

Current

CITY OF JOHNSON CITY

PERSONNEL POLICY



**Amended September 2013, June 2016 and
January 2018**

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SECTION 1. ADMINISTRATION

1.01. Policy Statement

The objective of this policy is to provide a uniform standard of operation and to treat each employee fairly and with dignity and respect as an individual member of the City of Johnson City, Texas.

1.02. Scope

These personnel policies apply equally to all employees of the City and all job applicants unless a class of employees is specifically exempted by these policies; however, the provisions of the Local Government Code, Chapter 143 and/or the provisions contained in the Collective Bargaining agreements established pursuant to the Local Government Code, Chapter 174, shall take precedence over this policy whenever the provisions of this policy are in conflict therewith. Persons appointed to serve on City Boards, Committees or advisors are exempt from these policies. A person on retainer or under a specific contract with the City is not considered to be a City employee unless a specified employment agreement is stipulated.

1.03. Nature of Employment - EEO; Immigration; ADA

Employment with the City is voluntarily entered into, and each City employee is free to resign at will at any time, with or without cause. Similarly, the City may terminate the employment relationship at will, with or without notice or cause. The policies contained in this Human Resource Policy Manual set forth general aspects of employment with the City and are not intended to create a contract, nor are they to be construed as contractual obligations between the City and any of its employees.

A. Equal Employment Opportunity

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the City will be based on merit, qualifications, and abilities. The City does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

If you have questions or concerns about any type of discrimination in the workplace, you are encouraged to bring these issues to the attention of the Department Head or the Mayor or his/her designee, or the City Secretary, who acts as Human Resources Officer for the City. You can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

B. Immigration Law Compliance

The City is committed to employing only United States citizens and immigrants who are authorized to work in the United States, and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, is required to complete an employment eligibility verification form.

If you have questions on immigration law issues, you should contact your supervisor or the Mayor. You may raise questions or complaints about immigration law compliance without fear of reprisal.

C. Americans with Disabilities Act (ADA)

The City of Johnson City offers equal employment opportunity to qualified individuals with a disability and strictly prohibits discrimination against qualified individuals on the basis of disability.

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 the immediate Supervisor, Human Resources, the Mayor or designee.

Serious Health Condition/Disabilities: The City recognizes that employees with a potentially life-threatening and/or infectious illness or physical and/or mental disability 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, 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.

SECTION 2. EMPLOYMENT PRACTICES

2.01. Employment Classifications

In this section, it is the intent of the City to clarify the definitions of employment classifications so employees understand their employment status and benefits eligibility.

Each employee is designated as either NON-EXEMPT or EXEMPT according to federal and state wage and hour laws. NON-EXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws. An employee's EXEMPT or NON-EXEMPT classification may be changed only upon written notification by the City's management. If you are unsure of your classification, please check with your supervisor.

A. Regular Employees

Regular full-time employees are those who are not in a temporary or probationary status and who are regularly scheduled to work at least thirty (30) hours per week year round on a full-time regular schedule. Generally, they are eligible for the City's benefit package, subject to the terms, conditions, and limitations of each benefit program.

B. Seasonal Employees

Seasonal employees are those who are hired usually during the summer months in support of park operations. Seasonal employees may work in excess of a 40-hour week, but are not entitled to overtime, compensatory time, or other benefits offered to full-time employees.

C. Part-Time Employees

Part-time employees are those who are hired to work on a part-time basis at any time of the year in any department of the City. Part-time employees who work in excess of 40 hours during any period are entitled to receive overtime pay; however, they are not entitled to compensatory time or any other benefits offered to full-time employees.

2.02. Employment Eligibility; Applications; Reference Checks

The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

The minimum age for employment is eighteen (18) years for all full-time employees. This rule does not apply to part-time or seasonal employees.

To ensure that individuals who join the City are well qualified and have a strong potential to be productive and successful, the City will check the employment references of all applicants and conduct background investigations including, but not limited to: fingerprinting, a criminal history background check, and a motor vehicle records investigation, and a credit check.

The City may reject any application that indicates on its face that the applicant does not possess the minimum qualifications required for the position or exclude or deny certification to any applications for, but not limited to, the following reasons:

- He or she is not able to perform the essential functions of position to which he or she seeks appointment, with or without necessary accommodations.
- He or she engages in the illegal use or excessive use of drugs or intoxicants.
- He or she has been found guilty of a felony or a crime involving moral turpitude.
- He or she has been dismissed from a previous employment for disciplinary reasons, with or without reasonable cause.
- He or she has been dismissed previously from the City's service.
- He or she has intentionally made false statements in his or her application.

2.03. Maintenance of Personnel Information and Privacy Policy

A. Type of Information Collected

The City collects and maintains different types of personal information of those individuals who seek to be, are, or were employed by the City, including the personal information contained in:

- (1) Resumes and/or applications; references and interview notes;
- (2) Photographs and video;
- (3) Letters of offer and acceptance of employment;
- (4) Mandatory policy acknowledgement sign-off sheets;
- (5) Payroll information; including but not limited to social security number, pay check deposit information;
- (6) Wage and benefit information;
- (7) Forms relating to the application for, or in respect of changes to, employee health and welfare benefits; including, short and long term disability, medical and dental care; and
- (8) Beneficiary and emergency contact information.

In addition to the examples listed above, personal information also includes information such as name, home address, telephone, personal email address, date of birth, employee identification number and marital status, and any other information necessary to the City's business purposes, which is voluntarily disclosed in the course of an employee's application for and employment with the City.

B. How Information is Shared

We may share your personal information with our employees, contractors, consultants and other parties who require such information to assist us with establishing, managing or terminating our employment relationship with employees, including: parties that provide products or services to us or on our behalf and parties that collaborate with us in the provision of products or services to you. In some instances, such parties may also provide certain information technology and data processing services to us so that we may operate our business.

When the City shares personal information with such parties, it typically requires that they only use or disclose such personal information in a manner consistent with the use and disclosure provisions of this Privacy Policy.

Further, your personal information may be disclosed:

- (1) As permitted or required by applicable law or regulatory requirements. In such a case, we will endeavor to not disclose more personal information than is required under the circumstances;
- (2) To comply with valid legal processes such as search warrants, subpoenas or court orders;
- (3) To protect the rights and property of the City;

- (4) During emergency situations or where necessary to protect the safety of a person or group of persons;
- (5) Where the personal information is publicly available; or
- (6) With your consent where such consent is required by law.

2.04. Probationary Period

All full and part time employees must serve a probationary period of ninety (90) days. In the event an employee's status changes from part-time to full-time, or an employee is promoted into a different position, the time employed before probationary appointment shall not be credited to probationary requirements for job status or pay purposes.

The probationary period is regarded as an integral part of the examination process and is utilized for observing the employee's work closely, for securing the most effective adjustment of the new employee to his or her position, and for rejecting any employee whose performance does not meet required work standards.

At the conclusion of the ninety (90) day probationary period, the employee's direct supervisor will provide documented feedback in the form of an assessment to the employee. This assessment will identify the performance of the individual, set goals, objectives, and delineate expectations. The assessment will be discussed and submitted to the employee and a copy maintained in the employee file.

2.05. Personnel Data Charges

Employee records are an important aspect of employment for both staff and the City and should be accurate and current at all times. This information is essential in ensuring the provision of benefits and in responding in cases of emergency. It is the responsibility of each employee to promptly notify the City Secretary of any changes in personnel data, such as personal mailing addresses, telephone numbers, names of dependents, individuals to be contacted in the event of emergency, educational accomplishments, and other such items. If any personnel data has changed, notify the City Secretary-who will provide you with an Employee Information Form, or stop by the City offices.

2.06. Performance Evaluation

The work performance of each permanent employee shall be evaluated annually by the Department Head. Department Heads will be evaluated by the Mayor only.

Additional employee evaluations may be conducted if warranted, as determined by the Department Head or Mayor.

Evaluations shall be recorded in writing on forms provided by the City Secretary. A copy of such evaluation shall be given to the employee, and a duplicate copy shall be placed in the employee's permanent personnel file.

2.07. Disciplinary Action

Issues regarding employee misconduct or work infraction will be investigated and reviewed by the department head, or the Mayor if appropriate. Disciplinary action may be taken for employee misconduct, or work infraction and shall be consistent with the nature and degree of the misconduct or infraction involved.

Formal disciplinary action shall include written reprimand, suspension, reduction-in-pay, demotion, or dismissal. Formal disciplinary action shall be documented in the employee's personnel file. Informal disciplinary action, such as verbal reprimands, verbal counseling, and training, is not prohibited. Informal disciplinary action may be documented in the employee's personnel file at the discretion of the department head or the Mayor. An employee may respond to the action taken within three (3) business days in writing for purposes of filing with the employee's file.

Formal disciplinary actions may be appealed. To file an appeal, an employee must submit within five (5) working days of such action an Employee Grievance Form obtained from the City Secretary.

Formal disciplinary actions imposed on an employee by a department head may be appealed to the Mayor. The Mayor will respond within ten (10) working days. Actions will be reversed only on a finding of lack of sufficient cause. The Mayor's decision is final and binding.

Formal disciplinary actions imposed on a department head by the Mayor may be appealed to the City Council. The City Council will review the appeal as a confidential matter. Actions will be reversed only on a finding of lack of sufficient cause for imposition of the formal disciplinary action. A decision issued by the City Council is final and binding.

Formal disciplinary actions involving a municipal officer, as defined by Local Government Code Chapter 22, may be appealed to the City Council. The City Council will review the appeal as a confidential matter and, additionally, may act further in accordance with Section 22.077 of the Local Government Code, as amended. A decision issued by the City Council is final and binding.

2.08. Nepotism

Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring personnel or awarding contracts is forbidden by the City. No person may be hired who is related within the second degree of affinity (marriage) or within the third degree by consanguinity (blood) to any member of the City Council, the Mayor, or any other City officer. No person may continue in City employment who is related in one of the prohibited degrees unless the employee has been employed continuously by the City for a period of:

- (1) At least thirty (30) days if the officer or member is appointed; or
- (2) At least six (6) months if the officer or Council Member is elected.

