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Revised \_\_\_\_\_, 2021

## Preface

**City Reference.** Use of the word "City" throughout the Personnel Policies and Procedures Manual (the Personnel Manual) refers to the City of Johnson City.

**Purpose.** This document contains the various City policies, procedures, and employee benefits governing your employment and the conduct of City business. It is not intended to cover or address every situation that may be encountered during employment. The City Council of the City of Johnson City reserves the right to modify, revoke, suspend, terminate, or change any or all such benefits, plans, policies, or procedures, in whole or in part, at any time, with or without notice.

**SOPs.** This document includes Department Standard Operating Procedures ("SOPs") in the Appendices. Departmental SOPs do not require City Council approval or ratification upon amendment by the Department Head. The Personnel Manual shall control over any other policies unless Department SOPs are more restrictive.

**Noncontractual.** This document is not a contract. The language used in this document is not intended to create, nor is it to be construed, to constitute a contract between the City and any one or all of its employees. This document does not provide contractual or property rights to any employee nor constitute a guarantee of employment for any specific duration.

**At-Will Employment.** The relationship between the City and its employees is "employment at will," irrespective of the classification of the position. "At-will" means that the employment relationship can be terminated by either employer or employee at any time for any or no reason, in so much as the termination is not illegal. Nothing in this Personnel Manual shall be held to alter the "at-will" nature of such employment. The City of Johnson City reserves the right to release an employee at any time or for any reason, with or without cause, unless expressly prohibited by law.

**Document Review.** A Councilmember or Mayor may access an employee's personnel file, excluding medical file, in his official capacity. These files can be reviewed at the city offices at City Hall but must not leave that location.

**Non-Civil Service.** As a Type A General Law Municipality with a population under 10,000, the City does not participate in the hiring of civil service employees, pursuant to Texas Local Government Code Section 143, Municipal Civil Service for Firefighters and Police Officers. Moreover, the City does not currently participate in the collective bargaining process, pursuant to Texas Local Government Code Chapter 174, the Fire and Police Employee Relations Act.

**Previous Versions Superseded.** The policies and procedures outlined and contained in this document supersedes all previous versions of personnel policies by the City as of the revised and approved date.

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**CHAPTER 1 SCOPE OF PERSONNEL POLICIES AND PROCEDURES**

**Section 1.1 Supersede Previous Policy; Conflicts**

The City of Johnson City Personnel Policies and Procedures Manual, the "Manual", This document sets forth the Personnel Policies and Procedures governing all City employees. These policies and procedures supersede previous administrative rules, regulations, and policies adopted before the date of this revised document. If any conflict or inconsistency arises with these policies and procedures, State or Federal law governs respectively, unless such documents specifically state that it is subordinate to these policies and procedures.

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**Section 1.2 Application; Exemptions**

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. 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.

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## CHAPTER 2 ORGANIZATIONAL STRUCTURE

### Section 2.1 City Council and Mayor

The City Council and Mayor (together City Council) are the policy-making authority of the City of Johnson City. The City Council has the authority to set policy on pay rates, working conditions, and employee benefits as they find to be in the public interest. The City Council shall review these Policies no less than once every two (2) years.

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### Section 2.23 Chief Administrative Officer

The Chief Administrative Officer (CAO) assists the ~~City Council~~ Mayor in the administration of personnel policies and procedures and is also responsible for the day-to-day administration of these Personnel Policies and Procedures for municipal employees. The CAO shall be selected by the City Council and shall work under the direction of and be responsive to the City Council.

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Commented [L3]: The CAO serves at the pleasure of the city council.

### Section 2.34 Department Heads

Department Heads are responsible for the day-to-day administration of these Personnel Policies and Procedures for their respective departments and work under the supervision of the CAO. A Department Head may make departmental rules and regulations that govern the conduct and performance of employees; however, such rules and regulations must be consistent with the ~~City of Johnson City Personnel Policies and Procedures~~ Manual. Unless a Department SOPs ~~are~~ more restrictive, the ~~City of Johnson City Personnel Policies and Procedures~~ Manual shall control over any other policies. Disciplinary action, as outlined in Chapter 18, may be based upon violations of any such rule and/or regulation.

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The CAO shall act as the Department Head of the Human Resources Department and the Development Services Department and Utility Billing Department until further notice. A Department Head for each of those departments shall be selected by the City Council upon recommendation by the CAO.

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### Section 2.45 Supervisor

Supervisors work under the direction of a Department Head and are partially responsible for the day-to-day administration of these Personnel Policies and Procedures. A Supervisor, under the direction of a Department Head, may make departmental rules and regulations that govern the conduct and performance of employees; however, such rules and regulations must be consistent with the ~~City of Johnson City Personnel Policies and Procedures~~ Manual. Unless a Department SOPs ~~is~~ more restrictive, the ~~City of Johnson City Personnel Policies and Procedures~~ Manual shall control over any other policies. Disciplinary action, as outlined in Chapter 18, may be based upon violations of any such rule and/or regulation. A Supervisor shall be selected by a Department head with approval from the CAO.

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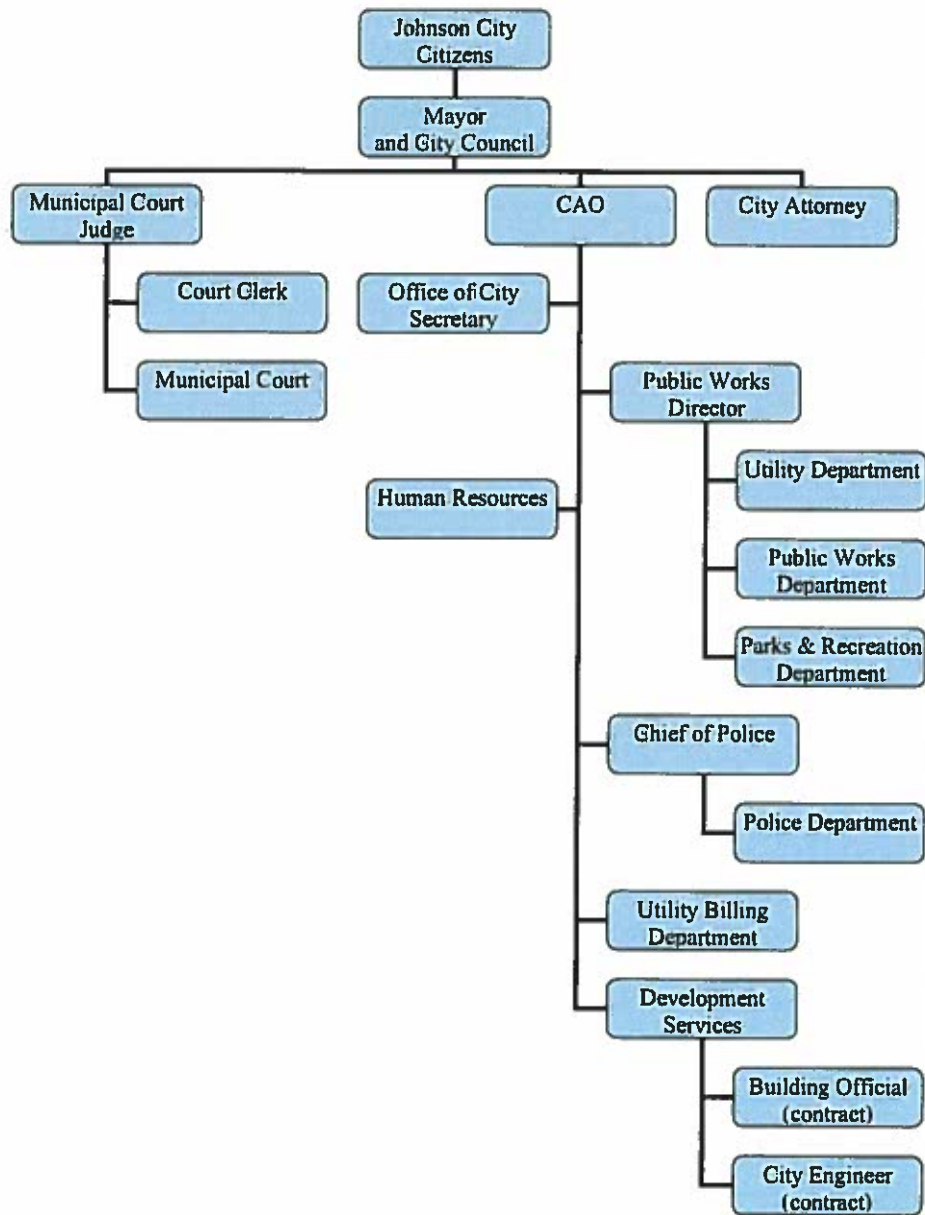
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Section 2.56 ~~City of Johnson City~~ Organizational Chart

