient workflow, or undermine public confidence in the City. While any comments must be evaluated on a case-by-case basis, this policy establishes general guidelines for City employees and public officials.

The City may monitor the access, use and postings to the internet, including from personal computers, to ensure compliance with City policies, support the performance of investigations, assist management of electronic communications systems, and for all other lawful purposes. The City expects all employees and officials to follow the guidelines contained in this policy when posting information on the internet, regardless of if it is done during or after work hours.

The policy covers all social media, networking, blogging, journaling, instant messaging, and video posting sites, as well as City owned electronic networks or devices ("Social Media").

B. Use of City Equipment

No use of any Social Media is considered private or confidential even if it is password protected or otherwise restricted. Any person using a city-owned computer, cell phone, or other internet-equipped electronic device has no expectation of privacy. The City reserves the right to access, intercept, monitor and review all information accessed, posted, sent, stored, printed, or received through its electronic communication systems or equipment at any time.

C. Other City Policies Apply

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

For appointed and elected officials, the City Council may take any actions available in accordance with the law, including public reprimand or censure.

D. Employee Guidelines

- 1) Any discussion or posting of public information on the internet in any site, must comply with the City's guidelines (as listed herein), regardless of where the posting is conducted, in accordance with state and federal law on the use of social media by public officials, including but not limited to the Public Information Act and the Open Meetings Act.
- 2) Posting of information of a personal nature on the internet by employees is prohibited during work hours. Employees are not permitted to engage in social networking of a personal nature while using any of the City's electronic resources.
- 3) Never disclose any confidential information concerning another employee of the City in any posting.

Posting of confidential information may violate law and subject the individual posting the information to criminal penalty.

- 4) Never disclose personal information about a City resident or customer in any posting.
- 5) Never disclose any confidential information concerning an economic development project in any posting. Posting of confidential information violates policy and may subject the individual posting the information to disciplinary action.
- 6) Do not engage in social networking of a personal nature while using any of the City's electronic resources, including posting any comments or material that promote or endorse a political campaign or candidates.
- 7) Do not provide information or documents regarding City business in a posting or in response to a posting. All requests for City documents must be processed through the Public Information Act.
- 8) Employees must abide by all federal and state law as well as City policies with regard to information posted and transmitted through the internet.
- 9) If the employee's personal social networking includes any information related to the City, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the City's views.
- 10) Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media.
- 11) Respect co-workers and the City. Do not post any information and/or pictures on the internet which may defame, embarrass, insult, demean, or damage the reputation of the City or its employees.
- 12) Do not put anything on social media, networking, blogging, journaling, instant messaging, and video posting sites that may constitute a violation of the City's harassment policy.
- 13) Do not post any pornographic pictures of any type which could identify you as an employee of the City.
- 14) Do not post pictures of yourself or others containing images of City Uniforms or insignia, City logos, City equipment or City worksites, unless you are posting them on an official City website as part of your job duties and in conformance to the existing policies.
- 15) Do not post information on the Internet which could adversely impact the City or an employee of the City.
- 16) Do not permit or fail to remove postings violating this policy even when placed by others on your personal social media, networking, blogging, journaling, instant messaging, and video posting sites. Recognize that postings, even if done off premise, could have an adverse effect on the City's legitimate business interests.
- 17) Any social media presence on behalf of the City or representing the City or any City Department must be requested by the associated Department Director. The requesting Department Director as well as the employee assigned to create and monitor said social media presence shall be held responsible for all content appearing on the requested social media sites.
- 18) Individual supervisors or elected officials do not have authority to make exceptions to these guidelines.

E. City Use of Social Media

The City of Bastrop encourages the use of social media to further the goals of the City and the missions of its departments when and where appropriate. It also supports the use of social media to reach broader audiences and to strengthen the connection between City government and the community. Accordingly, the City may from time to time use social media to distribute information and photos that are relevant,

timely, and informative. Whenever possible, links should direct users back to the City's official website for in-depth information, forms, documents, or on-line services necessary to conduct business with the City.

Only designated City employees will be allowed to post or distribute information on the City's social media sites. Department Directors will approve designated employees. The Assistant City Manager of Community Engagement shall monitor content of each social media site to ensure adherence to appropriate use, message, and branding consistency as outlined in the City's Social Media Policy. The Assistant City Manager of Community Engagement will notify the City Manager (or designee) and appropriate Department Director in the event of possible misuse of any City social media accounts.

As a general rule social media may be used to communicate the following to the public:

- 1) Event announcements and reminders
- 2) Updates on issues such as ordinances or actions by the City Council
- 3) Road construction and repairs and traffic detours
- 4) Photos of community events and City projects
- 5) Emergency information
- 6) Information about City facilities and services
- 7) Illustrate the beauty of Bastrop and the surrounding area.

F. Corrections

Erroneous information, either posted or distributed, needs to be corrected as soon as possible. Serious errors are to be brought to the attention of the City Manager upon discovery.

G. User Comments

Users and visitors to City social media sites shall be notified that the intended purpose of the site is to serve as a mechanism for communications between the City departments and the public, and that posted comments will be monitored. Any comment posted on a City social media site by a member of the public is not an opinion of the City. The City reserves the right to remove inappropriate comments and comments which violate this Policy or applicable law, which may include but are not limited to:

- 1) Comments not related to the post for which they are made, is off topic or is not within the scope of responsibility of the City of Bastrop (or the specific departmental page).
- 2) Abusive, profane, or vulgar language or content.
- 3) Comments which reflect personal attacks about the character or personality of a person or insults of any kind.
- 4) Solicitations of commerce or endorsements of products, services, organizations, or other entities.
- 5) Comments containing personal identifying information or sensitive personal information.
- 6) Sexual content or links to sexual content.
- 7) Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regards to public assistance, national origin, physical or mental disability, or sexual orientation.
- 8) Comments which refer to or encourage illegal activity or which incite violence.

- 9) Information that may tend to compromise the safety or security of the public or public systems.
- 10) Content that violates a legal ownership of property or infringes on a copyright or patent.
- 11) Comments that promote or endorse a political campaign or candidates.