In addition, in the interest of effective management, no personnel action will be taken that would result in any employee supervising another employee who is related within the second degree of affinity or the third degree of consanguinity to the supervisory employee.

SECTION 3. EMPLOYMENT BENEFITS AND SERVICES PROGRAMS

3.01. Employee Benefits in General

Eligible employees at the City are provided with a benefit package. A number of the programs (workers' compensation and unemployment insurance) cover all employees in the manner prescribed by law. Benefits eligibility depends on a variety of factors, including employee classification.

In general, benefits include medical insurance, group life insurance, accidental death and dismemberment, long term disability and dental insurance (optional). Retiring employees may be eligible to purchase continued health benefits coverage in accordance with Texas Local Government Code Chapter 174, as amended from time to time.

TMRS: The City is a member of the Texas Municipal Retirement System (TMRS), a nontraditional joint contributory, defined contribution plan. All employees of the City are covered by Social Security and TMRS. An employee must be a member of the TMRS plan for five (5) years in order to vest.

Membership in the retirement system is mandatory for all regular full-time employees (defined by TMRS as an employee who works in excess of 1,000 hours per year). Both the employee and the City contribute to the employee's retirement account. Employees who leave City employment prior to retirement will, after filing a request with TMRS, be refunded their portion of the retirement account plus interest earned on their portion.

Upon termination, employees with fewer than five (5) years of creditable service may also choose to leave their deposits in the Retirement System for up to five years. During this five-year period, the member will continue to earn interest and maintain membership in the retirement system. If an employee who is less than 59 ½ years old applies for a refund of accumulated deposits, the member may face tax liabilities for early withdrawal of a tax-deferred retirement account.

Employees who have been employed for five (5) years or more, "vested" employees, may leave their accumulated contribution in the Retirement System, remain members of the Retirement System, and upon reaching age 60, apply for a service retirement benefit. An employee will not, however, receive the City's matching contributions unless the member reaches retirement eligibility and applies for a service retirement benefit.

Retirement benefits are determined by a formula that involves life expectancy at the time of retirement, the amount deposited in the employee's account, the future interest rate assumption as set by law, and which of the benefit payment plans the employee selects. Each eligible new

employee receives a brochure about the City's specific retirement coverage and options under TMRS at the time of employment.

The extent of these benefits is determined by the City Council of the City from time to time and is subject to change.

3.02. Paid Time Off and Leave

The City believes employees should have the opportunity to enjoy time away from the workplace to help balance their lives. Taking some time away from work is essential in maintaining quality performance, job efficiency, and health. To help foster this idea, the City has designated a plan that combines traditional sick and vacation leave benefits into a paid time off (PTO) plan. The City offers PTO as an employee benefit in lieu of sick and vacation leave.

Schedules for PTO Accrual. PTO will be earned according to the following schedules:

<u>Years of Service</u>	<u>Annual PTO Hours Allotment</u>
90 days or less	16
91 days up to 1 year Anniversary	64
1 year Anniversary to Dec 31st	13.34 hours/month
Jan 1 (immediately following prorated year) to 2 years	136
3-10 years	192
11-15 years	216
15+ years	256

PTO Rollover. The maximum number of PTO hours accrued and remaining at the end of a calendar year that may be rolled over into the following year is 40 hours.

Taking PTO. To the extent possible, PTO must be scheduled in advance with Supervisor approval. The Supervisor will approve the request for non-emergency PTO based on considerations like work flow, operational requirements, work needs and length of service. Employees are accountable and responsible for managing their own PTO hours.

Holiday and PTO. PTO earned does not include designated holidays. Other time off due to bereavement, military or jury duty is also considered separate from the PTO policy.

Personal Day. Each employee may designate two days per calendar year as personal days. A personal day is not considered PTO. A personal day must be scheduled in advance and taken with Supervisor approval.

Overtime and PTO. An employee will not be allowed to use PTO time in order to accrue more than 40 hours in a work week.

PTO Paid upon Departure from Employment. Employees who separate for any reason, other than disciplinary, will be paid for accrued, unused PTO hours at the time of separation up to 80 hours. The City requires that an employee work for a minimum of ninety (90) days before the employee is entitled to PTO pay upon separation.

Conversion of Existing Sick and Vacation Leave to PTO. Upon approval and adoption of the Personnel Policy with this PTO section by City Council, sick and vacation leave earned by each employee will be converted to PTO. PTO time may be used according to this PTO policy. An employee will begin accruing PTO in accordance with this PTO policy on the first pay period of the following month after adoption. For an employee hired before January 1, 2010, leave accrued by the employee shall be placed into a separate employee account for use by that employee.

3.03. Compensatory Time for Hourly Employees

Full-time and part-time hourly non-exempt personnel are entitled to earn either compensatory time or overtime for work performed in excess of forty (40) hours per week. All overtime work must be approved in writing by the employee's immediate supervisor in advance in order to qualify for compensation or pay, except in the event of an emergency. The supervisor must agree, in advance of hours worked, whether the employee will be paid overtime or given compensatory time, and availability of funds will be considered when making the decision.

Compensatory time will be earned at a rate of 1:1.5, or 1 and 1/2 hours compensatory time per hour worked, provided that the employee has completed a 40-hour work week prior to applying the compensatory time. Vacation days and holidays cannot be included in the 40-hour work week calculation.

An employee with a compensatory time balance must use the compensatory time within ninety (90) days of having earned it.

3.04. Compensatory Time for Exempt Employees

Exempt employees are not entitled to compensatory time, except for Holiday Time worked. However, the department head will have discretion to approve compensatory time for exempt employees for special circumstances. No more than twenty-four (24) hours may be accumulated, and must be taken within the City's fiscal year.

3.05. Holiday Time

Hourly employees that work designated City holidays shall be entitled to either compensatory time or given straight time for the holiday worked. If the work on the holiday causes the employee to work in excess of forty (40) hours for the work week, the employee shall be entitled to time and one-half for the holiday hours worked (for a total of 2 ½ times normal pay). The supervisor must agree in advance of hours worked, whether the employee will be paid for the holiday or be given compensatory time. Any compensatory time given for working a holiday must be taken within thirty (30) days.

Exempt employees that work designated City holidays shall be entitled to compensatory time. The compensatory time is one hour for each hour worked on the holiday and must be taken before the end of the City's fiscal year. Exempt employees may take only twenty-four (24) hours of compensatory time for holidays worked for each anniversary year.

3.06. Holidays

The City recognizes the following ten (10) annual holidays for all regular, full-time employees:

- New Year's Eve
- New Year's Day
- Martin Luther King Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving – (Thursday and Friday)
- Christmas Eve
- Christmas Day

Time off will be granted for holidays falling on Saturday and will be observed on the preceding Friday, or as appropriate. Time off will be granted for holidays falling on Sunday and will be observed on the following Monday, or as appropriate.

The City maintains the right to adjust and determine the observance of holidays.

Exempt employees that are required to work on a scheduled holiday will be granted compensatory time equal to the hours worked.

3.07. Jury Duty

You must notify your supervisor as soon as possible that you have received a notice of jury duty. Upon presentation of proof of such duty, you will be paid your regular straight time wage or salary

for the period of jury duty. You must furnish your supervisor with a statement from the court of the days jury duty was performed.

3.08. Time Off to Vote

The City encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees can find time to vote before or after work. If employees are unable to vote during their non-working hours, the City will grant the minimum time required by law of paid time off to vote.

3.09. Workers' Compensation Insurance (WCI)

Workers' Compensation Insurance benefits are provided for all employees. To be eligible for benefits, an employee must sustain an injury while performing his or her assigned job duties. Occupational diseases are considered to be eligible injuries.

A. Benefits under Workers' Compensation Insurance (WCI)

Workers' Compensation Insurance will cover all reasonable and necessary medical expenses related to the reported eligible injury. An employee who is injured on-the-job is entitled to remain on the payroll in "WC" status on the date of injury for the reasonable time required to obtain medical treatment and for the prescribed time off to recuperate for the remainder of the work day or work shift during which the injury occurred. If an employee is unable to return to work, he or she may be eligible for Workers' Compensation.

An employee may elect to use PTO to remain on the payroll for all or part of incapacity for which compensation benefits are not paid.

Workers' Compensation Benefits begin on the eighth day of incapacity. If such incapacity continues for four weeks or longer, benefits will be paid for the first seven days.

At the time of injury and throughout any subsequent WC leave period, the employee should be instructed to contact the City Secretary concerning benefits.

B. Procedures to be Followed in Case of Injury

If injured, an employee is required to do the following:

- (1) Report the injury to his or her supervisor immediately;
 - (2) Report the injury to the City Secretary. Reporting will ensure proper handling of the employee's claim;
 - (3) Complete an Employee Injury Statement Form furnished by the City Secretary;
- and

- (4) Notify the City Secretary or Administrative Office of any/all follow-up medical care.

The supervisor should take proper measures to assure prompt and accurate reporting of all on-the-job injuries of which he or she is aware. The Worker's Compensation Form, TWC Form 1, "Employer's First Report of Injury or Illness", must be completed by the supervisor prior to the employee's first day of absence from work.

C. Modified Duty Due to Injury/Illness (WCI)

This policy applies to all City full-time regular employees.

- (1) **Purpose**

The policy establishes guidelines by which the City provides modified work duties for employees with injuries or illnesses which occurred as a result of working on the job, in order that the employee may return to work.

- (2) **Policy**

The Department Head or his/her designee may assist employees temporarily restricted from performing their regularly assigned duties (due to illness or injury which occurred as a result of working on the job) by modifying work assignments or duties until such time as the employee is able to resume regular duties.

- (3) **Procedure**

- (a) **Documentation by Employee's Physician**

The employee's physician determines and documents in writing to the Department Head or his designee the temporary restrictions to the employee's work duties. These restrictions are, in turn, passed on to the employee's supervisor.

- (b) **Coordination with Employee's Physician**

Upon receipt of written documentation from the employee's physician requiring temporary work restrictions, the Department Head or his designee may contact the employee's physician regarding return-to-work of the employee.