The personnel in the City shall be organized showing line of authority as depicted in the following chart

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**CHAPTER 3. ~~EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER~~NATURE OF EMPLOYMENT**

**Section 3.1 Equal Employment Opportunity**

The City is an Equal Opportunity Employer and does not discriminate against any applicant or employee based on the person's race, color, religion, sex, national origin, age, disability, or genetic information, except when specific age, sex, or physical requirements constitute a bona-fide occupational qualification reasonably necessary for the normal operation of the business or enterprise.

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**Section 3.2 Americans with Disabilities Act**

The City offers equal employment opportunities to qualified individuals with a disability, and it strictly prohibits discrimination against qualified individuals based on disability.

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**Section 3.3 Immigration Law Compliance**

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.

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**Section 3.4 At-Will Employment**

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 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.

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## CHAPTER 4. TYPES OF EMPLOYMENT

The City hires employees in several different employment types as defined below.

### Section 4.1 Regular Full-Time Employees

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Regular full-time employees are scheduled to work forty (40) hours per week and eighty (80) hours during each pay period in a budgeted position on a continuous basis and receive benefits as further defined in this document.

### Section 4.2 Part-Time Employees

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Part-time employees may not work more than nine hundred and ninety-nine (999) hours annually in a budgeted position on a continuous basis. These employees work for a specified hourly rate and are not eligible for employee benefits.

### Section 4.3 Temporary Employees

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Temporary employees are hired for up to one (1) calendar year or 365 days. These employees work for a specified hourly rate and are not eligible for employee benefits. Specific budgeted positions may not exist for these employees.

Each employee is advised of the length of time to be employed before hiring. Termination automatically occurs on that date unless proper authorization is received before termination.

### Section 4.4 Reserve Officers, Volunteers, and Internships

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Employees defined under this Section shall be on indefinite original probation throughout their tenure with the City, as defined in Section 7.1A, and will have no appeal rights outlined within Chapter 19. The following employees shall be processed through the Human Resources Department:

#### A. Reserve Officers

Reserve Officers fall under the direction of the Police Department, and are **voluntary employees**. Reserve officers are unpaid and are not eligible for employee benefits.

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#### B. Volunteers and Interns

Volunteers may work with any department, and fall under the direction of the Department Head. Volunteers are unpaid and are not eligible for employee benefits.

## CHAPTER 5 — JOB POSITION DESCRIPTION

### Section 5.1 Job Descriptions

Job descriptions are created by the CAO and approved by the City Council. These outline the duties, required skills, knowledge and abilities, education and experience requirements, and essential job functions for each job. Job descriptions are meant to include essential job functions but may not be inclusive of all job duties. Employees are entitled to have a copy of the job description for their current position.

### Section 5.2 Job Description Reviews

Job description reviews may occur if the nature and duties of a position have changed significantly over a period of time. The Human Resources Department and/or Department Head periodically review position descriptions to ensure they are accurate and up to date. The CAO shall approve all job description modifications. **WHAT HAPPENS TO EMPLOYEE IF HIS JOB DESCRIPTION CHANGES? REASSIGN TO ANOTHER POSITION? QUIT?**

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## CHAPTER 6: HIRING PROCESS

### Section 6.1 Procedure and Types of Hiring

Authority. The hiring of most employees falls under the authority of the Department Head or Supervisor except for ~~the hiring of the CAO and the City Secretary; and the selection of the Municipal Court Judge and City Attorney which with the recommendation of the CAO and Council Selection Committee,~~ fall under the authority of the City Council. ~~The hiring of any position must be processed through the Human Resources Department.~~

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Process. All municipal departments shall go through the Human Resources Department to recruit applicants for a job opening, whether internal or external. Department Heads must fill out a Job Vacancy Form to recruit existing employees or outside applicants, and follow associated posting procedures, as amended from time to time by the HR Department. Under extenuating circumstances ~~authorized by the City Attorney,~~ an employee may be hired outside the hiring process outlined above. The hiring of any position must be processed through the Human Resources Department.

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#### A. In-House Hiring

In-house recruitment means position vacancies are advertised to City employees only. When recruitment is from City employees only, the job vacancy form indicates so and is posted for a minimum of five working days. Interested employees may apply for in-house position vacancies by submitting a letter of interest to the Human Resources Department.

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#### B. In-House Promotion

In-house promotion is when a current employee is moved to a vacant position either in a lateral move of higher rank, responsibility, and/or salary. When promotion occurs, the vacant position does not necessarily have to be posted, but rather, may be filled by an employee qualified for the position. Whether to post the position and the type of posting will be decided by management responsible for hiring for the position. If several employees are qualified for the position, an internal posting process should be followed. Promotions may happen within or outside of an individual's department.

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#### C. Open Recruitment

In addition to making an internal hire, the Department Head may also determine that an outside hire is necessary, and he or she shall indicate on the Job Vacancy Form that the position is for "Open Recruitment." Open recruitment means position vacancies are advertised to City employees and the public. These positions will be posted for a minimum of ten working days. The public may apply for positions by submitting an application and resume, as directed in the job announcement. Interested City employees may also apply by submitting a letter of interest to the Human Resources Department.

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## Section 6.2 Job Announcements

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Announcements of all job openings are distributed to inform interested and qualified applicants of the posting, and should contain the following information as applicable:

1. Job title;
2. Job salary range;
3. Starting job salary range/pay;
4. The type of recruitment (in-house or open recruitment);
5. Essential job functions, including major job duties and requirements;
6. Time, place, and manner of making an application;
7. Application closing date or open until filled; and
8. The statement "An Equal Opportunity Employer" appears on all advertising.