Persons may be banned from the City's Social Media pages if, after appropriate warning and removal of posts, they continue to act contrary to these rules.

SECTION 3: RECORDS RETENTION

Social media sites contain communications sent to or received by the City and its employees and public officials, and such communications are therefore public records subject to the Texas Public Information Act. Retention requirements apply regardless of the form of the record. The City shall endeavor to preserve records pursuant to a relevant records retention schedule prescribed by state law for the required retention period in a format which preserves the integrity of the original record and is accessible.

SECTION 4: CELL PHONE USE IN THE WORKPLACE

The City recognizes that many employees bring cell phones to work. Cell phones may belong to the employee or be provided for the employee's use by the City. Employees may not use personal cell phones, including those with a texting, camera and/or video playing capability during work time. Employees who use cell phones to violate City policy, including the City's Sexual and Other Unlawful Harassment Policy, will be subject to disciplinary action.

City-issued cell phones shall be for business use. The employee is responsible for the cell phone issued. If the employee loses or damages the cell phone, the employee may be subject to appropriate disciplinary, legal, or remedial action. City-issued cell phones are the property of the City and must be treated, used, and safeguarded as such. If the employee damages or loses a City-issued cell phone, the employee must notify the employee's supervisor immediately.

Users do not have any right or entitlement to the issuance or use of a City-issued cell phone, even if their job duties or responsibilities require the use of a mobile device. Department Directors or their designees may, at their discretion, choose not to provide a mobile device for users employed in or for whom compensation is paid by their respective department.

Except in emergency circumstances, employees should not use a cell phone while operating a motor vehicle, including both making and receiving phone calls and texting.

All employees must, when asked by the City, consent to a request to provide the City access to all City issued cell phone and text message records used for City business purposes. City information and all data stored or residing on a City-issued cellular phone remains the property of the City and the City may engage in monitoring efforts. Employees using City-issued cell phones have no expectation of privacy in cell phone calls, pictures, or text messages on these phones. Limited personal use of a City issued cell phone is permitted, however, may be subject to the Public Information Act. In accordance with the Public Information Act, a current or former officer or employee of the City does not have, by virtue of the officer's or employee's position or former position, a personal or property right to public information the officer or employee created or received while acting in an official capacity.

SECTION 5: PUBLIC INFORMATION ACT

Employees are advised that records related to calls, text messages, pictures and videos made and received may be subject to the Public Information Act. Information related to telephone numbers called, length of call, and time and date of call as well as the text message, picture, and video itself may be obtainable through the Texas Public Information Act, except in narrowly defined circumstances.

The City will not require any employee to use their own personal devices for City business. Employees using such devices should remain aware that using personal devices on City business could potentially expose their personal records to public scrutiny or legal subpoena. In addition, texts used for business may be official records and are required to be saved according to the City's Record Retention Schedule, even when it is difficult to do so. Deleting a public document that should have been kept, even a text on a personal device, may constitute a misdemeanor. As a result, City employees should not use text messaging or calls from personal devices to discuss work-related issues. Emails that are part of the City's system may be used from personal devices.

SECTION 6: PRESS RELEASES

All press releases shall be issued by Department Directors and approved by the City Manager.

CHAPTER 17: ALCOHOL / DRUG ABUSE

SECTION 1: ALCOHOL / DRUG ABUSE POLICY

The City of Bastrop recognizes that the best interests of the City, our citizens and our employees are best served by ensuring that our workplace remains free from abusers of alcohol and drugs. Allowing employees to attempt to work while under the influence of alcohol and/or drugs not only lowers employee morale and productivity, it also increases the probability of serious mistakes in our work, some of which could be life threatening. The object of our Alcohol and Drug Abuse Policy is to provide a safe and healthy workplace for all employees and comply with the Texas Worker's Compensation Act.

An employee may not use, possess, sell, distribute, transfer, purchase 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 by employees at any time while on City premises, while on duty, while on City business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City owned or leased property or equipment. Employees must not report for duty or be on City property while under the influence of, or have in their possession while on City property, any drug defined below.

The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive their own personal vehicle while under the influence of alcohol. No employee in their work-related capacity should ever be impaired because of the use of alcohol. City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.

A. Permissive Use of Prescribed and Over-The-Counter Drugs

The legal use of prescribed and over-the-counter drugs is permitted while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment only if it does not impair 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. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

As discussed above, the City may restrict an employee's activities while under the influence of prescribed or over-the-counter drugs. Furthermore, no employee is authorized to operate a motor vehicle for City business and/or City equipment while under the influence of any drug, which impairs the employee's ability to safely operate a vehicle and/or equipment, whether or not prescribed by a physician.

B. Prohibition Against Illegal and Unauthorized Drug-Related Paraphernalia

This policy 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.

C. Police Department Employees

Certain Bastrop Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy under certain limited conditions. Additional guidelines may be established by Police Department operating procedures.

D. Mandatory Disclosure by Employees

Employees taking prescription medication and/or over-the-counter medication must report such use to either their Department Director or to the City Manager if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of the employee's 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. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.

E. 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 is called out, is governed by this policy. Sometimes, an employee who is not scheduled to be on call may nevertheless be called out. If this or any other situation occurs where the employee called out is under the influence of alcohol or has a presence in the system of drugs, 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.

F. Violations of the Alcohol and Drug Abuse Policy

Violations of this policy may result in disciplinary action, up to and including termination. Employees who violate this policy may be required to participate in a substance abuse rehabilitation or treatment program. The Police and Fire Departments may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the Director of Human Resources to receive assistance or referrals to appropriate resources in the community.

G. Off-Duty Conduct

The City may take disciplinary action, up to and including termination, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects the employee's

job performance. Any employee reporting to work under the influence of illegal drugs or alcohol (.02 bac or higher) may be disciplined, up to and including termination.