- (c) **Work Document**

Before the employee can return to work, the employee, the employee's supervisor, and the Department Head or his or her designee must agree in writing to the requirements of the temporary modified work assignment. This agreement must receive the written approval of the Department Head before work can begin. The employee's physician must review and initial the work document before the employee may return to work. This work document is valid for the stated period not to exceed six months.

(d) Return to Work

When released by his/her physician to return to regular duties, the employee will return to his/her regular position.

D. Extended/Permanent Disability

If the modified duty assignment ends and the employee is not released by his/her attending physician to return to his/her regular duties, the Department Head or his or her designee will ask that the City Secretary coordinate long-term disability matters for the employee.

SECTION 4. PAYROLL ADMINISTRATION AND TERMINATION
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4.01. Paydays

All employees are paid every other week, for a total of twenty-six (26) pay periods per year. Each paycheck will include earnings for all work performed through the end of the previous payroll period. If a regularly scheduled payday falls on a holiday, employees will receive pay on the last day of work before the holiday. The City offers employees the opportunity to deposit their pay check directly using direct deposit services.

4.02. Overtime

Overtime will be paid at a rate of 1½ times the rate of pay for each hour worked. All work performed after completing a regular workweek (40 hours) may be designated as overtime, but payment for overtime will not be made unless a full workweek (40 hours) has been completed. PTO, personal days, and holidays taken during the regular workweek will not be counted as time towards the regular workweek. An employee must receive approval from his or her supervisor prior to overtime work being completed, as it is the responsibility of the supervisor to determine if funds are available for overtime. Comp time may be taken in lieu of paid overtime at the employee's discretion and with the approval of the employee's supervisor.

Part-time employees who work in excess of 40 hours during any period are entitled to receive overtime pay; however, they are not entitled to compensatory time or any other benefits offered to full-time employees.

4.03. Administrative Pay Corrections

The City takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. If there is an error in the amount of pay, you should promptly bring the discrepancy to the attention of your supervisor so that corrections can be made as quickly as possible.

4.04. Pay Deductions

The law requires that the City make certain deductions from every employee's compensation. Among these are applicable federal income tax and Medicare tax, state, and local taxes. Court mandated child support will be deducted from an employee's paycheck where the Court has instructed the City to make these deductions. Further, any other Court mandated garnishments or Internal Revenue Service garnishments will be deducted from an employee's paycheck.

4.05. Employment Termination

Termination of employment is inevitable in any City, and many reasons for termination are routine. The following are examples of common circumstances under which employment is terminated:

- **Resignation:** voluntary employment termination initiated by an employee. Two weeks' notice is expected when an employee resigns. The employee is eligible to receive pay for any unused PTO, based on providing the City with two weeks' notice. The 2-week notice period may not include use of PTO during this time.
- **Discharge:** involuntary employment termination initiated by the City.
- **Reduction-in-force:** reduction in the number of City employees because of anticipated decreased funding, reductions in services, or for any other reason deemed appropriate by the City Council.

Since employment with the City is based on mutual consent, both the employee and the City have the right to terminate employment at will, with or without cause, at any time. Employees will receive their final pay in accordance with applicable state law.

All accrued, vested employee benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

4.06. Demotions

The appropriate supervisor may demote an employee whose ability to perform his or her required duties falls below standard, or for disciplinary purposes.

SECTION 5. WORK CONDITIONS AND HOURS

5.01. Management of the City

Hours during which the City facilities are regularly open for business are determined by the Mayor as approved by the City Council. Normal working hours are Monday through Friday, 8:00 a.m. to

5:00 p.m. When necessary to properly maintain services, employees may be required to work overtime, compensatory time, and/or be on standby. City offices are required to remain open during the noon hour unless closure is authorized by the Mayor. Lunch periods may be staggered for employees to accommodate coverage during the noon hour.

5.02. Flexible Work Hours

The City allows for flexible work hours. A department head may adjust the hours of an individual employee or group of employees in his or her department to provide for a different working schedule. If an employee is full time, they must ensure that they work a full forty (40) hour work week. The Mayor shall approve flex time for department heads.

An employee may adjust his or her schedule:

- (1) To work through his or her lunch hour and leave City offices early if:
 - (a) The immediate supervisor approves and permission from the Mayor is obtained;
 - (b) City offices are not left unmanned during the hours of 4:00 p.m.—5:00 p.m.;
 - (c) The employee adequately completes the work for which he or she is responsible; and
 - (d) The employee has not requested to leave early more than two (2) times per pay period unless there is an unusual situation which has been approved by the Department Head or Mayor.
- (2) Adjust working hours, subject to approval of department head to 7:00 a.m.—3:30 p.m. if the employee works out of doors and the temperature is extreme. Generally, extreme temperature refers to excessive heat/heat index of 98 degrees or more.

5.03. Attendance

Employees must be at their place of work in accordance with applicable departmental regulations. Employees must notify their immediate supervisor prior to the time set for them to begin their regular duties if they are going to be absent from work. If the employee cannot reach his or her supervisor, he or she should notify the Administrative Office. Failure to give such notification, except in emergency or unusual circumstances, may result in disciplinary action.

5.04. Emergency Closings

At times, emergencies such as severe weather, fires, power failures, or hurricanes, can disrupt operations. In extreme cases, these circumstances may require the closing of a work facility, upon a proper determination by the Mayor. When operations are officially closed due to emergency conditions, the time off from scheduled work by full-time employees will be paid until further determination is made by the City Council.

SECTION 6. LEAVES OF ABSENCE

6.01. Medical Leave

The City provides medical leaves of absence without pay to eligible employees who are temporarily unable to work due to a serious health condition or disability. For purposes of this policy, serious health conditions or disabilities include inpatient care in a hospital, hospice, or residential medical care facility; continuing treatment by a health care provider; and temporary disabilities associated with pregnancy, childbirth, and related medical conditions. Eligible employees should make requests for medical leave to their supervisors at least thirty (30) days in advance of foreseeable events and as soon as possible for unforeseeable events.

A health care provider's statement must be submitted verifying the need for medical leave and its beginning and expected ending dates. Any changes in this information should be promptly reported to the City Secretary. Employees returning from medical leave must submit a health care provider's verification of their fitness to return to work.

Eligible employees are normally granted leave for the period of the disability, up to a maximum of twelve weeks within any twelve month period. Any combination of medical leave and family leave may not exceed this maximum limit. If the initial period of approved absence proves insufficient, consideration will be given to a request for an extension. Employees will be required to first use any accrued PTO before taking unpaid medical leave.

Employees who sustain work-related injuries are eligible for a medical leave of absence for the period of disability in accordance with all applicable laws covering occupational disabilities.

6.02. Family Leave

The City provides family leaves of absence without pay to eligible employees who wish to take time off from work duties to fulfill family obligations relating directly to childbirth, adoption, or placement of a foster child; or to care for a child, spouse, or parent with a serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider. Eligible employees are those employees who have worked for the City for at least twelve (12) months and who have 1,250 hours of service during the twelve (12) month period preceding the leave. Eligible employees should make requests for family leave to their supervisors at least thirty (30) days in advance of foreseeable events and as soon as possible for unforeseeable events.

Employees requesting family leave related to the serious health condition of a child, spouse, or parent are required to submit a health care provider's statement verifying the need for a family leave to provide care, its beginning and expected ending dates, and the estimated time required.

Eligible employees may request up to a maximum of twelve weeks of family leave within any twelve (12) month period. Any combination of family leave and medical leave may not exceed this maximum limit. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension of no more than thirty (30) calendar days. Employees will be required to first use any accrued PTO before taking unpaid family leave. Married employee couples may be restricted to a combined total of twelve weeks leave within any twelve (12) month period for childbirth, adoption, or placement of a foster child; or to care for a parent with a serious health condition.

Subject to the terms, conditions, and limitations of the applicable plans, the City will continue to provide health insurance benefits at the employee's expense for the full period of the approved family leave.

So that an employee's return to work can be properly scheduled, an employee on family leave is requested to provide the City with at least two weeks advance notice of the date the employee intends to return to work. When family leave ends, the employee will be reinstated to the same position, if it is available, or to a comparable position for which the employee is qualified. If an employee fails to report to work promptly at the end of the approved leave period, the City will assume that the employee has resigned and the employee must reimburse the City for health insurance premiums it has paid on the employee's behalf.

6.03. Military Leave

A military leave of absence will be granted to employees, except those occupying temporary positions, to attend scheduled drills or training or if called to active duty with the U.S. Armed Services as required by and in accordance with the Uniformed Services Employment and Reemployment Act. Employees will continue to receive pay while on leave for two-week training assignments and shorter absences in the amount necessary to make up for any shortfall in the difference between the military pay accrued while on leave and their regular City pay. The portion of any military leaves of absence in excess of two weeks will be unpaid. However, employees may use any available PTO for the absence. Employees on 2-week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with all applicable state and federal laws.

Every reasonable effort will be made to return eligible employees to their previous position or a comparable one. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service, such as the rate of PTO accrual and job seniority rights.

6.04. Bereavement Leave

With approval of your department head, you may be granted time off because of death in your immediate family for a maximum of three (3) regularly scheduled workdays at straight time pay. The time off will be treated as excused leave with pay, and will not be deducted from any accrued

PTO. Time paid for bereavement leave will not be counted as hours worked for the purpose of computing overtime. Bereavement leave pay will not be paid in addition to any other allowable pay for the same day, such as holiday pay, PTO, etc. For out-of-state funerals, the employee may be granted up to five (5) days of bereavement leave.

"Immediate family" means any of the following:

- Wife or Husband
- Son or Daughter
- Mother or Father
- Brother or Sister
- Grandson or Granddaughter
- Grandmother or Grandfather
- Mother-in-law, Father-in-law, Brother-in-law, Sister-in-law, Son-in-law, Daughter-in-law, or other relatives who are members of the immediate household

SECTION 7. EMPLOYEE CONDUCT, WELFARE AND DISCIPLINARY ACTION

7.01. Employee Conduct and Work Rules

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

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or possession of property
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
- Fighting or threatening violence in the workplace
- Boisterous or disruptive activity in the workplace
- Negligence or improper conduct leading to damage of employer-owned or customer owned property
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Smoking in prohibited areas
- Sexual or other unlawful or unwelcome harassment
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- Excessive absenteeism or any absence without notice
- Unauthorized use of telephones, mail system, or other employer-owned equipment
- Unauthorized disclosure of business "secrets" or confidential information
- Violation of personnel policies

- Dissemination of rumors or gossip - whether or not truthful or derogatory

7.02. Personal Appearance

All office employees are expected to dress in appropriate office attire. Employees working in an office environment and as frontline personnel should maintain a professional, well-groomed appearance. Park personnel, maintenance personnel, and public works personnel are issued fifteen (15) uniform shirts, or full uniforms, which should be worn each day and maintained to present a clean and neat appearance. Dirty uniforms will be turned into the Public Works Director at the end of each work week in order to be cleaned by the contracted uniform company.