## Section 6.3 Applicant Review

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Once a budgeted, open position has been properly posted by the Human Resources Department, the Human Resources Department will accept applications through fax, email, mail, or hand-delivered by the applicant in person. Before providing the applicant and associated background materials to Department Heads, the Human Resources Department will review each application to determine whether the application should be rejected, as provided below. Those applications rejected will not be forwarded to the appropriate Department Head for review, nor will the Human Resources Department schedule interviews for any applicant not meeting the minimum requirements.

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### Section 6.44 Rejection of Applications

Applications may be rejected for the following reason(s):

1. The applicant does not meet the stated qualifications for the position;
2. Submitted after the expiration of posting; or
3. The application form is incomplete.

### Section 6.55 Examination

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Applicants for all City positions undergo an appropriate selection process. The process may consist of any or all the following elements:

1. A written test of knowledge;
2. Skills or performance examination;
3. An assessment of capabilities needed for the position;
4. An oral interview;

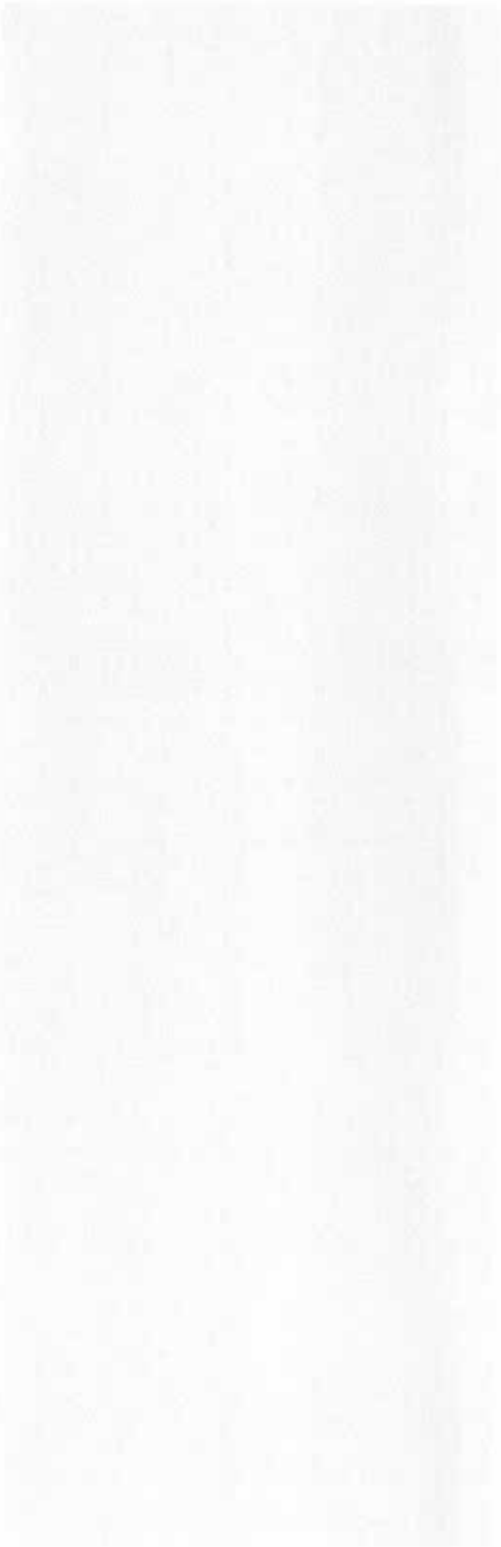


5. Reference checks;
6. Physical fitness test;
7. Medical examination;
8. Drug screening (for certain positions and upon an offer of employment);
9. Background checks; or
10. Any other appropriate selection processes.

These elements are designed to determine, as closely as possible, the applicant's ability to perform the essential job functions and duties of the position, with or without reasonable accommodation. Some of these elements will only be performed after a conditional offer has been made to the successful applicant(s) in accordance with State and/or Federal law.

Notwithstanding the foregoing, applicants may be dismissed from the selection process if the Department Head determines, in his or her sole discretion, that:

1. The applicant's application form is found to have contained false or intentionally misleading statements of material fact;
2. The applicant has a record of previous unsatisfactory employment;
3. The applicant has been convicted of a crime that would preclude the applicant from effectively performing the duties of the position applied for; or
4. Other valid circumstances indicate that the applicant is unfit or unqualified for the position sought, in the sole discretion of the Department Head, provided that the reason for dismissal is completely and totally unrelated to the applicant's age, race, sex, gender, color, religion, national origin, ancestry, citizenship, marital status, disability, sexual orientation, genetic information, veteran/military status, gender identity/transgender status, pregnancy or any other protected class.



## CHAPTER 7: APPOINTMENT AND CHANGES IN EMPLOYEE STATUS

### Section 7.1 Probation

#### A. Original Probation

The purpose of the original probationary period is to provide an opportunity for the Supervisor to train, observe and evaluate the employee's performance. The original probationary period begins with the date of employment (including Part-Time and Full-Time employees) and has a duration of three (3) to six (6) months. Employees on probation have no appeal rights for termination.

The employee's Department Head or Supervisor completes a performance evaluation report at least ten (10) calendar days before the completion of the original probationary period. If it is necessary or advisable to give the employee feedback sooner, this evaluation may be done at any time.

Upon completion of the original probationary performance evaluation, the Supervisor recommends one of the following to the Department Head:

1. That the employee be taken off probation;
2. That the employee's probation be extended for a period not to exceed three additional months;
3. That the employee be demoted; or
4. That the employee be terminated.

Actions "1" through "4" may be taken at any time during the probationary period. If no action is taken by the end of the sixth month of continuous service, the employee is automatically granted regular status.

#### B. Additional Probationary Periods

Employees no longer on original probation, that have been promoted, demoted, transferred to a different position, or reprimanded for poor performance, may be placed on an additional ninety (90) day probation. Employees are given a performance evaluation at least ten (10) calendar days before the end of their additional probationary period. Before the end of the ninety (90) day period and based on documented performance, the employee's Supervisor may recommend one of the following:

1. That the employee be taken off probation;
2. That the employee be returned to the former position, if applicable; or
3. That the employee be terminated.

These employees retain all rights to the complaints/appeals process outlined in Chapter 19.

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## Section 7.2 Transfers

A transfer is the assignment or movement of an employee from one position to another position. The employee must possess the minimum qualifications described in the job description for the new position. A transfer may be made for administrative convenience, upon written request of the employee, or for Federal Medical Leave Act (FMLA)~~M-L-A~~ considerations.

Commented [L9]: FMLA not required for cities with employees under 50. Is city nonetheless participating in this?

## Section 7.3 Promotions

Promotions occur because of an employee being selected by a Department Head or Supervisor for a position in a higher pay range. If selected by the Supervisor, it must be approved by the Department Head.