H. Rehabilitation / Treatment Programs and Employee Insurance

- 1) It is the City's desire to assist employees who voluntarily request assistance with alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge the problem and seek and accept counseling and/or rehabilitation before it impairs job performance and/or jeopardizes the employee's employment.
- 2) Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The leave of absence may be granted in the City's sole discretion. Factors considered by the City in deciding whether to grant leave include: the length of the employee's employment with the City; the employee's prior work and disciplinary history; the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation / treatment program; the reputation of the program and the likelihood of a successful outcome; the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace; and the resulting hardship on the City due to the employee's absence. Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during the course of an employee's employment with the City.
- 3) The cost of any rehabilitation or treatment may be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program. Under certain conditions, treatment for substance abuse may be covered under the City's Family and Medical Leave Act Policy.
- 4) During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time.
- 5) If the employee successfully completes the prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to the prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:
 - a) Initial negative test for drugs and/or alcohol before returning to work;
 - b) A written release to return to work from the City-approved rehabilitation or treatment facility / program;
 - c) Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;
 - d) In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City during the two years following the employee's return to work following treatment;
 - e) The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the Director of Human Resources. The employee must meet with the Director of Human Resources to discuss the terms of continued employment and sign a formal agreement before returning to work.

I. Education and Training Programs

The City does not offer or require participation in any drug and alcohol abuse education and training programs. However, various public and private facilities in our area offer such programs and affected employees are encouraged to seek assistance.

J. Drug Testing

The City reserves the right to require drug testing as a condition of employment or continued employment for certain safety and security sensitive positions. Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, Intoxilyzer, blood, or other generally accepted testing procedures. The City may require any employee who is involved in a work-related accident to submit to testing, when reasonable suspicion exists. Persons refusing testing shall be in violation of this drug abuse policy and subject to disciplinary action.

K. 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 or future employment with the City.

L. Testing of Employees

- 1) Employees may be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or accident or “near miss,” when reasonable suspicion exists, or in connection with any required treatment or rehabilitation.
- 2) Police and Fire Department employees are also subject to any applicable Departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.
- 3) For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee’s behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).
- 4) Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee’s normal work time.
- 5) 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 disciplinary action up to and including termination.
- 6) A positive test result is a violation of the City’s Drug and Alcohol Abuse Policy and may result in disciplinary action up to and including termination. Any employee who is terminated for violation of

the City's Drug and Alcohol Abuse Policy is ineligible for future employment with the City.

- 7) The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the United States Department of Transportation (hereafter called DOT). Please see the City's Drug and Alcohol Policy for DOT Employees for additional information.

M. Testing Procedures

- 1) All testing must normally be authorized in advance by both the employee's Department Director and the Director of Human Resources. If the Department Director is unavailable within a reasonable period of time, the Director of Human Resources may, with sole discretion, authorize the testing of an employee. If the Director of Human Resources is unavailable within a reasonable period of time, the Department Director may, with sole discretion, authorize the testing of an employee. 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.
- 2) If an employee's conduct resulted in a workplace accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated the City's Drug and Alcohol Abuse Policy, the employee will 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 until the test results are received. The City will make arrangements to have the employee transported home after the testing.
- 3) All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.
- 4) Test results will 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 the Director of Human Resources; supervisors and managers on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

SECTION 2: DRUG and ALCOHOL POLICY FOR DOT EMPLOYEES

A. Employees / Applicants Subject to Testing

City employees who drive a commercial motor vehicle (CMV) requiring a Commercial Driver's License (CDL) as part of their job duties are subject to alcohol and drug testing as required by the DOT and the Federal Motor Carrier Safety Administration and as outlined in this policy. The employee's supervisor or the Director of Human Resources will advise the employee if the employee is subject to DOT testing and the terms of this policy. Employees who are not required by DOT to hold a CDL are not subject to this policy. Applicants for employment for a position requiring a CDL are also subject to testing under this

policy.

Employees covered by this policy are also required to comply with the City's Drug and Alcohol Abuse Policy. In other words, this DOT Drug and Alcohol Policy is in addition to, not in lieu of, the provisions of the City's general Drug and Alcohol Abuse Policy. The DOT tests will be completely separate from non-DOT tests in all respects. The DOT tests take priority and will be conducted and completed before a non-DOT test is begun. All drug and alcohol testing performed under this DOT Policy will comply with applicable DOT procedures. If this policy conflicts with DOT regulations in any way, the DOT regulations will govern.

Any person, agent, or representative of the City of Bastrop who performs in a safety sensitive position as a driver, maintenance person, or other persons who holds a CDL and who may or may not drive during any time of the year but are "on-call" to do so. As applied in the regulations, "employee" and "applicant for employment" have the same meaning for the purpose of these requirements. Employee, covered employee, "individual" or "individual to be tested" have the same meaning for the purposes of these regulations. Any contractor or subcontractor performing work on behalf of the City is also expected to comply with this policy.

The Director of Human Resources will assist Department Directors in identifying covered positions. Police and Fire positions are exempt from these requirements.

B. Prohibited Alcohol Use

1) On-duty and Pre-duty Use:

Reporting for, or remaining on, duty requiring the performance of safety-sensitive functions is prohibited under the following conditions:

- a) While having a breath alcohol concentration of 0.04 or more as indicated via breath test;
- b) While using alcohol; or
- c) Within 4 hours after using alcohol.

2) Use Following an Accident:

An employee required to take a post-accident alcohol test pursuant to this policy is prohibited from using alcohol for eight (8) hours following the accident, or until undergoing a post-accident alcohol test, whichever occurs first.

C. Prohibited Drug Use

Illicit use of drugs by safety sensitive drivers is prohibited both on and off duty. An employee may not report for duty or remain on duty when using or after use of any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee's ability to safely operate a CMV. An employee may not report for duty, remain on duty, or perform a safety sensitive function if the employee tests positive for controlled substances or has adulterated or substituted a test specimen.

D. Required Alcohol and Drug Tests

The United States Department of Transportation (DOT) requires the following testing for covered drivers: pre-employment, post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing. Before conducting any required DOT testing, the City will notify the driver that the alcohol or drug test is required by DOT regulations.

1) Pre-Employment Testing:

Drug and alcohol tests will be conducted after a conditional offer of employment is made, but before actually performing safety-sensitive functions for the first time. These tests are also required when employees are promoted, demoted, or transferred into a safety sensitive driver position.