7.03. Visitors in the Workplace

To provide for the safety and security of employees and the facilities at the City, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances. If an unauthorized individual is observed on the City's premises, you should immediately notify your supervisor.

Employee's children are not allowed in the workplace during business hours.

7.04. Vehicles

The following rules are in effect regarding employee use of vehicles:

- (1) All equipment and vehicles owned by the City must have permanent decals or painted logo identification on both the right and left side of the equipment or vehicle, in accordance with the Texas Transportation Code 502.201.
- (2) All equipment and vehicles owned by the City must have permanent vehicle unit numbers, no smaller than two (2) inches, displayed on both the right and left sides.
- (3) It is the responsibility of each operator of equipment or vehicle to verify that there is a current Texas Liability Insurance identification card attached to the equipment or vehicle being operated.
- (4) The City passenger automobiles and pick-up trucks may be assigned by the City Secretary to specific employees whose position and duties require that they have transportation available at all times. Such assignments are made for business purposes only. Any employee who drives a City-owned vehicle or equipment is responsible for its proper operation. Such employees are expected to maintain good driving records. The City may require an employee to take a driver's education course.

- (5) All employees are required to have knowledge of the City's Drug Policy, which is outlined herein. All employees operating vehicles owned by the City who are involved in an accident, cited for driving recklessly, at excessive speeds, or any other moving violations, shall report such accident or citation immediately to the City Secretary. The City Secretary and/or Department Head will require the employee to undergo a drug test.
- (6) Any employee receiving a moving violation in a City vehicle, or suspected of unsafe driving, may be subject to disciplinary action for the first violation. If the employee receives a second moving violation, the employee will be prohibited from driving any City motor vehicle or may be terminated if the employee's job requires operating City equipment or motor vehicle.
- (7) No City vehicle or piece of equipment may be used for personal business or pleasure.
- (8) Full time employees may be allowed to commute to and from work in an assigned vehicle while they are assigned to "on-call" duty. The commute must not be longer than thirty-two (32) miles one way. *City equipment and vehicles may never be operated by nonemployees.*
- (9) Employees who are required to use their personal vehicle for business will be paid a mileage allowance monthly for such use at a rate allowed to be deducted under the Internal Revenue Code, as amended from time to time. Requests for mileage reimbursements must be on a Mileage Reimbursement Form.
- (10) Employees who are required to use their personal vehicle for business are required to have on file, with the City Secretary, a copy of their Texas Liability Insurance Card indicating minimum amounts of liability insurance coverage, or legal requirements for financial responsibility required by the Texas Motor Vehicle Safety Responsibility Act. It is the employee's responsibility to inform the City Secretary of any changes and to assure that current information is on file.

7.05. Safety Policy

It is the policy of the City to make every effort to provide for all employees a work environment which is free from recognized hazards likely to cause death or serious physical harm.

7.06. Smoking in the Workplace

In general, use of tobacco products is prohibited within City facilities and City vehicles; however, specific areas where smoking and the use of tobacco products are allowed in designated areas.

The following restrictions are in place:

- (1) Administrative Offices
Smoking is prohibited in all office areas, workrooms, restrooms, and meeting rooms.

(2) Other City Properties

Smoking is not permitted in City facilities. Smoking is not permitted in City vehicles.

7.07. Drug-Free Workplace Policy

A. Policy

The City has a vital interest in maintaining a safe, healthy and efficient working environment. Being under the influence of a drug or alcohol on the job poses serious safety and health risks to the user and to all those who work with the user, and the general public. The use, sale, purchase, transfer, or possession of an illegal drug or contraband in the workplace, and the use, possession or being under the influence of alcohol also poses unacceptable risks for safe, healthful and efficient operations. In addition, costs of substance abuse include lost work days, increased medical costs, inefficiency, loss of public confidence and potential personal injury.

The City further expresses its intent through this policy to comply with Federal and State rules, regulations or laws that relate to the maintenance of a Drug-Free Workplace. This policy applies to all departments, all job applicants, and all employees of the City.

As a condition of employment and continued employment with the City, an employee shall abide by and be subject to this policy. Acceptance of employment by an employee constitutes their consent to be bound by the provisions of this policy. Further, an employee shall within five days notify his or her supervisor of any conviction of any criminal drug statute relative to a violation that occurred while the employee was at work on City business. Nothing contained herein, however, shall alter the at-will status of employees.

B. Nature, Frequency, and Type of Drug Testing to be Instituted

The City policy includes the following type of drug testing:

- (1) Applicant testing;
- (2) Reasonable suspicion testing;
- (3) Accident or unsafe practice testing;
- (4) Random testing of those employees in safety-sensitive position; and
- (5) Testing as part of, or as follow-up to, counseling or rehabilitation.

The frequency of testing for random testing and follow-up testing is specified herein. The City reserves the right to increase or decrease the frequency of the testing based on need, availability of resources, and experience with the drug testing program.

The City will test for all illegal drugs, including:

- (1) Cannabis substances, such as marijuana and hashish;
- (2) Cocaine;
- (3) Heroin;
- (4) Phencyclidine (PCP);
- (5) Amphetamines;
- (6) Inhalants; and

(7) Alcohol.

The City will also test for abnormally high levels of legal drugs (*e.g.*, prescription drugs).

C. Definitions

Alcohol means any beverage that contains ethyl alcohol (ethanol), including but not limited to beer, wine and distilled spirits.

Applicant means any individual tentatively selected for employment with the City.

City Premises or Facilities means all property of the City including, but not limited to, the offices, facilities and surrounding areas on City operated property, parking lots, and storage areas. The term also includes City owned or leased vehicles and equipment wherever located. This includes personal property of employees such as lockers, briefcases, lunch boxes and similar containers when located in or on the above defined areas.

Contraband means any articles, the possession of which on City premises or while on City business, causes an employee to be in violation of a City work rule or law. Contraband includes, but is not limited to, illegal drugs and alcoholic beverages, drug paraphernalia, lethal weapons, firearms, explosives, incendiaries, stolen property, and such other items or materials that are prohibited by law to possess or prohibited by City policy to possess while on City premises or while conducting City business.

Drug Testing means the scientific analysis of urine, blood, breath, saliva, hair, tissue and other specimens of the human body for the purpose of detecting the presence of a drug or alcohol.

Illegal Drug means any controlled substance which is not legally obtainable; any drug which is legally obtainable, but has not been legally obtained; any prescribed drug not being used for the prescribed purpose; any over-the-counter drug being used at a dosage level different than recommended by the manufacturer or being used for a purpose other than intended by the manufacturer; and any drug being used for a purpose not in accordance with bona fide medical therapy. Examples of illegal drugs are: Cannabis substances, such as marijuana and hashish; cocaine; heroin; phencyclidine (PCP) and so-called designer drugs and look-alike synthetic drugs.

Legal drug means any legally prescribed drug or over-the-counter drug which has been legally obtained and is being used for the purpose for which prescribed or manufactured.

Random testing means a system of drug testing imposed without individualized suspicion that a particular individual is using illegal drugs, and may be either: (1) uniform, unannounced testing of designated employees occupying a specified area, element, or position; or (2) a statistically random sampling of such employees based on a neutral criterion, such as social security numbers.

Reasonable suspicion means a suspicion or belief based on objective facts sufficient to lead a prudent person to conclude that a particular employee is suspected to be under the influence of alcohol or drugs, or is unable to satisfactorily perform his or her job duties due to drug or alcohol impairment. Such inability to perform may include, but is not limited to, decreases in the quality or quantity of the employee's productivity, judgment, reasoning, concentration and psychomotor control, marked changes in behavior or personal appearance. Accidents, deviations from safe working practices and erratic conduct indicative of impairment are examples of "reasonable suspicion" situations. Reasonable suspicion may be based on information provided either by reliable and credible sources or independently corroborated; or newly discovered evidence that an employee had tampered with a previous drug test; arrest or conviction for a drug-related offense or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking.

Safety-Sensitive Positions refers to (1) employees in the positions designated by the Mayor or City Council as safety-sensitive; (2) other positions that the Mayor or City Council determines, from time to time, involve law enforcement, the protection of life and property, public health or safety, or other functions requiring a high degree of trust and confidence.

Testing-Designated Positions (TDP) are employment positions within the City which have been designated for random testing.

Under the influence means a condition in which a person is affected by drugs or alcohol in any detectable manner. The symptoms of influence are not confined to those consistent with misbehavior, or to obvious impairment of physical or mental ability, such as slurred speech, difficulty in maintaining balance, or the characteristic odor of alcohol. A determination of being under the influence can be established by a professional opinion, a scientifically valid test, such as, but not limited to, urinalysis or breath and blood analysis, in some cases by the opinion of a supervisor or manager trained to recognize the impairing effects of drug and alcohol use.

D. Drug and Alcohol Testing of Applicants

All applicants for employment, including applicants for part-time and seasonal positions and applicants, who are former employees, are required to take pre-employment drug and alcohol test. An applicant must pass the drug test to be considered for employment or appointment.

An applicant will be required to sign a Consent Form for Drug Testing and a Release Form for Drug Testing. The failure or refusal to execute the Consent Form for Drug Testing or Release Form for Drug Testing will result in the immediate withdrawal of consideration of the candidate for any offers of employment or further consideration for employment.