## Section 7.4 Demotions

The following types of demotions can be either voluntary or involuntary and may occur at the discretion of the Department Head or Supervisor, with Department Head approval:

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1. When the employee's position is eliminated due to a change in organization, funding, or a reduction in the workforce.
2. Upon the written request of the employee.
3. When it is documented that an employee is unable to satisfactorily perform the duties and responsibilities of their current position.
4. When the seriousness of an infraction of the Personnel Policies and Procedures is such that disciplinary action must be taken.

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**CHAPTER 8 — EMPLOYEE PAY AND PAY CHANGES**

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**Section 8.1 Employee Pay**

Employee salary and salary changes shall be commensurate with the annual municipal fiscal year~~yearly~~ budget.

**A. Appointment Rate**

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Employees are normally hired at the minimum of the salary range. With written documentation, employees may occasionally be hired above the minimum of the pay range if their skills and knowledge are sufficient to allow them to immediately begin performing at a higher skilled level or if market conditions warrant a higher salary level.

**B. Paydays**

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Employees are paid on a bi-weekly basis. If a payday falls on a holiday, the payday is the previous regular workday.

Hours worked are tracked using time sheets. Each employee is responsible for accurately tracking hours worked, ~~Paid Time Off (PTO)~~~~T-O~~ used, and other changes to their work schedule. The employee must submit their time sheet to their Department Head or Supervisor to be approved, signed, and turned into the CAO in time for payroll. A Department Head, Supervisor, or the CAO may correct an inaccurate time sheet if necessary.

**C. Direct Deposit**

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The City requires direct deposit for all employees.

**D. Payroll Deductions**

The City deducts from each employee's paycheck those amounts required by State and Federal law, required contributions to TMRS, and amounts authorized in writing by the employee.

**Section 8.2 Pay Changes**

**A. Pay Adjustments**

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Pay increases ~~may be~~ awarded to employees in recognition of their work performance and are not automatically assumed to be granted to employees following annual budget adoption. Employees are evaluated before the commencement of the following fiscal year and may receive a pay increase following October 1<sup>st</sup> of said fiscal year. A written performance evaluation for each employee must be completed before the commencement of any pay adjustments. Pay adjustments are effective on the first day of the pay period

following the final authorization of the CAO.

**B. Pay Upon Demotions**

When an employee is demoted, either involuntarily or voluntarily, to a lower-paying position, the Department Head determines whether the employee's pay remains the same or is decreased to the appropriate or corresponding pay scale.

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**C. Pay Upon Promotions**

When an employee is promoted to a higher salary range position, the Department Head determines whether the employee's pay remains the same or is increased to the appropriate or corresponding pay scale. Salary increases shall be determined by the Department Head, however, increases should be in line with the department budget.

~~Salary increases shall be determined by Department Heads; however, increases should be in line with their budget.~~

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**D. Acting Pay**

Under certain circumstances, an employee may be eligible for acting pay when the employee has been appointed to assume the duties of a higher-level position temporarily.

Upon completion of the temporary assignment, the employee is returned to their original position at the previous pay rate.

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## CHAPTER 9 — CREDIT CARD POLICY

### Section 9.1 Introduction

The City of Johnson City's Procurement Card Program is used to reduce the flow of paperwork and, at the same time, provide better controls on all low-dollar purchases made at the department level. The card will be primarily used in place of petty cash, small regular purchase orders, and all other credit cards. This card policy is not intended to replace, but rather supplement, existing purchasing policies.

### Section 9.2 Purpose

The procurement card is a credit tool that is issued by a bank through the State of Texas. This credit tool offers an alternative to the existing purchasing process (small purchase order) and provides an extremely efficient and effective method of purchasing and paying for less expensive items. This procurement card can and may be utilized for larger purchases over \$1,000.00 if approved by the CAO.

The procurement card shall enable employees of the City of Johnson City to purchase non-restrictive commodities, by telephone, on the Internet, or in-person direct from vendors. The procurement cards shall be issued in the employee's name, and the "City of Johnson City" name shall be clearly indicated on each card.

All purchases made with the procurement card shall be paid by the bank that the City of Johnson City contracts with for the procurement card service. The bank on contract will then bill each City of Johnson City employee.

Tax Exempt Purchases. Employees are responsible for the appropriate use of the City tax exemption form. If tax exemption is not used for a purchase, then the employee is accountable to the City for tax on that purchase (excluding purchases made for airline tickets, hotels, restaurant meals, and rental cars). The tax exemption form can be found in the Finance Department.

### Section 9.3 General Information

The City of Johnson City's Procurement Card Program shall be utilized and/or administered by City employees in one of the following two (2) designations:

#### 1) Cardholder –

City employees that will utilize the procurement card for purchases of authorized goods and services in strict compliance with the City of Johnson City's Procurement Card Policies and Procedures. Each employee shall keep all documentation for the procurement card activities within their control, reconcile monthly statements between the cardholder and Finance Department, and assign account codes to transactions. Employees shall be completely knowledgeable about the program.

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2) Procurement Card Program Administrator –

The CAO serves as the Program Administrator. The Program Administrator shall be the first point of contact for the employees to answer any questions in respect to proper use of the procurement card, reconciliation and/or verification of purchase activities, and/or correct any potential problems in respect to accounts, codes, disputes, etc.

**Section 9.4 Issuance of Procurement Cards**

Cards will be issued in the name of the individual employee and the City of Johnson City.

Criteria to receive a Procurement Card shall be as follows:

1. Applicant must be a full-time employee ~~or Mayor of the City of Johnson City.~~
2. Each individual cardholder must sign a Cardholder Agreement in the presence of the Procurement Card Administrator.

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**Section 9.5 Cardholder Responsibilities**

The Cardholder shall:

1. Ensure the procurement card is used for legitimate City business purposes only.
2. Maintain the procurement card in a secure location at all times.
3. ~~Must not~~ allow other non-City affiliated individuals to use their procurement card.
4. ~~Must use~~ Use the procurement card within its purchase limits and restrictions.
5. Obtain and reconcile all receipts against the corresponding bank statement.
6. Submit reconciled bank statement to accountant along with receipts.
7. ~~Must not~~ Never accept cash, gift cards, or certificates in lieu of a credit to the procurement card.
8. Immediately notify the CAO of a lost or stolen procurement card. If the procurement card was stolen, please attach a copy of the police report.
9. Attempt to resolve disputes or billing errors, if any, with the vendor.
10. Report erroneous transactions to the CAO, ~~and~~.
11. ~~Must return~~ Return the procurement card to CAO immediately upon termination of employment.