2) Post-Accident Testing:

Drug and alcohol tests will be conducted after accidents in which the driver's performance could have contributed to the accident (as determined by a citation for a moving traffic violation) and for all fatal accidents even if the driver is not cited for a moving traffic violation. Post-accident testing must be conducted as soon as practicable on all surviving drivers following an occurrence involving a CMV operating on a public road in commerce, as follows:

- a) When the employee is issued a moving traffic violation citation and one or more of the vehicles involved is disabled and must be towed from the scene;
- b) When the employee is issued a moving traffic violation citation and any person involved in the accident is injured to the extent that the person requires and receives immediate medical treatment away from the scene of the accident; or
- c) In an accident involving a fatality, testing will be performed on anyone who was performing safety sensitive functions with respect to the vehicle.

An employee subject to post-accident testing must remain readily available for such testing or will be deemed by the City to have refused to test. Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

In post-accident situations, the City may substitute a blood or breath alcohol test for a urine drug test, so long as the test is performed by state or local law enforcement officials using procedures required by their jurisdictions, provided such test results are received directly from the local jurisdiction or the driver. A positive post-accident test administered by law enforcement will result in the same action as a positive post-accident test performed at the City's behest.

a) Post-Accident Alcohol Testing

If alcohol testing cannot be administered within 2 hours of one of the above listed occurrences, a written statement explaining why the alcohol test was not promptly administered must be

provided to the Director of Human Resources by the appropriate supervisor. If alcohol testing cannot be administered within 8 hours after the occurrence, the City will cease attempts to administer an alcohol test and document the reasons the alcohol test was not administered. This report must be promptly forwarded to the Director of Human Resources.

b) Post-Accident Drug Testing

A driver will be drug tested as soon as practicable but not later than 32 hours after one of the above listed occurrences. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Director of Human Resources.

3) Reasonable Suspicion Testing:

Reasonable suspicion drug and alcohol testing is conducted when a trained supervisor has reason to believe that an employee is in violation of this policy. The reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee; the observations may also include indications of the chronic and withdrawal effects of controlled substances. The supervisor must consult with the Department Director (or designee) and affirm the basis of the suspicion. If the Department Director concurs, the employee will be required to undergo testing only after consultation with the Director of Human Resources. A written report of the reasonable suspicion observations must be prepared by the supervisor(s) who made the observation within 24 hours of the observed behavior or before the results of tests are released, whichever is earlier. This report must be promptly forwarded to the Director of Human Resources.

a) Reasonable Suspicion Alcohol Testing

Reasonable suspicion alcohol testing is permitted only if the reasonable suspicion observation is made during, just before, or just after, the period of the workday the employee is required to be in compliance with this policy. An employee may be directed to undergo reasonable suspicion testing only while the employee is performing, just before performing, or just after performing, safety sensitive functions. If alcohol testing cannot be administered within 2 hours after the reasonable suspicion observation, a written statement that explains why the alcohol test was not promptly administered must be given to the Director of Human Resources. If alcohol testing cannot be administered within eight (8) hours after the observation, the City will cease attempts to administer an alcohol test and the appropriate supervisor must immediately document the reasons that the alcohol test was not administered; this report must be promptly forwarded to the Director of Human Resources.

Notwithstanding the absence of a reasonable suspicion alcohol test under this policy, an employee may not report for duty or remain on duty requiring the performance of safety sensitive functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse. In such instances, the employee will not be permitted to perform or continue to perform safety sensitive functions until:

- (1) An alcohol test measures the employee's alcohol concentration at less than 0.02; or

(2) Twenty-four (24) hours have elapsed since the reasonable suspicion observation was made.

4) Random Testing:

Drivers are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employee's Social Security number, payroll identification number, or other comparable identifying numbers. Each driver subject to this policy will have an equal chance of being tested each time random selections are made. The number of drivers randomly selected will be in accordance with applicable DOT regulations. Each driver randomly selected for testing will be tested during the selection period. Dates and times for random testing are unannounced and spread reasonably throughout the calendar year. Each driver selected for random testing must proceed to the test site immediately after notification; if, however, the driver is performing a safety-sensitive function, other than driving a CMV, at the time of notification, the City will instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible. A driver will be randomly tested for alcohol just before, during, or just after performing, safety sensitive functions; random testing for drugs does not have to be conducted in immediate time proximity to performing safety sensitive functions.

- a) An alcohol test measures the employee's alcohol concentration at less than 0.02; or
- b) 24 hours have elapsed since the reasonable suspicion observation was made.

5) Return-to-Duty and Follow-Up Testing

Return-to-duty tests are conducted when a driver who has violated DOT's prohibited drug and alcohol standards returns to performing safety sensitive duties. Follow-up tests are unannounced, and at least 6 tests must be conducted in the first 12 months after a driver returns to duty; follow-up tests may be extended for up to 60 months following a driver's return to duty. Drug tests must be negative and alcohol tests must demonstrate a breath alcohol level of less than 0.02. The driver will pay all costs associated with return-to-duty testing. When applicable, the City will follow all applicable DOT regulations in requiring return-to-duty and follow-up testing. The City is not, however, required to hire an applicant or continue the employment of a driver who has violated DOT drug and alcohol regulations, or this policy and it is the policy of the City not to do so. Thus, return-to-duty and follow-up tests are generally applicable only for those seeking assistance as set out below and, based on individual circumstances, for those who may have had an alcohol concentration of 0.02 or greater, but less than 0.04.

6) Refusal to Test

An employee who refuses to be tested in any of the above circumstances, who obstructs the testing process, or who tampers / alters a specimen, will not be permitted to perform, or continue to perform safety sensitive functions and will likely be terminated. An applicant who does one of these prohibited acts will not be hired. Except in the case of pre-employment testing, a refusal to test includes the failure to appear for testing within a reasonable time, as well as failure to remain at the testing site until the testing process is complete. Failure to test also includes the failure to provide the required sample with no adequate medical explanation, and the failure to cooperate with any part of the testing process (e.g., refusing to empty pockets when asked to do so, behaving in a confrontational way that

disrupts the collection process, or failure to undergo a medical exam or evaluation as directed by the physician medical review officer (MRO) as part of the verification process).