If an applicant refuses to take a drug or alcohol test, or if evidence of the use of illegal drugs or alcohol by an applicant is discovered, either through testing or other means, the pre-employment or pre-appointment process will be terminated. An applicant who refuses to

take a drug or alcohol test or who fails the pre-employment drug and alcohol test will be denied the opportunity to reapply for employment or appointment for a period of not less than one (1) year.

E. Appeal of a Pre-Employment or Pre-Appointment Drug

An applicant whose drug or alcohol test is reported positive will be offered the opportunity of a meeting with the Department Head or Mayor to offer an explanation. The purpose of the meeting will be to determine if there is any reason that a positive finding could have resulted from some cause other than drug or alcohol use. The applicant may appeal the decision of the Department Head or Mayor to the City Council, whose decision will be final. During the period of an appeal and any resulting inquiries, the pre-employment or pre-appointment selection process for an applicant will be suspended.

F. Prohibited Activities by Employees

Legal Drugs.

It is the responsibility of every employee at work to be free of the influence of any impairing substances, including legal drugs. The purpose of this provision is not to prohibit the proper use of a legal drug by an employee at work, but to require the employee to determine the potential impairing effects that off-the-job or on-the-job use of the legal drug in question may have upon the employee's safe and productive performance at the workplace. Individuals who must use or are under the influence of medications, prescribed by a duly licensed health care provider, which could affect the ability of the individual to perform his or her duties safely, should advise their immediate supervisor of this situation. The individual should advise the supervisor of any warnings or restrictions placed on the individual due to the consumption of any such drugs or medications and request temporary reassignment if necessary. It is the individual's sole responsibility to keep his or her supervisor informed of this situation. Failure to so notify a supervisor will result in disciplinary action. When an employee has determined that use of the legal drug will have an impairing effect on the employee's safe and productive performance, the employee shall not report to work, or continue working if the employee has already reported to work, notifying the employee's supervisor of the employee's status. Any time off for this reason shall be counted against accrued sick leave.

Illegal Drugs, Alcohol and Contraband.

The use, sale, manufacture, purchase, transfer or possession of an illegal drug or alcohol, or contraband by any employee while on City premises and on City time, or while performing City business is prohibited. Presence in the body system of any detectable amount of an illegal drug or alcohol while on City premises and on City time, or while performing City business is prohibited.

The City at all times reserves the right to restrict the work activity or presence at the workplace of any employee whose appearance, conduct or behavior indicates impairment by legal drugs, illegal drugs, alcohol or other impairing substances.

Inspections and Searches.

The City may conduct unannounced or general inspections and searches for drugs, alcohol, or contraband on City premises or in City vehicles, lockers, desks, dressing rooms, or equipment, wherever located. General inspections and searches may include the areas around privately owned vehicles of employees that are located on City premises, lockers, briefcases, lunch boxes, purses, wallets, and other containers in the personal control of employees. Employees are expected to cooperate.

Search of an employee, and his or her personal property, to include the interiors of privately owned vehicles of employees, lockers, briefcases, lunch boxes, purses, wallets and other containers that are located on City premises, may be made when there is reasonable belief to conclude that the employee is in violation of this policy. An employee's consent to a search is required as a condition of employment and the employee's refusal to consent may result in disciplinary action, including discharge, even for first refusal.

Illegal drugs, drugs believed to be illegal, and drug paraphernalia found on City property may be turned over to the appropriate law enforcement agency and full cooperation given to any subsequent investigation. Substances which cannot be identified as an illegal drug by a layman's examination will be turned over to a forensic laboratory for scientific analysis.

Other forms of contraband, such as stolen property, firearms, explosives and lethal weapons, will be subject to seizure during an inspection or search. An employee who is found to possess contraband on City property or while on City business will be subject to discipline up to and including discharge.

If an employee is indicted for a felony violation or is officially charged with the commission of a Class A or B misdemeanor violation of a criminal drug statute, the employee may be suspended without pay for a period not to exceed 30 days after the date of final disposition of the felony indictment or misdemeanor complaint. The employee shall be notified by the employee's department head of the suspension in writing. If the employee is found not guilty of the indictment or complaint in a court of competent jurisdiction, the employee may appeal to the City for back wages. However, acquittal or dismissal of an indictment or complaint will not mean that the employee has not violated this policy and will not negate charges that may have been or may be brought against the employee for violation of this policy.

Reasonable Suspicion and Post-Accident Drug and Alcohol Testing of Employees.

A supervisor shall document in writing the specific facts, symptoms or observations which form the basis for his or her determination that reasonable suspicion existed to warrant the testing of an employee. Such documentation shall be forwarded by the employee's supervisor to his or her department head or to the Mayor, who will make the decision regarding administering a drug screening test to the subject employee.

The Department Head shall require an employee to undergo drug or alcohol abuse screening if there is reasonable suspicion that the employee is in violation of the City's policy.

Circumstances which constitute a basis for determining reasonable belief include, but are not limited to:

- A pattern of erratic or abnormal behavior which is personally observed, or related by a reliable and credible source. This includes, but is not limited to, incidents or patterns of behavior which markedly differ from what is normally displayed and acceptable, when compared to past behavior of an individual.
- Information provided by a reliable and credible source. This includes a first line supervisor, or other manager, receiving information from a reliable and credible source, as determined by the department head, that an employee is violating the City's Drug Testing, Substance Abuse and Contraband Policy.
- Direct observation of drug use. This is when a first-line supervisor, or other manager, personally observes an employee using illegal drugs, legal drugs illegally, or alcohol while that employee is on duty with the City. Under this circumstance, a request for drug testing is mandatory.
- Presence of physical symptoms of drug use. When a first-line supervisor, or other manager, observes physical symptoms indicative of drug or alcohol abuse, including but not limited to, glassy or bloodshot eyes, slurred speech, poor motor coordination, and slow or poor reflex responses.
- Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use or trafficking.
- Newly discovered evidence that the employee has tampered with a previous drug test.

Post-accident Testing.

As part of the City's commitment to providing a safe and secure work environment, any employee involved in an on-the-job accident or who engages in unsafe on-duty, job-related activities that pose a danger to others or the overall operation of the City may be subjected to testing. Mandatory testing will be required following any documented, on-the-job accident where any person involved requires treatment by a licensed physician, and/or there is property damage of \$2,000 or more.

Employees reasonably believed to be under the influence of alcohol or drugs while on duty shall be prevented from engaging in further work of any sort for the City and will give the City reason to subject them to immediate testing in accordance with the procedures set forth

in this policy. Thereafter, the employee shall be released from work and shall not return to work until the City receives the interpreted results of the tests. A supervisor shall transport the employee to the testing facility and provide arrangements to transport the employee home following testing.

Follow-up Testing.

All employees who are considered by their Department Head to be in safety sensitive positions shall be considered testing-designated positions and shall be subject to random drug testing.

Among factors that will be considered in designating a testing-designated position are:

- The extent to which the job functions associated with the position relate to or impact public health and safety;
- The protection of life and property;
- The authorization for the employee to carry a firearm;
- The employee's access to sensitive information;
- The necessity for a high degree of trust and confidence;
- The real or eminent threat to the personal health and safety of the employee, or co-worker, or public if the employee performs the job with lack of attention, or if the employee makes errors in judgment, or if the employee has diminished dexterity or composure resulting in a mistake.

Selection of employees for random testing shall be made through use of a secured computer selection process. Human intervention in this process shall be limited to the programming of the computer by an individual who is not a City employee. All employees in safety sensitive positions will be subject to random drug and alcohol abuse testing as determined by the City Secretary.

Employees selected for a random test shall be notified by the head of the department in which they are employed within no more than two (2) hours of the test administration. Selected employees on PTO or other leave or away from the city on City business will not be notified or required to take the test at that time. These employees will be notified and undergo the test on their first day at work following their absence.

G. Positions Designated for Random Testing

(1) Automotive Maintenance Technicians/Mechanics

Employees in these positions drive City vehicles as a regular part of their duties which include providing emergency repairs to City vehicles and equipment, as well as regular maintenance of these vehicles and equipment with frequent use of power tools and other machinery requiring alertness and dexterity. Their work requires agility, mobility, and sound judgment that if impaired by alcohol or drug abuse could pose an immediate threat to the public or fellow employees.

- (2) Equipment Operators /Park Maintenance Workers
Employees in these positions operate and work around equipment with rotating blades and drive City vehicles and equipment as part of their regular duties. Their work requires alertness, mobility and sound judgment which if impaired by alcohol or drug abuse could pose an immediate threat to the public or fellow employees.
- (3) Lifeguard I/Lifeguard II/Lifeguard III/Supervisor/Full Time Supervisor/ Sr. Lifeguard
Their work requires alertness, mobility, and sound judgment that if impaired by alcohol or drug abuse could directly relate to public health and safety and therefore qualifies as a “safety sensitive position”.
- (4) Department Heads
Departmental heads are responsible for the management and stewardship of the City’s assets and human resources. For this reason, sound judgment and a clear state of mind is imperative. All department heads will be subject to random testing.

H. Discipline

Any employee who possesses, distributes, sells, attempts to sell, or transfers illegal drugs on City premises and on City time, or while on City business will be discharged.

Any employee who is found to be in possession of or under the influence of alcohol on City premises and on City time, or while on City business shall be subject to immediate termination.

Any employee who is found to have in his or her body system a detectable amount of an illegal drug(s) or alcohol or who has been determined to be under the influence of illegal drug(s) or alcohol while on City premises and on City time, or while on City business will be subject to immediate discharge.

Any employee who refuses to be tested when so required will be subject to immediate dismissal. No applicant who refuses to be tested shall be given an offer of employment. Attempts to alter or substitute the specimen provided will be deemed a refusal to take the drug test when required.

I. Confidentiality

All information relating to drug or alcohol testing, or the identification of persons as users of drugs and alcohol will be protected by the City as confidential unless otherwise required by law, overriding public health and safety concerns, or authorized in writing by the person in question.

Only the City Secretary and the Mayor will be privy to this information. Department heads will be informed that the applicant is simply not eligible for hire.

J. Security Inspections

The City wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms (excluding handguns for employees as provided herein), explosives, or other improper materials. To this end, it prohibits the possession, transfer, sale, or use of such materials on its premises and requires the cooperation of all employees in administering this policy. Desks, file cabinets, and other storage devices may be provided for the convenience of employees, but remain the sole property of the City. Accordingly, these items, as well as any articles found within them, can be inspected by an authorized agent or representative of the City.