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**Section 9.6 CAO Responsibilities**

The CAO shall:

1. Coordinate meetings with cardholder(s) within the department to reconcile receipts against bank statements.

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2. Keep all necessary documentation in respect to all transactions for audits by the internal and external auditors;
3. Review all cardholder transactions;
4. ~~Be r~~Responsible for changing accounting codes for all transactions, when necessary, on the monthly reports before the monthly cut-off date;
5. ~~Must n~~Notify immediately the bank of any lost or stolen cards;
6. ~~Be R~~esponsible for collecting all canceled cards;
7. Attempt to resolve any disputes not resolved by Cardholder;
8. Review all applicants for procurement cards turned in by the Departments for completeness of required information;
9. Submit all approved applicants to the Bank and receive all procurement cards;
10. ~~Be R~~esponsible for training as to the proper use of the procurement card before releasing procurement cards;
11. ~~R~~~~Be~~ responsible for having all cardholders sign the Cardholder Agreement signifying agreement with the terms of the Procurement Card Program;
12. ~~Be R~~esponsible for securing all canceled procurement cards and advising Bank;
13. ~~R~~~~Be~~ responsible for the training of all cardholders in the proper way of reconciling all transactions against bank statements;
14. ~~U~~~~U~~nderstanding the electronic media that the City will use to communicate with the Bank on contract ~~and~~ ~~B~~ be familiar with all report formats to be used with the program;
15. ~~Be r~~Responsible for resolving all disputes not resolved by cardholders;
16. ~~Be r~~Responsible for reviewing all statements received from the Bank on contract;
17. ~~Be R~~esponsible for distributing all monthly reports to cardholders and advising them of the cut-off date for approvals and default code changes;
18. ~~Be R~~ responsible for overseeing the processing of the electronic upload of the bill to accounting;
19. ~~Be R~~esponsible for overseeing the preparation of bills for electronic payment to the Bank on contract; ~~and~~;
20. ~~Be R~~ responsible for overseeing the reconciliation of hard copy of bank's bill against bank's electronic file and to the transaction totals posted to the City's accounting system;

#### Section 9.7 Prohibited Uses of Procurement Cards

1. The Procurement Card may not be used for personal or unauthorized purchases.
2. The Procurement Card may not be used to purchase alcoholic beverages or any substance, material, or service which violates the City's purchasing and contracting policies & procedures, ordinances, or regulations pertaining to the City of Johnson City, without prior approval of the CAO.
3. The cardholder may not receive cash, gift cards, or certificates in lieu of credit.
4. The cardholder should not allow the card to be used by another non-affiliated City employee for valid purchases.
5. The cardholder should not split a purchase to circumvent the card limits.

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6. The cardholder should not use another cardholder's card to circumvent the authorized purchase limits assigned to either the cardholder or the limitations of the card.
7. The cardholder must provide Accounting Department with required receipts.
8. The cardholder must provide information about any specific purchase.
9. The cardholder must adhere to all the Procurement Card Program Policies and Procedures.

### **Section 9.8 Disciplinary Action**

Disciplinary action shall be in line with Chapter 18 of these Policies and Procedures.

The City of Johnson City shall provide for a "ZERO TOLERANCE" factor toward the improper use of the procurement card.

1. Severe disciplinary action, including possible termination of employment, shall be taken by the City when the cardholder knowingly, willingly, and intentionally misuses and/or abuses the use of the City of Johnson City procurement card.
2. Verbal reprimand, written reprimand, or suspension without pay, may be taken by the City when the cardholder uses a procurement card for purchases that are not in line with the City of Johnson City's Procurement Card Program Policies and Procedures.

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## CHAPTER 10 PERSONNEL RECORDS

### Section 10.1 Employee Accessibility

Employees have the right to the reasonable inspection of their official personnel file during normal business hours. 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 an emergency, education accomplishments, and other such items.

### Section 10.2 Other Accessibility

A ~~member of the City Council~~ ~~member or Mayor~~ has an inherent right to access an employee's personnel file, excluding medical file, if the records are requested in the individual's official capacity. These files can be reviewed in the Human Resources Department but must not leave that location.

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### Section 10.3 Personal Information

The City may share employee personal information with employees, contractors, consultants, and other parties who require such information to assist the City with establishing, managing, or terminating its employment relationship with employees, including, but not limited to, parties that provide products or services to the City or on its behalf and parties that collaborate with the City in the provision of products or services to the employee. In some instances, such parties may also provide certain information technology and data processing services to the City so that the City can operate.

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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 Policy.

Further, personal information may be disclosed:

1. As permitted or required by applicable law or regulatory requirements;
2. To comply with valid legal processes;
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; ~~and~~
6. With an employee's consent, where such consent is required by law.

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## CHAPTER 11 HOURS OF WORK AND OVERTIME

### Section 11.1 Normal Hours of Work

Work Week. Except as otherwise specified, the normal work week is 40 hours per week, exclusive of meal breaks. The work week begins at 12:01 a.m. Saturday and ends the following 11:59 p.m. Friday. Department Heads or Supervisors are responsible for establishing daily work schedules. DIFFERENT FOR PD.

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When an employee has worked 40 hours before the end of the work week and can be allowed to take time off, the time off is on a straight-time basis.

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Example: An employee has worked 40 hours by the end of the day on Thursday and is scheduled to work on Friday. The employee may be given Friday off. The employee is then credited with 40 hours of pay for that work week.

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Straight-Time Off. When an employee has worked 40 hours before the end of the work week and can be allowed to take time off, the time off is on a straight-time basis. Example: an employee has worked 40 hours by the end of the day on Thursday and is scheduled to work on Friday. The employee may be given Friday off. The employee is then credited with 40 hours of pay for that work week. Time off must be scheduled in advance and approved by the Department Head or Supervisor.

Compensatory Time and Overtime. All compensatory time and overtime are given to the employee in accordance with the Fair Labor Standards Act which establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in federal, state, and local governments. No overtime will be paid to an employee before the maximum hours for their classification have been reached.

Policy Exception: Public Works employees scheduled "on-call" on Saturdays and Sundays are automatically credited with six (6) hours of overtime; hours accrued over six (6) hours are overtime, as well.

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Policy Exception: Public Works employees called into work after hours are automatically credited with two (2) hours of overtime; hours accrued over two (2) hours are overtime, as well.

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### Section 11.2 Compensatory Time for Non-Exempt Employees

Except for non-exempt employees more specifically addressed by other sections of this Chapter, employees classified as non-exempt under the Fair Labor Standards Act (FLSA), are entitled to compensatory time or overtime when the employee has worked more than 40 hours during the work week and the workload does not permit the employee to take time off during the work week. The Department Head or Supervisor must authorize all compensatory time and overtime in advance. CURRENT ORDINANCE: Availability of funds will be considered when making a decision on whether to award compensatory time or overtime. ~~An~~The employee accrues compensatory time and overtime at the rate of one and one-half time for the hours

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actually worked over 40 hours during the work week. **Vacation days and holidays are not 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. **POLICE???** **Compensatory time does not carry forward into the following calendar year.**

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### Section 11.3 Hours Worked by Exempt Employees

Employees classified as exempt are generally expected to work a 40-hour work week, and any additional hours that may be necessary, to complete normal duties. Time devoted to this end is considered a condition of employment.

Exempt employees are in positions that meet the Administrative, Executive or Professional designations of the Fair Labor Standards Act.

- Compensatory time is allowed on a straight time basis over 40 hours. **CURRENT-ORDINANCE: 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.**
- Compensatory time is tracked by the employee; and
- Tracked Compensatory time is verified by the Department Head or Supervisor before use.