7) Additional Information About Alcohol Testing

a) Consequences of a Positive Alcohol Test

An employee who is tested and has an alcohol concentration of 0.04 or greater will be removed from safety sensitive functions and may be terminated. An employee who is tested and has an alcohol concentration of .02 to .039 will not be permitted to perform safety sensitive functions for a minimum of 24 hours and will be disciplined, up to and including termination. If not terminated, then the employee will receive a mandatory referral to a substance abuse professional. Any non-compliance with the treatment recommendations of the substance abuse professional will result in disciplinary action, up to and including termination. (The employee will be placed on administrative leave without pay during the treatment period. That employee may use accrued sick leave during the treatment period.)

b) Alcohol Testing Procedures

A trained breath alcohol technician will conduct alcohol tests. If the alcohol concentration is 0.02 or greater, a second confirmation test will be conducted in accordance with DOT regulations, the results of which will determine any actions taken. Any result of less than 0.02 alcohol concentration is considered a “negative” test. The second, confirmation test results determine if the employee is in violation of this policy. Testing procedures that ensure accuracy, reliability and confidentiality of test results will be followed pursuant to DOT regulations.

8) Additional Information About Drug Testing

a) Drug Testing Procedures

Drug testing is conducted by analyzing a driver’s urine specimen at a lab certified by the U.S. Department of Health and Human Services. The driver provides a specimen in a location that affords privacy, and the “collector” seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug-testing lab. “Split” urine specimens provide drivers with an opportunity for a second test, if needed. If the driver challenges the validity of the test, then the employee has 72 hours to request that the split specimen be sent for testing to another certified lab approved by the City’s Director of Human Resources. The second test will be at the driver’s own expense.

b) Department of Transportation requires testing for the following drugs:

- Marijuana (THC)
- Cocaine
- Amphetamines
- Opioids (natural, synthetic, and semi-synthetic)
- Phencyclidine (PCP).

A screening test is performed first. If it is positive for one or more of these drugs, then a confirmation test is performed. Whenever the terms “drug,” “drugs” or “controlled substances” are used in this policy, they refer to the substances listed above. The City will not test for any other substances under this policy. The City may, however,

- (1) test for other controlled substances pursuant to its general Drug and Alcohol Abuse Policy;
or
- (2) modify the list of DOT’s tested drugs at the direction of DOT.

c) Review of Drug Test Results

All positive drug test results are reviewed and interpreted by a physician medical review officer (MRO) before they are reported to the City. If the lab reports a positive result to the MRO, the MRO will contact the driver (either in person or by phone) and will conduct an interview to determine if there is an alternative medical explanation for the drug(s) found in the driver’s urine specimen. If the driver provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug(s), the drug test result is reported as a negative to the City.

d) Consequences of a Positive Drug Test.

A driver will be removed from safety sensitive duties and placed on administrative leave if the test returns a positive for drugs. The removal cannot take place until the MRO has interviewed the driver and determined that the positive test resulted from the unauthorized use of a controlled substance. A confirmed positive drug result will result in termination of employment.

9) Confidentiality

Test results may be released only to the driver, designated City officials, a substance abuse professional, laboratory officials or a medical review officer. Records will also be made available to a subsequent employer or other identified person upon the driver’s specific written request. Test results will not be released to others except as required by law or expressly authorized in the applicable DOT regulations (e.g., the decision maker in a lawsuit, appeal or administrative proceeding initiated by or on behalf of the driver and arising from a positive DOT drug or alcohol test or refusal to test; this includes workers’ compensation and unemployment proceedings.) All test results will be kept in a confidential file by the Director of Human Resources. Management and supervisory personnel who are authorized to have access to alcohol and drug testing results must maintain complete confidentiality regarding this information. City employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. Breach of confidentiality relating to test results, or any other related matters, will likely result in disciplinary action, up to and including termination.

10) Information from Prior Employers

For new hires, promotions and transferred employee-drivers seeking to perform safety sensitive functions for the first time, the City is required, with the driver’s written consent, to obtain information

from previous employers regarding alcohol test results of 0.04 or greater, verified positive drug test results, refusals to test (including verified adulterated or substituted drug test results), and any other violation of DOT drug and alcohol testing regulations within the two years prior to the date of the driver's application, promotion or transfer. Affected individuals must sign a Breath Alcohol and Drug Testing Results Request. The City will obtain and review the information before allowing the person to perform safety sensitive functions. If the City receives any such information about an applicant-driver, the applicant will not be hired; if such information is received about an employee seeking promotion or transfer, the employee will not be promoted or transferred to the driver position and may also receive disciplinary action, up to and including termination. The City will maintain a written, confidential record of the information it obtains and/or the good faith efforts it made to obtain the information. This information will be retained for a minimum of three (3) years. The City will also ask if the person has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the driver applied for, but did not obtain, safety sensitive transportation work covered by a DOT agency drug and alcohol testing rules during the past 2 years. If the person admits to such conduct, the person will not be allowed to perform safety sensitive functions for the City. If the driver refuses to provide the City with the required written consent, the driver will not be permitted to perform safety sensitive functions and will likely be disciplined (up to and including termination of employment) if employed, or not hired if applying for employment.

11) Record Retention

The City will maintain and retain records under this policy as mandated by DOT regulations.

12) Notification to Applicants / Employees of Positive Test Results

The City will notify applicants of the results of a pre-employment drug test if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application. The City will notify an employee of the results of random, reasonable suspicion and post-accident drug tests if the test results are confirmed positive, and also which controlled substance(s) verified positive after the MRO confirms the positive. The City will also make reasonable efforts to contact and request each driver who tested positive to contact and discuss the results of their drug test with a MRO who has been unable to contact the driver. The City will immediately notify the MRO that the driver has been notified to contact the MRO within 72 hours.