7.08. Solicitation

In an effort to assure a productive and harmonious work environment, persons not employed by the City may not solicit or distribute literature in the workplace. The City recognizes that employees may have interests in events and activities outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time. Working time does not include lunch periods, work breaks, or any other periods in which employees are not on duty.

7.09. Grievance Procedures

It is the sincere intent of the City to be fair and reasonable with all employees at all times. However, in the relationship of employee to employee or employee to employer, problems may develop. Generally, satisfactory solutions to any problems employees may encounter are not found by discussing it with fellow employees or other members of the staff. Fair handling of a problem or complaint cannot be given if employees do not let the proper supervisors know of its existence.

An employee dissatisfied with any employment or personnel issue, including but not limited to job discrimination, health and/or safety issues, or drug-related issues, may file a grievance as outlined in this section. The grievance must specify in writing the issue, what action was taken or inaction by the City, and how the action or inaction is either unwarranted or inappropriate.

No adverse action will be taken by the City against an employee for filing or appealing a grievance.

Failure to comply within the time limits specified for filing a grievance constitutes a waiver of the grievance.

Two-Step Grievance Procedure

Step One: The Department Head

An employee may file a grievance with the Department Head by submitting within ten (10) working days of the occurrence of the problem an Employee Grievance Form obtained from the City Secretary. The department head will provide an answer to the employee within five (5) working days of presentation of the grievance. In the event the department

head fails to respond to the grievance within five (5) working days, the employee will proceed to Step Two.

Step Two: The Mayor

If the employee is dissatisfied with the solution provided by the department head, he or she will have an additional five (5) working days to appeal to the Mayor. After careful consideration of all facts, and within five (5) working days of the Mayor receiving the grievance, he or she will render a final decision in writing to the employee. Any decision rendered by the Mayor is final and binding.

A grievance involving the Mayor may be submitted to the City Secretary within ten (10) working days of the occurrence for forwarding to City Council.

THE IMPLEMENTATION OF THESE PROCEDURES SHOULD NOT BE CONSTRUED AS PREVENTING, LIMITING, OR DELAYING THE CITY FROM TAKING DISCIPLINARY ACTION, INCLUDING IMMEDIATE DISCHARGE, IN CIRCUMSTANCES WHERE THE CITY DEEMS SUCH ACTION APPROPRIATE.

7.10. Harassment Policy

A. Statement of Philosophy

Each individual has the right to work in a professional atmosphere which promotes equal opportunities and prohibits discriminatory practices, including harassment based on sex, race, gender, age, disability, veteran status or pregnancy. At the City, whether verbal or physical, harassment is unacceptable and will not be tolerated.

B. Definition of Sexual Harassment

For purposes of this policy, sexual harassment is defined as unwelcome or unwanted conduct of a sexual nature (verbal or physical) when: 1) submission to or rejection of this conduct by an individual is used as a factor in decisions affecting hiring, evaluation, promotion or other aspects of employment; 2) this conduct substantially interferes with an individual's employment or creates an intimidating, hostile or offensive work environment.

Examples of sexual harassment include, but are not limited to: unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; repeated sexual jokes, flirtations, advances or propositions; verbal abuse of a sexual nature; graphic, verbal commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling, touching, pinching, assault, coerced sexual acts or suggestive, insulting, obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures.

This behavior is unacceptable in the workplace itself and in other work-related settings such as business trips and business-related social events.

C. Individuals Covered Under the Policy

This policy covers all employees and City Officials. The City will not tolerate, condone or allow sexual harassment, whether engaged in by Councilmembers, the Mayor, fellow employees, supervisors, clients or other non-employees who conduct business with the City. The City encourages reporting of all incidents of sexual harassment, regardless of who the offender may be.

D. Reporting a Complaint

The City encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome. The City also recognizes that power and status disparities between an alleged harasser and a target may make such a confrontation impossible.

In the event that such informal, direct communication between individuals is either ineffective or impossible, the following steps should be followed in reporting a sexual harassment complaint:

Step One: Notification of Appropriate Staff.

Individuals who believe they have been subjected to harassment or discrimination should report the incident to their immediate supervisor or Department Head or the Mayor for an incident regarding a Department Head.

If the supervisor successfully resolves the complaint in an informal manner, the supervisor must inform the Department Head or Mayor or City Council for an incident regarding a Department Head about the complaint and resolution so that management will be aware of any pattern of harassment by a particular individual.

Step Two: Description of Misconduct.

An accurate record of objectionable behavior or misconduct is needed to resolve a formal complaint of sexual harassment.

Oral reports of harassment or discrimination must be reduced to writing by either the complainant or the individuals designated to receive complaints.

E. Time Frame for Reporting Complaint

The City encourages a prompt reporting of complaints so that rapid response and appropriate action may be taken. However, due to the sensitivity of these problems, no limited time frame will be instituted for reporting harassment or discrimination complaints. Delays in reporting a complaint will not, in and of itself, preclude the City from taking remedial action.

F. Protection Against Retaliation

The City will not in any way retaliate against an individual who makes a report of harassment or discrimination nor permit any employee to do so. Retaliation is a serious violation of this harassment policy and should be reported immediately. Any person found

to have retaliated against another individual for reporting harassment will be subject to the same disciplinary action provided for harassment offenders (see "Resolving the Complaint" below).

G. Investigating the Complaint

Any allegation of harassment or discrimination brought to the attention of management will be promptly investigated in a confidential manner. Confidentiality will be maintained throughout the investigatory process to the extent practical under the circumstances.

Complaints will be investigated and resolved by the Department Head or his/ her designee. Any complaints against the Department Head will be referred to the Mayor to be dealt with in the same manner and procedure.

H. Resolving the Complaint

Upon completing the investigation of a harassment or discrimination complaint, the investigator will communicate his/her findings and intended actions to the complainant and alleged harasser.

If the investigator, together with any appropriate review committee, finds that harassment occurred, the harasser will be subject to appropriate disciplinary procedures, as listed below. The complainant will be informed of the disciplinary action taken.

If the investigator(s) determines that no harassment or discrimination has occurred, this finding will be communicated to the complainant in an appropriately sensitive manner.

I. Sanctions

Individuals found to have engaged in misconduct constituting harassment or discrimination will be disciplined, up to and including discharge. Appropriate sanctions will be determined by the Department Head or Mayor.

J. False Accusations

If an investigation results in a finding that the complainant falsely accused another of harassment or discrimination knowingly or in a malicious manner, the complainant will be subject to appropriate sanctions, including the possibility of termination.

K. Violations of Policy

If the City determines that an employee has encouraged, participated, or permitted a violation of this policy, the employee will be subject to appropriate disciplinary action, if, however, any violation of this policy has caused or led to favoritism, unfair bias, harassment, or preferential treatment, or has in any way adversely affected the City's operations or productivity, then more serious disciplinary action may be taken, up to and including termination from employment. This policy is not a contract of employment and does not purport to change, alter, or modify each employee's at-will employment with the City.

7.11. Code of Ethics

The Code is intended to provide guidance to Employees of the City in the event of a conflict between their personal or professional interests and the interest of the City. It is not to be interpreted as comprehensive in scope or to address every perceived conflict or issue; rather, it should be used as a framework for Employees to apply in particular circumstances. Ultimately, ethics for Employees is a matter of personal honesty, common sense and good judgment.

The Employee Code of Ethics Policy approved by the City is as follows:

A. Definitions

As used in this Code, the following terms shall have the meaning respectfully ascribed to them in this section:

City shall mean the City of Johnson City.

Council Member shall mean a duly appointed member of the City.

Employee shall mean any person employed by the City, including those individuals employed on a part-time basis.

Benefit means anything reasonably regarded as economic gain or economic advantage.

Business means any activity engaged in for economic gain, or for charitable, educational, or philanthropic purposes.

Business Entity means a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust, or any other entity recognized in law through which business for profit is conducted.

Financial Interest shall mean a person who owns ten (10) percent or more of the voting stock or shares of the business entity or owns either ten (10) percent or more or \$15,000 or more of the fair market value of the business entity; or a person received during the previous year more than ten (10) percent of the person's gross income from the entity; or a person is an equitable or legal owner of real property with a fair market value of \$2,500 or more.

Impropriety means conduct that violates or gives the appearance that one or more of the Standards of Conduct established in this Code of Ethics has been violated.

State shall mean the state of Texas.

B. Standards of Conduct

No employee shall:

- (1) Accept or solicit any gift, favor, service, or thing of value, including the promise of future employment, which might reasonably influence the Employee in the discharge of official duties:
 - (a) From any person, group, or business entity who has a contract or other business relationship or has a substantial interest in any business entity that has a contract or other business relationship with the City; or
 - (b) From any person, group, or business entity who has a personal financial interest in any proposed action, resolution, or decision upon which such Employee must act or make a recommendation.

- (2) Disclose any confidential information gained by reason of the position of the Employee concerning the property, operations, policies, or affairs of the City, or use any confidential information to advance any personal interest, financial or otherwise.

This sub-paragraph (2) shall not prohibit the disclosure or use of confidential information, when required or permitted by law, including the City Code.

- (3) Use their position or office or City property, facilities, personnel, equipment, or supplies:
 - (a) For purposes unrelated to the interests of the City;
 - (b) For private advancement or gain;
 - (c) To secure privileges or exemptions; or
 - (d) To grant or give any favor, service, consideration, treatment, advantage, or thing of value to any person, group, or business entity beyond that which is available to individual members of the public.

This sub-paragraph (3) shall not prohibit such use that is available to the public generally.

- (4) Act or make recommendations on any matter in which the Employee has a financial interest.
- (5) Represent, directly or indirectly, any person, group, or business entity:
 - (a) Before the City or any committee of the City; or
 - (b) Before a board or commission that has legal jurisdiction over the City;
 - (c) So long as all relevant details are disclosed to the City, the restrictions in this section do not prohibit:
 - (i) An Employee from appearing before the City to represent that person's own interest or property;
 - (ii) An Employee from appearing before the City to address employment matters;
 - (iii) An Employee from bringing any lawful claim or lawsuit against the City.