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No more than **forty (40) hours** of exempt compensatory time may be **earned accumulated** in a calendar year. **CURRENT: No more than 24 hours may be accumulated and must be taken within the City's fiscal year.**

**HOLIDAY TIME and HOLIDAYS ARE SECTIONS CURRENTLY IN POLICY AND ARE INCLUDED HERE FOR COUNCIL CONSIDERATION.**

### Section 11.4 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.

#### Section 11.54 Meal and Other Breaks

Employees who work over four hours each day may take an unpaid meal break. The length of the break is one hour and shall be scheduled with the Department Head or Supervisor. The unpaid meal break hour includes transportation time.

Regular, full-time employees may be granted a 15-minute break during each four hours of work. These breaks are paid time and are taken at the work site unless the Department Head or Supervisor has authorized different arrangements. Unused break time may not be accumulated or used to shorten the workday or extend the meal break.

#### Section 11.56 Weather

Non-exempt employees who are unable to arrive at work at their regularly scheduled time or must leave before the end of their scheduled workday due to severe weather conditions must notify their Department Head or Supervisor and must take personal leave, accrued compensatory time, accrued holiday leave, or leave without pay for the portion of the workday missed.

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Upon direction of the CAO, regular full-time and part-time employees who are sent home or told to remain at home may be given credit for having worked the number of hours in the employee's regularly scheduled workday. This time is recorded as administrative leave and is not considered for overtime compensation.

#### Section 11.76 Timekeeping Policies and Procedures

The City utilizes a time and attendance system that registers actual time entered by an employee using a time clock or timekeeper. During payroll processing, the data is automatically downloaded and printed for employee confirmations and corrections. Employees are paid according to the hours recorded on their timesheet. Failure to use the time and attendance system, as required, may result in disciplinary action, up to and including termination.

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Timesheets and associated work records constitute the official method by which work hours are recorded and paid for all City employees. Disputes over actual hours worked, attendance, et cetera will be resolved by referring to the official timesheet records.

Certain situations (e.g., clock malfunction) may arise from time to time that will require data correction. Necessary corrections to the current pay period will be documented in writing or by email by the employee to his/her direct Supervisor. If warranted, Supervisors shall make the appropriate edits on the timesheets. Amendments to prior pay periods must be communicated to the CAO in writing or by email.

The City's timekeeping policies and procedures shall be as follows:

#### I. DEFINITIONS

- A. *Swipe-in or -out.* The method by which an employee registers his/her work attendance through an identification (ID) badge on the time clock reader.
- B. *Actual time in.* After arriving at the workplace, the time an employee begins to work.
- C. *Actual time out.* The time an employee completes work duties or tasks, including lunch breaks. Actual time out does not include time spent driving home from work.
- D. *FLSA.* Fair Labor Standards Act.
- E. *FLSA cycle.* The period on which overtime is calculated.

**II. TIMEKEEPING ROLES AND RESPONSIBILITIES**

**A. Roles**

- a. **Supervisor** - The individual assigned to approve employee timecards, changes, and leave requests within their department.
- b. **Payroll** - The City Secretary maintains the timesheet records for the City.
- c. **Employee** - Individuals that work within a department and charge time against the department's salary account.

**B. Responsibilities**

<b>Responsibilities</b>	<b>Supervisor</b>	<b>Payroll</b>	<b>Employee Non-Exempt</b>	<b>Employee Exempt</b>
Record in/out times, including lunch breaks, using the time clock.			X	
Submit time off requests using the approved Request for Leave Form.			X	X
Record exception time directly on the timecard.	X	X	X	
Review swipe-in and -out and absences.	X	X	X	X
Enter exception time into system for employees.	X	X		
Approve timecard	X		X	X

Verify employee approval and sign off on employee timecards.	X	X		X
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III. PROCEDURES

A. Pay Period

The regular work-week is Saturday through Friday. Hours are applied to the day of the swipe-in or scheduled start time.

The pay period for all employees is two weeks (14 days).

B. FLSA cycles for employees are as follows:

All employees except Police: 7-day cycle.  
 Police Department Employees: 14-day cycle.

C. Employee Responsibilities – Non-exempt employees must swipe in and -out at the beginning and end of each scheduled workday, lunch break, and other times when leaving work for personal reasons to be compensated for the time worked during each pay period. Requests for time off require Supervisor approval and, therefore, must be submitted in advance by completing a Request for Leave Form. Employees are responsible for approving their timecards on the last day of each pay period and ensuring that the time reflected on their timecards is accurate.

D. Supervisor Responsibilities – Supervisors administer the timekeeping policy fairly and uniformly and ensure that all employees comply with the policy. Supervisors or their designees verify the number of hours worked and leave taken during the pay period by each employee. All timecards must be approved by the Supervisor before payroll submission.

E. Leave / Time-Off Requests – Leave requests must be submitted through the Request for Leave Form. The leave request must be approved by the employee's Supervisor before the time being taken by the employee. Unapproved leave requests will not be compensated.

F. Electronic Timecard Approval and Deadlines – At the end of each pay period, employees are required to approve their time worked and leave hours recorded for the pay period. By approving the timecard, the employee is attesting that, to the best of their knowledge, the information submitted is complete and accurate. Employees are responsible for all inaccuracies or omissions. Employees may be subject to disciplinary action, up to and including termination, for submitting inaccurate information.

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All-time cards must be approved by the Supervisor no later than 10:00 A.M. on Wednesday before payroll is processed. In the event a Supervisor is out of the office, the



Supervisor must designate another individual within his/her department to approve timecards.

G. **Failure to Comply with Timekeeping and Attendance Policies** – If an employee fails to complete and submit the required timecard information by the deadline given, he or she may be compensated for the time worked and/or leave taken during the next regularly scheduled pay period.

Employees with time and attendance problems and/or abuse may be subject to more structured reporting requirements until the problem is corrected. Examples may include, but are not limited to, the following:

- i. Report to Supervisor upon arrival and departure.
- ii. Report time spent on each task or assignment.
- iii. Complete a sign-in/out sheet for each period away from the work area.
- iv. Take disciplinary action when an employee's attendance record falls below acceptable standards.

#### IV. NON-EXEMPT EMPLOYEE TIME REPORTING

A. **Time Recording - Non-exempt employees** are expected to record their hours worked accurately and completely. Knowingly falsifying time records for yourself or another person will result in immediate disciplinary action, up to and including termination, for all employees involved. The time clock is installed in the break room at City Hall, and it must be used for employees to record their time.

B. **Time Window for Swiping In/Out** - Employees should attempt to swipe in and out as close to their designated start and end times as possible.

C. **Swiping In Late** - Employees swiping in past the grace period are considered late. Absenteeism and tardiness are administered by Supervisors.

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D. **Swiping In Early** – Unless authorized by an employee's Supervisor, employees are discouraged from swiping in before the grace period before their scheduled work time.

E. **Swiping Out Late** – Unless authorized by an employee's Supervisor, employees are discouraged from swiping out after the grace period at the scheduled work end time.

F. **Failure to Properly Swipe-In and Out** – It is the responsibility of each employee to notify his/her Supervisor of a missed swipe no later than one (1) day after it occurred. If the employee fails to notify his/her Supervisor by the payroll deadline, he or she may be compensated for the time worked during the next regularly scheduled pay period. Employees who consistently fail to document their time may be subject to disciplinary action, up to and including termination.