13) Employee Admission of Drug / Alcohol Use

An employee who admits to alcohol misuse or drug use must do so in accordance with the City's general Drug and Alcohol Abuse Policy; provided, however, the employee may not self-identify in order to avoid the testing requirements of this DOT policy. Further, the employee must make the admission prior to performing a safety sensitive function, i.e., prior to reporting for duty. The employee may not perform a safety sensitive function until the City is satisfied that the employee has been evaluated and has successfully completed educational or treatment requirements in accordance with the City's general Drug and Alcohol Abuse Policy. A drug and alcohol abuse evaluation expert, i.e., an EAP professional, a substance abuse professional or a qualified drug and alcohol counselor, will determine successful completion. Prior to the employee performing safety sensitive functions, the employee must undergo a return to duty alcohol test with a result of less than

0.02 and/or a return to duty drug test with a negative test result.

14) Safety Sensitive Functions

For purposes of this policy, safety sensitive function or duty means all the time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. Safety sensitive functions / duties include:

- a) All time at a City, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City;
- b) All time inspecting equipment as required by applicable DOT regulations or otherwise inspecting, servicing, or conditioning any CMV at any time;
- c) All time spent at the driving controls of a CMV in operation;
- d) All time, other than driving time, in or upon any CMV;
- e) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- f) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

15) Transportation to Testing Site

With the exception of pre-employment and random testing, employees will be driven to the testing facility by a supervisor. The supervisor will remain with the employee during the testing process. The City will make arrangements to have the employee transported back to the City or home, as appropriate, after the testing is complete.

16) Questions

Anyone with questions regarding this policy should contact the Director of Human Resources.

CHAPTER 18: MISCELLANEOUS PROVISIONS

SECTION 1: PROPERTY CONTROL

- A. Department Directors shall insure that property under their control is properly safeguarded, accounted for, and administered. The City Manager shall maintain or delegate the maintenance of an up-to-date inventory of all City property. All acquisitions, disposals, or transfers of property shall be reported to the City Manager or the designated representative of the City Manager by Department Directors.
- B. Postage, stationery, office supplies, tools, vehicles, and equipment purchased and owned by the City are to be used only in the conduct of City business. No City employee shall use such items in the conduct of the employee's personal business.
- C. Employees shall only utilize City reproduction copiers, cameras, video cameras, computers, printers, or similar equipment for City business unless reimbursement is made for said use in accordance with established guidelines and procedures.

SECTION 2: CITY PURCHASE ORDER SYSTEM

No purchases shall be made in the name of the City by any employee except by following the procedures outlined in the City of Bastrop Purchasing Policy or as approved by the City Manager. Unauthorized purchases become the personal financial responsibility of the employee.

SECTION 3: EMPLOYEE SAFETY

The City is interested in all employees' safety and well-being. Accordingly, the City has developed the City of Bastrop Safety Manual (hereafter "Safety Manual") to include all safety rules and regulations. Department Directors shall be responsible for preparing and promulgating safety rules and procedures applicable to all personnel and operations under their control. Each employee is required to comply with all safety rules and procedures set forth by the City Safety Manual, the State, and Federal agencies and to exercise caution in all work activities. It is the obligation of all employees to promptly report any unsafe act or condition, in writing, to the appropriate supervisor or Department Director.

From time-to-time employees will be trained on safety procedures in an effort to increase awareness of the importance of safety on the job. Employees can prevent accidents and injuries by following the safety rules of the job, by remaining alert, and by **THINKING SAFETY** at all times.

It is the policy of the City of Bastrop to investigate all work-related accidents or incidents that result in or could potentially have resulted in injury or property damage.

SECTION 4: BREAKS

It is the policy of the City to provide employees with breaks as authorized by an employee's immediate supervisor during the course of each workday.

A. Work Break

With the exception of Public Safety Employees, employees may, depending on individual departmental work schedules and the discretion of the supervisor, take up to two (2) fifteen (15) minute paid breaks during the course of each workday. One (1) break is to be taken the first part of the workday and the second during the latter part of the workday. Breaks shall be taken at convenient times without leaving an employee's duties or telephone unattended.

Part-time employees who work a minimum of four (4) hours per day may, depending on individual department work schedules and at the discretion of their supervisor, take one (1) fifteen (15) minute paid break each day.

Breaks are not to be considered an employee's right, but a privilege. Breaks may not be combined or accumulated for later use or take precedence over the work situation on any given day. Time spent on breaks will be compensated as hours worked. An employee is expected to be punctual in starting and ending breaks and will be subject to disciplinary action for tardiness. These employee break times are the only time allowed for smoke breaks during the day. Public safety employees do not have designated breaks.

B. Meal Break

Employees (excluding most Police and Fire Department employees) are normally provided an unpaid meal break near the middle of the workday. Supervisors will provide employees with the starting and ending times for their specific meal periods. Lunch periods shall not exceed one (1) hour in length except as authorized for business lunches in which case the employee shall return to work within a reasonable time upon completion of the business lunch. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period.

C. Lactation Break

Nursing mothers will be provided with reasonable unpaid break time to express breast milk for up to one (1) year after the birth of a child in accordance with applicable law. If an employee needs time beyond the usual lunch and break times, the employee may use vacation or make up time as approved by supervisor. Employees and supervisors are expected to agree, in advance, upon a break schedule and how the time will be counted or made up. A private room will be provided for nursing mothers to use. Employees who have a private office may use it if they prefer. The City will not discipline or discriminate against an employee because the employee has used her right to express breast milk under this policy. Any employee wishing to use this break time and a specific area needs to inform the City as soon as possible so the City may make adequate reasonable accommodations.

D. Supervisor Responsibility

Supervisors are responsible for scheduling the time for employee work, meal, and lactation breaks and should take into consideration the workload and nature of the job performed. Whenever necessary, the supervisor may change the frequency and length of work breaks.

SECTION 5: TELEPHONE USAGE / CONTACT

A. Telephone Usage

Telephones should be answered promptly and courteously. Personal calls shall be limited so as not to interfere with City business.

B. Telephone Contact

- 1) All employees must provide a phone number (cell phone or land line) at which they can be reached during off-duty hours.
- 2) No reimbursement shall be made to the employee for the City's use of such employee's private telephone to contact the employee regarding work related matters.
- 3) All employees must immediately notify supervision of any change in phone number(s), and provide a phone number for a secondary contact, i.e., spouse, parent.

SECTION 6: USE OF CITY EQUIPMENT and FACILITIES

The use of City equipment and facilities for private use is prohibited without prior approval of the City Manager. Under no circumstances shall City equipment or facilities be used, loaned or rented without this approval.