Any contract to which the City is a party and in which the Employee has a direct or indirect financial interest and in which the Employee has acted or made a recommendation in violation of the provisions of this policy shall be voidable or rescindable at the option of the City at any time within a period of one (1) year from the date such contract is approved or executed, whichever is later. The term "contract" means any agreement with or claim, account, or demand against the City.

Failure to promptly report to the Employee's immediate supervisor, or to the Mayor in the case of the Department Head, any gift of anything of value in excess of \$50, which would not have been given or offered to the Employee or any member of the Employee's immediate family had the Employee not been employed by the City may result in disciplinary action.

C. Complaints and Confidentiality

All complaints of violation of this Code of Ethics shall be made directly to the City Council of the City in writing and a copy of the complaint shall also be provided to the party complained of.

The complaint alleging a violation of the Code of Ethics shall:

- (1) Specify in writing the nature of the complaint and the complainant shall swear that the complaint is true and correct;
- (2) Be placed in a sealed envelope and state on the outside of the envelope the complainant's name, name of the person the complaint is against and the current date. Complainant shall deliver the sealed envelope to the Department Head who shall forward it to the Mayor;
- (3) Not less than seven (7) working days after the complaint is received by the Mayor, the Mayor or the council member designated by the City Council shall acknowledge receipt to the complainant and provide a copy of the complaint to all members of the City Council, and to the party complained of. The Mayor, or his/ her designee, shall notify the complainant, and the person complained of as to the date of the hearing if the City Council deems a hearing is warranted. If the City Council deems the complaint to be defective as to form or substance, it shall notify the complainant and the person complained of. If the City Council deems a hearing is warranted and it fails to conduct the hearing within thirty (30) days of the Mayor's receipt of the complaint, it shall notify the complainant and the person complained of the reasons for the delay and shall give notice when the hearing is set;
- (4) A complaint alleging a violation of the Code must be filed within two (2) years of the alleged violation;
- (5) When a complainant is notified that the complaint is defective, complainant shall be allowed to file a sworn amended complaint.

D. Defense of Employee Acting in Reliance of City Attorney Opinion

It shall be a defense to a violation of the Code of Ethics that the Employee acted in reasonable reliance upon an opinion rendered by the City Attorney.

E. Sanctions

If the City Council determines that a violation of the Code of Ethics has occurred, City Council shall proceed directly to determine the appropriate recommended sanctions. The City Council may receive additional testimony or statements before considering sanctions, but is not required to do so. If the person complained against acted in reliance upon an opinion of the City Attorney, the City Council shall consider the fact.

If the City Council determines that a violation of the Code of Ethics has occurred, it may recommend the following sanctions:

- (1) The Department Head may direct a letter of notification to the Employee. A letter of notification shall be the recommended sanction when the City Council finds that a violation is clearly unintentional, or when the conduct of the person complained against was done in reliance upon an opinion of the City Attorney. A letter of notification shall advise the Employee of steps the Employee should take to avoid future violations.
- (2) The Department Head may direct a letter of admonition to the Employee. A letter of admonition shall be the recommended sanction when the City Council finds that the violation is minor or unintentional, but calls for a more substantial response than a letter of notification.
- (3) The Department Head may direct a letter of reprimand to the Employee. A letter of reprimand shall be the recommended sanction when the City Council finds that a violation has been committed intentionally, knowingly, or with conscious indifference to the Code of Ethics. The letter of reprimand shall be placed in the Employee's personnel file.

F. Appeals

Any Employee aggrieved by a recommendation from the City Council or the Mayor or by any action taken by their direct supervisor or department head may appeal in accordance with appeal procedures in this handbook.

G. Compliance with State Laws

Employees shall comply with applicable provisions of the laws of the State and the City of Johnson City regulating the conduct of Employees.

SECTION 8. MISCELLANEOUS

8.01. Environmental Stewardship

The City supports environmental conservation by encouraging good environmental stewardship such as recycling and waste management in its business practices and operating procedures. This support includes a commitment to the purchase, use, and disposal of products and materials in a

manner that will best utilize natural resources and minimize any negative impact on the earth's environment.

Employees of the City are expected to uphold the practices of good environmental stewardship set forth in their respective departments.

8.02. Communications

Communication with the public and the media about City issues or problems is the responsibility of the City Secretary and/or Mayor. Employees are to refer members of the news media to the City Secretary and/or Mayor if a question is non-routine, controversial, or outside the scope of the employee's normal duties, and are to notify the City Secretary of scheduled interviews with the media.

A. Internal communications.

From time to time, an employee may be given work instructions from or asked questions by a City employee or official outside the normal chain of command. In such cases, it is the employee's responsibility to notify his or her immediate supervisor in a timely manner about the instruction or question. In those instances where there could be adverse consequences to the City, supervisors are responsible for promptly reporting the potential adverse consequences to the City through the proper chain of command.

B. Requests for Council Action.

An employee may request that a matter be considered by the City Council by submitting the item in writing to his or her supervisor. Final decisions as to what is to be brought forward to the Council from staff are determined by the Mayor or City Secretary.

C. Council to Staff.

Except for the purpose of inquiries and investigations specifically authorized by statute, the Councilmembers shall deal with City officers and employees who are subject to the direction and supervision of the Department Head solely through the Department Head and/or Mayor. Generally, Councilmembers shall not give work instructions or orders to any City officer or employee, either publicly or privately.

D. Secret Recordings Prohibited.

If an employee, including a supervisor, wishes to record any conversation between the employee and any other employee or officer, or between two or more other City employees, the employee or officer must first notify the other person(s) of his or her intent to record the conversation or comments and must ask the other person(s)' authorization to make the recording. Any unauthorized taping of any conversation is grounds for disciplinary action.

8.03. Travel and Entertainment Policy

The City recognizes the necessity for its employees to travel to other cities in the conduct of its business, receive training or participate in forums relative to City activities. However, it is essential that all travel be limited to trips in which the physical presence of employee is absolutely necessary and that the number of travelers attending a single event also be limited to those absolutely necessary to complete the assigned duties.

This policy statement is effective for all regular employees, hired consultants seeking reimbursement of travel costs, members of the City Council and members of the various committees appointed by the Board.

8.04. Approval of Travel

All travel must be approved in advance by the Department Head. Once approved, any changes to travel schedules, including the days or number of days to travel should be approved by the employee's Department Head.

8.05. Advances

Funds for travel, per diem and lodging may be advanced in reasonable amounts for scheduled trips. Per Diem will be determined by the Federal Per Diem Rates or the U.S. Department of State Foreign Per Diem Rates, when it is appropriate. No advance will be made if a previous advance has been outstanding more than 60 days.

A purchase order request form must be used to authorize all travel and should be submitted at least ten (10) days prior to the beginning date of the trip.

8.06. Allowable Expenditures

IT IS THE POLICY OF THE CITY TO REIMBURSE ITS EMPLOYEES FOR ALL REASONABLE COSTS INCURRED WHILE TRAVELING ON ITS OFFICIAL BUSINESS. HOWEVER, THE CITY WILL NOT REIMBURSE THE EMPLOYEE FOR EXCESSIVE AND UNREASONABLE COSTS INCURRED. NO EXPENDITURE OF CITY FUNDS WILL BE DISBURSED FOR SPOUSE OR FAMILY TRAVEL AND RELATED EXPENSES. THE PRIMARY REQUIREMENT AS TO WHETHER OR NOT AN EXPENSE IS REIMBURSABLE IS ESTABLISHED BY THE FOLLOWING:

- (1) THE EXPENSE MUST BE A NECESSARY EXPENSE INCURRED IN THE FULFILLMENT OF THE OFFICIAL BUSINESS; AND
- (2) THE EXPENSE CLAIMED FOR REIMBURSEMENT MUST BE A REASONABLE AND PRUDENT AMOUNT.

8.07. Expense Forms

City Expense Account Forms (“Expense Forms”) must be used for recording and requesting reimbursement of all travel, entertainment and business meals expense. All Expense Forms must be approved by the Department Head. All employees are expected to fully document and explain items requested for reimbursement in accordance with the instructions set forth herein. Travel expense reimbursements will be made only upon presentation of properly completed and documented Expense Forms. Required documentation includes paid receipts for all travel, (air travel ticket stubs, car rental agreements, etc.) lodging, (hotel/motel bills), and for any other expenditure.

Requests for reimbursements should be submitted promptly after completion of the trip(s). Expense Forms submitted more than 5 days after the completion of the trip will not be accepted except under unusual circumstances.

8.08. Transportation

The employee must consider the relative costs involved when picking a mode of travel. For example, travel by private automobile is not always the most economical method of transportation when hotel and meal costs are also necessary. Also to be considered are appointment schedules and time away from the employee's home and office. Coach or economy class service is the only authorized class of air travel.

8.09. Use of Equipment

Equipment essential in accomplishing job duties is often expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Please notify your supervisor if any equipment, machines, or tools appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. Your supervisor can answer any questions about your responsibility for maintenance and care of equipment used on the job. Personal use of City equipment is prohibited. Improper use of equipment can result in disciplinary action, up to and including termination of employment.

8.10 Allowance of Handguns

As provided in state law, employees shall not be prohibited from possessing handguns on city premises in accordance with open carry and concealed handgun statutory requirements.

Open Carry. No employee may openly carry any weapon while on duty.

Concealed Carry. It is the sole responsibility of the employee to maintain control of the employee's concealed weapon and ammunition (if any) at all times.