G. Meal and Other Breaks - Break periods shall be given in accordance with departmental guidelines.

H. Off-the-clock work – Any time spent performing work for the City while not clocked in must be reported to the Supervisor and added to the timesheet in the pay period it occurred.

I. Overtime - All overtime, including not taking a meal or other break, must be authorized in advance by a Supervisor. Non-exempt employees who work overtime without authorization must still be paid for the time worked; however, disciplinary action may be taken if the behavior continues without Supervisor approval.

#### V. DAYLIGHT SAVINGS

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

#### VI. EXEMPT EMPLOYEE TIME RECORDING

Exempt employees are required to complete time off requests on the Request for Leave Form.

#### VII. TIMESHEET CORRECTIONS

If time is submitted incorrectly during the current pay period, corrections must be communicated in writing or by email to an employee's Supervisor. The Supervisor will make corrections before 10:00 A.M. the Wednesday before payroll is processed.

If time is submitted incorrectly and payroll has been processed, corrections must be communicated in writing or by email to the City Secretary. Corrections will be made in the following pay cycle.

#### VIII. SYSTEM PROCEDURES

A. System Problems – If time cannot be transmitted to the Finance Department for payroll processing, employees will be paid based on hours worked in the previous pay period. Any necessary corrections will be made in the following pay period.

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B. Time Clock Problems – If time clocks are not working, Supervisors shall document time and attendance for each employee until further notified by Human Resources. Employees discovering a malfunctioning time clock shall immediately notify Human Resources.

C. Non-system issues regarding timekeeping and/or pay disputes should be directed to the CAO.

D. Lost or Damaged I.D. Badges – Contact Human Resources.

## CHAPTER 12 EMPLOYEE BENEFITS

### Section 12.1 Benefits

The City offers regular, full-time employees enrollment in health, dental, and vision plans, retirement, and life, accidental death and dismemberment, and short- and long-term disability insurances. In addition to providing coverage for full-time employees, the City of Johnson City is committed to complying with all Affordable Care Act requirements. See Human Resources Department for specific details.

#### A. Longevity Pay

Longevity pay is provided to recognize the service of regular, full-time employees. All full-time employees who are employed as of December 1<sup>st</sup> each year and who have completed one (1) year continuous full-time employment with the City shall receive longevity pay calculated, from the most recent hire date, based on five dollars (\$5.00) for each month of continuous service. Longevity pay is subject to TMRS, FICA, and federal withholdings.

#### B. Uniform Allowance Policy

Any person now or hereafter employed by the City that is required by City policy to wear a uniform or articles of official clothing shall be eligible for a uniform allowance up to the maximum amount established in the annual municipal budget.

Uniform allowances shall be made bi-annually in October and April of each fiscal year on a pro-rated basis to employees that are eligible for said allowances.

#### C. Certification Pay

The City of Johnson City provides certification pay to recognize those employees who achieve certifications and licenses accepted by their Department. Those who obtain certification pay will receive the monetary benefit divided into equal portions of their bi-weekly paychecks, as determined by the City Council in the annual budgeting process.

Certification pay is not accrued during the original probationary period. Certification pay is not paid cumulatively per certification; ex. an employee who reaches a Level 2 certification is not eligible for Level 1 and Level 2 certification pay. An employee can receive multiple certification pays for different certifications; however, an employee can only receive a maximum of \$1800 per year, regardless of certifications held by the employee.

Below are the certification pays offered by each Department:

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**Administration Department**

**Public Works/Utilities / Parks & Recreation**

ISA Certified Arborist  
Water (Any Class) Operator Lic.  
Wastewater (Any Class) Operator Lic.  
Certified Storm Water Inspector  
Commercial Driver's License  
TDA Vector Control Certified App.  
Noncommercial Pesticide App.

**Municipal Court**

Level 1 Court Clerk Certification  
Level 2 Court Clerk Certification  
Certified Municipal Court Clerk

**Development Services**

Permit Technician (ICC)

**City Secretary**

—TX Municipal Clerks Certification- Program

**Police Department**

TCOLE Certification – Intermediate  
TCOLE Certification – Advanced  
TCOLE Certification – Master  
Field Training Officer

*Code Enforcement / Animal Control*

Code Enforcement Certificate  
Animal Control License  
TDA Vector Control Certified App.

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**D. Employee Assistance Program**

The City of Johnson City provides confidential and voluntary assistance through its Employee Assistance Program (EAP). The EAP provides guidance and resources to help employees and their families with a variety of issues.

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Depending on the type of employee conduct, the City may require employees to utilize EAP assistance as a condition of further employment. All contact between an employee and the EAP shall be held strictly confidential. Information given to the EAP counselor may be released to the City of Johnson City only if requested and authorized by the employee in writing. All EAP counselors are guided by a professional code of ethics.

Section 12.2 Leaves

A. Paid Time Off (P.T.O.)

The primary purpose of P.T.O. leave is to allow regular, full-time employees to accrue leave time for personal business that requires an absence from work. Employees cannot take more P.T.O. leave than they have accrued.

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**Accrual.** P.T.O. leave is provided on an annual basis upon start date. The maximum carryover from one calendar year (Jan 1<sup>st</sup> – Dec 31<sup>st</sup>) to the next is 40 hours. **Accruals more than this amount are forfeited at the beginning of each calendar year.** **CURRENT ORDINANCE:** 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.

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**CURRENT ORDINANCE:** 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.

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**CURRENT ORDINANCE:** 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.

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1. P.T.O. Accrual for Regular, Full-Time Employees:

<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 / month
Jan 1 (immediately following prorated year) to 2 years	136
3-10 years	192
11-15 years	216
16+ years	256

Original probationary employees accrue P.T.O., but they do not receive it upon separation if the separation occurs prior to termination of their probation termination.

Conversion of Existing Sick and Vacation Leave to PTO. For an employee hired before January 1, 2010, sick and vacation leave accrued by the employee shall be placed into a separate employee account for use by that employee.

2. Requests for P.T.O. Leave

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Employees must request scheduled P.T.O. leave a minimum of one (1) week prior to leave. Unless Department S.O.P.s require differently, employees using P.T.O. leave for a sickness or emergency must call their Department

Head or Supervisor and report their absence within the first half-hour of work if they have not notified their Department Head or Supervisor in advance. Failure to receive approval in advance of leave may result in leave without pay.

Upon separation, regular, full-time employees are paid for their accrued P.T.O.  
**CURRENT ORDINANCE: 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.

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B. Holiday Leave

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The City observes holidays authorized by City Council within each fiscal year's budget. **CURRENT ORDINANCE** The City recognizes the following ten (10) annual holidays for all regular, full-time employees:

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- 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. Time off will be granted for holidays falling on Sunday and will be observed on the following Monday.

The City maintains the right to adjust and determine the observance of holidays and to adjust for holidays during the annual budget process.

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Holiday leave is payable on the City-approved holiday schedule. Holiday leave consists of floating and regular holiday leave.

1) Floating Holiday

Two (2) floating holidays are awarded at the beginning of each calendar year and must be used by the end of the same calendar year. Regular, full-time employees receive eight (8) hours for each floating holiday.