SECTION 7: PROFESSIONAL MEMBERSHIPS and SUBSCRIPTIONS

The City will participate in the cost of professional memberships and subscriptions for employees applicable to their positions; provided the necessary funds are available. Requests for memberships and subscriptions must be approved by the City Manager prior to participation.

SECTION 8: TOBACCO USE

The City's policy is to provide a smoke and tobacco free workplace. Smoking or other use of tobacco products (including, but not limited to, cigarettes, e-cigarettes or vaping devices, pipes, cigars, snuff, or chewing tobacco) is prohibited in City buildings, or outdoors within twenty-five (25) feet of any entrance utilized by employees or the public. Smoking and tobacco use is also prohibited in all City vehicles, in garages or around the entrances to buildings. Smoking is only allowed in designated smoking areas. Cigarette butts, cigar butts, or other traces of litter or tobacco use may not be discarded on the ground at any City facility, including parking lots.

SECTION 9: HEALTH / MEDICAL EXAMINATIONS / FITNESS FOR DUTY

The City strives to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions

of the position, either with or without reasonable accommodation.

A. Serious Health Condition / Disabilities

The City recognizes that employees with a potentially life-threatening and/or infectious illness or physical and/or mental disabilities may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. As long as these employees are able to perform the essential functions of their job, with or without a reasonable accommodation, without creating an undue hardship on other employees, and medical evidence indicates that their condition is not a direct threat to themselves or others, the City will treat them consistently with other employees.

B. Medical Exams for Current Employees

The Director of Human Resources, or an employee's Department Director (with the prior written approval of the Director of Human Resources) may require a current employee to undergo a medical and/or psychological examination to determine fitness for continued employment, as may be necessary in order for the City to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with applicable laws.

C. Medical Information from an Employee's Doctor

In certain circumstances (e.g., FMLA Certifications), the Human Resources Department may require employees to provide medical information from their health care provider. In such cases, employees are to inform their health care provider not to provide any genetic information when responding to such request.

D. Genetic Information

In accordance with the Genetic Information Nondiscrimination Act (GINA), the City will neither request nor require genetic information of an employee or the employee's family member, except as specifically allowed by GINA. To comply with GINA, employees are directed not to provide any genetic information when responding to any City request for medical information.

E. Medical Records

Medical records and sensitive information regarding an employee's health will be kept confidential as required by law. Limited information may be provided to supervisors and managers, first aid and safety personnel, government officials, Texas Workers' Compensation Commission, and as necessary for insurance and other business-related purposes.

F. Return to Work / Fitness for Duty

Before returning to work following a medical and/or psychological examination under this policy, the employee must coordinate their return through Human Resources. An employee who misses work due to medical reasons may be required to provide a fitness-for-duty certification before returning to work,

describing whether the employee is released to perform all the essential functions of the job, or may require an accommodation that will permit the employee to perform the essential functions of the job. The appropriate City official and the employee will discuss what suggested accommodation(s) is reasonable in light of the particular circumstances of the employee's particular position.

G. Time Off From Work

Time away from work undergoing a City mandated fitness for duty examination will normally be coded to paid administrative leave, but may be retroactively changed to sick leave, Family Medical Leave Act leave, and/or other leave as circumstances warrant.

SECTION 10: DRESS, APPEARANCE and UNIFORMS

Employees must, at all times, dress appropriately and professionally and present a clean and neat appearance while at work and while representing the City or conducting City business. The City allows business casual dress in the workplace year-round, in accordance with this policy. Department Directors are strongly encouraged to allow their employees to participate in business casual dress, as practical. Department Directors and supervisors are responsible for enforcing this policy in their respective departments in order to maintain acceptable dress and appearance.

Professional business attire or a required uniform is to be worn when there is a need to present a more formal professional appearance for City Council meetings, other meetings, or special events. Employees must remember that they are professionals 100% of the time and are dressing for business, not for pleasure. Attire must always reflect a professional business attitude and presence.

Police and Fire Department employees are covered under Departmental policies regarding appropriate dress and appearance.

A. Standards for Business Casual Work Attire

- 1) Sweatshirts, sweatpants, or shorts of any type are not acceptable unless a special casual wear or festive occasion is declared by City management, or shorts have been approved as part of the standard uniform.
- 2) "Croc" type shoes are not acceptable.

B. Inappropriate Work Attire

- 1) Provocative or revealing, low cut attire including body-hugging, see-through, or excessively tight fabrics (i.e., athletic attire). Leggings and tights are not acceptable unless worn with a shirt / blouse of an appropriate length;
- 2) Bare shoulders or tank tops;
- 3) Clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind;
- 4) Wrinkled, ripped, and tattered clothing;
- 5) Visible tattoos which could be deemed offensive.

C. Uniforms

The City supplies appropriate uniforms to certain Bastrop Power & Light, Fire, Police, Parks and Recreation, Public Works, and Water / Wastewater personnel. Employees in jobs that require a uniform will be told how and where the uniforms can be obtained. The City will provide replacement uniforms, as necessary. Uniforms must be clean and neat. City-owned or authorized uniforms may not be used outside of work, for personal use or by any third party. City uniforms may be used by City employees in connection with outside employment only with the Department Director's prior written authorization.

Employees who are provided with uniforms are required to wear their uniforms when on duty and keep them in good, clean, and serviceable condition. No part of the uniform shall be worn by itself. An employee must wear the entire uniform when on duty. No part of the uniform shall be worn when off duty, except to and from work and City related events.

When an employee terminates, uniforms and any other City equipment which the employee possesses must be returned in good condition before final pay will be authorized. The cost of lost or damaged City property and unreturned uniforms will be deducted from the employee's final paycheck.

D. Enforcement

In all cases, the City will make the determination as to acceptable dress, appearance, and grooming. Employees should direct questions about appropriate appearance or dress to your supervisor, Department Director, or the Director of Human Resources.

Employees in violation of this policy may be sent home. Under such circumstances, nonexempt employees will not be paid for work time missed, and exempt employees will be required to make up the work time missed. Employees whose grooming or personal appearance violates this policy may be disciplined, up to and including termination.