1. Except as provided below, an employee who chooses to carry a concealed weapon during the course of employment shall have the weapon concealed and on the employee's person, carried in a holster or other appropriate carrying device, at all times, unless lawfully using the weapon.
2. An employee who stores a concealed weapon (during work hours) in a vehicle owned by the City of Johnson City during the course of employment must store the weapon in a locked case and place the case out of plain view from the exterior of the vehicle. The locked case will be purchased, owned, and maintained by the employee. An employee must remove his firearm from the city vehicle when not on duty.
3. An employee who stores a concealed weapon (during work hours) in his/her desk shall not leave the weapon unattended in an unlocked drawer. No concealed weapon shall be left in a desk, locked or unlocked, overnight, during holidays, or weekends.
4. It is recommended that an employee who chooses to carry a concealed weapon during work hours maintain a contract with a legal defense fund designed to represent the employee in any legal matter arising from the carrying or use of the weapon.
5. Nothing in this policy authorizes any employee to carry a concealed weapon in any area prohibited by Texas Penal Code 46.03. No employee shall carry a concealed weapon in the course of employment in any private vehicle or on private property owned or leased by another person over the objections of the owner or leasee.
6. The mere carrying of a concealed weapon shall not be construed as a violent, threatening or intimidating act on the part of the employee. Nothing in this policy shall be construed to support or permit violent, threatening or intimidating behaviors related to the possession of a concealed weapon. Threatening and intimidating behaviors may include, but are not limited to:
 - a) Intentionally displaying a concealed weapon to any person; or
 - b) Referring to the concealed weapon; or
 - c) Referring to a weapon not on the employee's person, with the intent to implicitly or explicitly threaten or intimidate another person.

Violent, threatening, or intimidating behaviors listed above are grounds for disciplinary actions up to and including immediate termination of employment.

SECTION 9. USE OF COMPUTER, INTERNET AND COMMUNICATION SYSTEMS

9.01. Internet and Email Policy

The internet and email usage policy applies to all users (individuals working for the City, including permanent full time and part-time employees, contract workers, and seasonal workers) who access the internet or email systems through the computing or networking resources provided by the City. The City's internet and email users are expected to be familiar with and to comply with this policy, and are also required to use their good judgment while using internet and email services.

When using City resources to access and use the internet or email, users must realize they represent the City.

Violations of the internet and email usage policy will be documented and can lead to revocation of system privileges and/ or disciplinary action up to and including termination. Additionally, the City may at its discretion seek legal remedies incurred as a result of any violation. The City may also be required by law to report certain illegal activities to the proper enforcement agencies.

A. Usage Threats

(1) Inappropriate Use of Resources

Access to the internet by personnel that is inconsistent with the City's needs results in the misuse of resources. These activities may adversely affect productivity due to time spent "surfing" the internet. Additionally, the City may face loss of reputation and possible legal action through other types of misuse.

Users should be aware that email is not a confidential means of communication.

Furthermore, the computers and equipment are property of the City and any emails, instant messages or other use of communications are not considered private by the City. Please be aware that electronic communications can, depending upon the technology be forwarded, intercepted, printed, and stored by others. Users should be aware that once an email is sent, it can be altered. Deleting an email from an individual workstation will not eliminate it from the various systems across which it has been transmitted.

(2) Misleading or False Information

All information found on the internet should be considered suspect until confirmed by another reliable source. There is no quality control on the internet, and a considerable amount of information is outdated or inaccurate.

(3) Spyware or Viruses

Unauthorized downloading of programs or applications can result in the infiltration of unwanted viruses or spyware which can seriously compromise the security of internal networks and important information. It is strictly forbidden to download applications or unauthorized programs to desktops, laptops or tablets.

B. Internet and Email Services

Internet access is to be used for business purposes only. Capabilities for standard internet services will be provided to users as needed, including email, navigation, and teleconferencing. The Administration reserves the right to add or delete services as needs change or as conditions warrant. All other services will be considered unauthorized access to/ from the internet and will not be allowed.

Emails should only be sent and received from and to the address and account entrusted to the employee by the City. Personal email accounts should not be utilized for City purposes.

All outgoing messages must be accurate, appropriate, and work- related.

C. Usage Policies

(1) Resource Usage

Internet and email usage is granted for the sole purpose of supporting activities necessary to carry out job functions. All users must follow the principles stated herein regarding resource usage and exercise good judgment in using the internet and email.

An employee's use of social media (Facebook, Twitter, Instagram or any other account deemed "social media"), both on and off duty must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the City or violate any City policy. Protecting the City's reputation and ensuring that an employee's communication with people outside the City, not only reflects positively on the employee as an individual, but also on the City.

Acceptable usages of the internet for performing job functions might include: Communications between employees and non-employees for business purposes, review of possible vendor websites for product information, review of destination or informational websites related to the City's fields of interest, reference of regulatory or technical information, research.

(2) Personal Usage

Using City computer resources to access the internet for personal purposes may be considered cause for disciplinary action up to and including termination. Please keep this in mind, also, as you consider forwarding non-business emails to associates, family or friends.

All users should be aware that the City network creates an audit log reflecting request for service, both in-bound and out-bound addresses, and is periodically reviewed. Users who choose to store or transmit personal information such as private keys, credit card numbers or certifications or make use of the internet to undertake unauthorized activities, do so at their own risk. The City is not responsible for any loss of information or consequential loss of personal property.

(3) Prohibited Usage

Acquisition, storage, and dissemination of data which is illegal, pornographic, or which negatively impacts race, sex or creed is specifically prohibited. The City also prohibits the conduct of business enterprise, political activity, engaging

in any form of intelligence collection from our facilities, engaging in fraudulent activities, or knowingly disseminating false or otherwise libelous materials.

Sending or receiving pornographic jokes, pictures or stories via email, is considered sexual harassment and will not be tolerated. Employees violating this policy are subject to termination.

Any emails that discriminate against employees by virtue of any protected classification including race, gender, nationality, religion, and so forth, will be dealt with according to the harassment policy.

Other activities that are strictly prohibited include, but are not limited to:

- Accessing City information that is not within the scope of one's work. This includes unauthorized access of personnel file information and accessing information that is not needed for the proper execution of job functions.
- Misusing, disclosing without proper authorization, or altering customer or personnel information.
- Deliberate pointing or hyper-linking of City website to other internet sites whose content may be inconsistent with or in violation of the aims and policies of the City.
- Use, transmission, duplication, or voluntary receipt of material that infringes on the copyrights, trademarks, trade secrets, or patent rights of any person or City. Assume that all materials on the internet are copyright unless otherwise specifically indicated.
- Transmission of any proprietary, confidential, other otherwise sensitive information without proper controls.
- Creation, posting, transmission, or voluntary receipt of any unlawful, offensive, libelous, threatening, harassing, harassing material include but not limited to comments based on race, national origin, sex, sexual orientation, age disability, religion, or political beliefs.
- Any form of gambling.
- Any ordering (shopping) of items on the internet (unless expressly authorized by your supervisor).
- Playing of any games.
- Forwarding of chain letters.
- Acceptance of promotional gifts.

D. Software Licenses

The City strongly supports strict adherence to software vendors' license agreements. When at work, or when using the City computing or networking resources, copying of software in a manner not consistent with the vendor's license is strictly forbidden.

E. Expectation of Privacy

Keep in mind that the City owns any communication sent via email or that is stored on City equipment. The Administration and other authorized staff have the right to access any material in your email or on your computer at any time. Please do not consider your electronic communication, storage or access to be private if it is created or stored at work.

All City communications systems and equipment, including the messages transmitted or stored by them, are the sole property of the City. The Mayor and/or City Secretary may access and monitor employee communications and files as it considers appropriate. Users should consider their internet and email activities as periodically monitored and limit their activities accordingly.

9.02. Use of Telephones and Cellular Telephones

Communications systems and equipment include mail, electronic mail, "email," courier services, facsimiles, telephone systems, computers, computer networks, online services, internet connections, computer files, video equipment intakes, tape recordings and recorders, company issued pagers and cell phones. Employees using such communication devices shall be limited solely to work-related activities. Employees may be required to reimburse the City for any charges resulting from personal use of the telephone. The City reserves the right to monitor the frequency and length of calls to avoid abuses of these privileges. Unauthorized use of long distance may result in disciplinary action, including dismissal.

In addition, no sexually-oriented or sexually-suggestive material shall be downloaded, duplicated, or scanned using company equipment. All outgoing messages, whether by mail, facsimile, email, internet transmission, or by other means, must be accurate, appropriate, and work-related.

Further, employees should be aware that cellular telephone calls are not secure and can be monitored. It is a crime for a third party to intentionally monitor cell phone conversations without the consent of one of the parties to the conversation. Inadvertent monitoring of private cellular conversations is possible. Caution should be used whenever confidential or sensitive information must be discussed on a City-provided cell phone.

**CITY OF JOHNSON CITY
EMPLOYEE ACKNOWLEDGMENT FORM**

The Personnel Policy Manual describes important information about the City, and I understand that I should consult my supervisor regarding any questions not answered in the Manual. I have entered into my employment relationship with the City voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the City can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described herein are necessarily subject to change, I acknowledge that revisions to the Personnel Policy Manual may occur, except to the City's policy of employment-at-will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies.

FURTHERMORE, I ACKNOWLEDGE THAT THIS PERSONNEL POLICY MANUAL IS NEITHER A CONTRACT OF EMPLOYMENT NOR A LEGAL DOCUMENT, BUT MERELY A GENERAL DESCRIPTION OF THE POLICIES, PROCEDURES AND BENEFITS RELATING TO EMPLOYMENT AT THE CITY. I HAVE RECEIVED THE HUMAN RESOURCES POLICY MANUAL AND I UNDERSTAND THAT IT IS MY RESPONSIBILITY TO READ AND COMPLY WITH THE POLICIES CONTAINED IN THIS HUMAN RESOURCES POLICY MANUAL AND ANY REVISIONS MADE TO IT.

Employee's Signature

Printed Name

Date

The executed original of this acknowledgement form shall be placed in the employee's personnel file.

CITY OF JOHNSON CITY

**EMPLOYEE OR CITY OFFICIAL ELECTION
REGARDING PERSONAL INFORMATION**

To the City Personnel Officer or Human Resources Officer:

I, _____ (printed name), hereby make the following election with respect to allowing public access to information in the custody of the City of Johnson City that relates to my home address, home telephone number, emergency contact information, and social security number, or that reveals whether I have family members.

I do not want the City of Johnson City to disclose or allow public access to the following:

(Check selected item)

_____ my home address

_____ my home telephone number

_____ my emergency contact information

_____ my social security number

_____ information that reveals whether I have family members

Employee or City Official Signature

Date