The Department Director, with approval of the City Manager's office, may make departmental exceptions to this policy when deemed necessary for business reasons or implement a more restrictive dress and appearance policy.

SECTION 11: SEARCHES

The City may conduct unannounced searches or inspections of the work site, including but not limited to City property used by employees such as lockers, file cabinets, desks, and offices, computer and electronic files, social media sites, cell phones, text messages, whether secured, unsecured, or secured by a lock or password provided by the employee. If reasonable suspicion exists, the City may also conduct unannounced searches or inspections of the employee's personal property located on City premises, including vehicles parked on City parking lots.

All searches must be authorized and conducted under the direction of the Director of Human Resources and/or the City Manager. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination.

SECTION 12: WEAPONS CONTROL and VIOLENCE PREVENTION POLICY

The City strives to provide a safe and secure working environment for its employees. This policy is designed to help prevent incidents of violence from occurring in the workplace and to provide for the appropriate response when and if such incidents do occur.

A. Zero Tolerance

This policy prohibits harassment, intimidation, threats, and violent behavior by or towards anyone in the workplace, that is in any way job- or City-related, that is or might be carried out on City-property, or that is in any way connected to the employee's employment with the City, whether the conduct occurs on-duty or off-duty. The City has a zero-tolerance policy for this type of misconduct.

B. Weapons Banned

Unless specifically authorized by the City Manager, no employee, other than a City licensed peace officer, shall carry or possess a firearm or other weapon on City property. Employees are also prohibited from carrying a weapon while on duty or at any time while engaging in City-related business. Prohibited weapons include firearms, long guns, clubs, explosive devices, knives with blades exceeding 5 ½ inches, switchblades, etc. Employees do not have an expectation of privacy and the City retains the right to search for firearms or other weapons on City property.

Employees licensed by State of Texas to carry a handgun may have a permitted weapon only on the City parking lot if it is locked in the employee's vehicle. Employees licensed to carry handguns must report to Human Resources their identity and license plate numbers of all vehicles that employee may park in City parking lots.

C. Mandatory Reporting

Each City employee must immediately notify their supervisor, Department Director, the Director of Human Resources and / or the Police Department of any act of violence or of any threat involving a City employee that the employee has witnessed, received, or has been told that another person has witnessed or received. Even without an actual threat, each City employee must also report any behavior that the employee regards as threatening or violent when that behavior is job-related or might be carried out on City property, a City-controlled site or City job site, or when that behavior is in any manner connected to City employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the target of the threatening behavior. A supervisor who is made aware of such a threat or other conduct must immediately notify their Department Director and the Director of Human Resources.

D. Protective Orders

Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas must immediately provide to the Director of Human Resources and the City's Police

Department a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. City employees must immediately advise their Department Director and the Director of Human Resources of any protective or restraining order issued against them.

E. Confidentiality

To the extent possible, while accomplishing the purposes of this policy, the City will respect the privacy of reporting employees and will treat information and reports confidentially. Such information will be released or distributed only to appropriate law enforcement personnel, City management, and others on a need-to-know basis and as may otherwise be required by law.

F. City Property

For purposes of this policy, City property includes but is not limited to owned or leased vehicles, buildings and facilities, entrances, exits, break areas, parking lots and surrounding areas, recreation centers, swimming pools, and parks.

G. Documentation

When appropriate, threats and incidents of violence will be documented. Documentation will be maintained by the Director of Human Resources and/or the Police Department.

H. Policy Violations

Violations of this policy may lead to disciplinary action, up to and including termination of employment. Policy violations may also result in arrest and prosecution.

SECTION 13: UNAUTHORIZED OR IMPROPER USE OF OFFICIAL BADGE OR UNIFORM

No City of Bastrop official or employee whose duties involve the use of a badge, identification card, uniform, or clothing insignia as evidence of authority or for identification purposes shall permit such badge, identification card, uniform, or insignia to be used or worn by another person who is not authorized to use or wear the same, nor permit the same to be out of the employee's possession without good cause or approval of the City Manager. Such badge, identification card, uniform, or insignia shall be used only in the performance of the official duties of the position to which they are related or as may be otherwise approved by the City Manager, and in compliance with State law.

SECTION 14: ARRESTS, CONFINEMENTS, and INDICTMENTS

A. Policy

City employees are subject to disciplinary action and/or job restrictions for violations of law. This policy applies to acts prohibited by law that result in charges being filed, arrest, confinement, indictment, and/or

conviction, as well as to acts prohibited by law not resulting in charges filed, arrest, confinement, or indictment.

B. Procedure

1) Employee Notice of Felony and Misdemeanor Charges

Employees must immediately notify their supervisor and/or Department Director within twenty-four (24) hours if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead nolo contendere to any misdemeanor or felony. Failure to report these events in a timely manner may result in termination. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations.

2) Employee Status after Alleged Violation of Law

At the time the employee's department is made aware of an employee's arrest or conduct constituting an offense, the Department Director shall consult with the Human Resources Director to determine available options which may include, but are not limited to:

- a) Allowing the employee to return to regular duty with pay;
- b) allowing the employee to return to restricted duty with pay;
- c) placing the employee on paid administrative leave;
- d) placing the employee on unpaid administrative leave; or
- e) terminating the employee.

C. Employee Status after Adjudication

Once the indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are computed and all related administrative matters are completed, the Department Director will determine, in conjunction with Human Resources Director the status of the employee. An employee on administrative leave may, in the City's sole discretion, be reinstated to the position held before being placed on administrative leave (if available), if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.

D. Disciplinary Action

Disciplinary action may be pursued concurrently or in place of the above options or imposed at a later date. Multiple violations of law or confinements within a prescribed time period may also result in disciplinary action.

E. Violations of Law Discovered through Criminal History Check

The City may conduct criminal history checks on existing employees at any time during their employment, for any reason. Conduct constituting an offense, arrest or conviction that is discovered may result in disciplinary action, up to and including termination.

F. Other Policies

This policy should not be construed to limit disciplinary action that may be taken in accordance with other personnel policies and procedures, department policies, or other City-wide policies.