A floating holiday is not payable to employees upon separation.

2) Regular Holiday

a) Regular, full-time employees are paid eight (8) hours per holiday, while Police Officers are paid twelve (12) hours per holiday. If a non-exempt employee works on a City-approved holiday, holiday pay is paid at double time for actual hours worked.

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

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c) For employees on non-disciplinary leave that includes a City-approved holiday, the holiday is paid as a regular holiday. For employees on disciplinary leave that includes a City-approved holiday, the holiday is unpaid.

#### C. Administrative Leave

The Mayor or CAO may grant up to fifteen (15) working days of administrative leave to relieve an employee from work with pay. Administrative leave may be used when it is in the best interest of the City, when an employee investigation is being conducted, or when employees are directed by the Mayor or CAO not to report to work due to inclement weather.

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#### D. Leave without Pay

Employees may be placed on leave without pay for short periods of time when the employee does not have sufficient leave time to cover their absences.

Employees requesting a leave of absence without pay for a period exceeding five (5) consecutive workdays must submit a written request stating the reason(s) for the request and the anticipated amount of leave time to their Department Head or Supervisor for approval. The Department Head or Supervisor may approve up to fifteen (15) consecutive days of leave without pay. Amounts over fifteen (15) days must be reviewed by the Department Head or Supervisor and approved by the CAO. The CAO may grant a leave of absence without pay for a period not to exceed ninety (90) consecutive calendar days in any twelve (12) month period. No leave is accrued during this period, and the employee is liable to the City for all dependent coverage. It is the employee's responsibility to ensure payment to the City within thirty (30) calendar days of the insurance bill date. The employee is solely responsible for Court-ordered payments and supplemental insurances.

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#### E. Military Leave

Regular employees who have completed their original probation are entitled to the benefits provided under the Uniformed Services Employment and Reemployment Rights



Act (USERRA). In addition, such employees who are members of the State Military Forces or members of any Reserve Component of the Armed Forces of the United States are entitled to leave of absence from their duties without loss of time, seniority, or benefits on all days during which they are engaged in authorized training or duty ordered by the proper authority not to exceed fifteen (15) days in any one calendar year. Employees will continue to receive payments from the City for those fifteen (15) days. Military leave more than fifteen (15) days will be charged to P.T.O. leave or leave without pay. Regular employees who have completed the original probation who are ordered to extended active duty with the state or federal military forces are entitled to all the re-employment rights and benefits provided by law upon their release from active duty. Requests for approval of military leave must have copies of the relevant military orders attached.

Additionally,

(1) a person who is an officer or employee of the City and who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a State or Federally-authorized urban search and rescue team is entitled to paid leave of absence for each day the person is called to State active duty by the Governor or another appropriate authority in response to a disaster, not to exceed seven (7) workdays in a fiscal year; and

(2) during the leave of absence described in (1), the person may not be subjected to loss of time, efficiency rating, P.T.O. or sick leave.

F. **Family/Medical Leave (F.M.L.A.) SEE COMMENT.**

All regular full-time and part-time employees may be eligible for Family/Medical Leave, subject to the following rules established by the Federal Family/Medical Leave Act of 1993, and as later amended by the Department of Labor.

The following is subject to change by the Department of Labor. Please reference the DOL website for further details and updates, <http://www.dol.gov/whd/fmla>.

Family/Medical Leave is an approved leave of absence available to regular full-time and part-time employees who have been employed for at least 12 months and have provided at least 1250 hours of service during the previous 12 months at the time the leave is requested. The maximum amount of Family/Medical Leave is 12 weeks in any 12-month period. An eligible employee may take Family/Medical Leave for any of the following circumstances:

- Birth of the employee's child;
- Placement of a child with the employee for adoption or foster care;
- When the employee is needed to care for the physical or mental needs of the employee's child, spouse, or parent who has a serious health condition;
- When the employee is unable to perform the essential functions of the

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Keep in mind that inclusion of the FMLA in the policy will require the City to comply with FMLA provisions. Also, if the previous calendar year's 50 employee count is being used for the current year, the employee remains eligible if the 50 count falls in the current year.

Current policy does provide for Family Leave very similar to FMLA. However, because there is no reference to FMLA, the City is not committed to following FMLA.

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position because of the employee's serious health condition.

Spouses employed by the City are entitled to a combined maximum total of 12 workweeks of leave (rather than 12 weeks each) for the birth or adoption of a child or placement from foster care of a child. Leave for birth or adoption (including foster care placement) must conclude within 12 months of the birth or placement.

Parents or spouses who both work for the City are each entitled to 12 workweeks of leave to care for a sick child or because of the illness of the other spouse.

An eligible employee is entitled to 12 workweeks of leave during any 12-month period measured from the first day Family/Medical Leave is taken. The next 12-month period begins the first time Family/Medical Leave is taken after completion of any previous 12-month period.

The following words and phrases, as used in the application and interpretation of the Family/Medical Leave Policy, are defined as:

- "Child", "Son" or "Daughter" means a biological, adopted, foster child, stepchild, legal ward, or child of a person standing in loco parentis (i.e., in the place of a parent) who is under 18 years of age or 18 years or older if the child is incapable of self-care because of a mental or physical disability.
- "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition involving either inpatient care at a hospital, hospice, residential medical care facility or continuing outpatient treatment by a health care provider for more than three days (i.e., a Doctor of Medicine or osteopathy authorized to practice medicine, surgery, or other person determined by the Secretary of Labor to be capable of providing health care services).
- "Unmarried domestic partners" and "in-laws" do not qualify as spouses or parents for Family/Medical Leave.

An employee must first use and exhaust available and accrued paid leaves under the City's benefit plans and policies, except for 8 accrued hours of PTO leave, which the employee may elect to save for use after returning from Family Medical Leave. The use of paid leave is included in the maximum 12-week period allowed as Family/Medical Leave. If an employee is entitled to paid leave, the employee must take the paid leave first, i.e., PTO leave, except for 8 hours. Any remaining Family/Medical Leave beyond applicable paid leave as mentioned above is without pay.

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The City may require the employee to provide medical certification to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse, or parent. For the employee's medical leave, the medical certification must include a statement that the employee is unable to perform the essential functions of the position. For leave to care for a seriously ill child, spouse, or parent, the medical certification must include an estimate of the amount of time the employee is needed to provide care.

If medically necessary for a serious health condition of the employee or the employee's child, spouse, or parent, leave may be taken on an intermittent or reduced work schedule subject to the provisions of this policy. If leave is requested on an intermittent or reduced basis for planned medical treatment, the City may require the employee to transfer temporarily to an available alternate or part-time position or to a schedule that better accommodates an intermittent or reduced work schedule.

The employee's current hourly rate of pay remains the same for hours worked, regardless of the temporary employment transfer to a different position or schedule.

When the need for leave is foreseeable, such as the birth or adoption of a child or planned medical treatment, the employee must provide reasonable prior notice and make efforts to schedule leave so as not to disrupt City operations. In cases of illness, the employee is required to report at least every 30-calendar days on their leave status and intention to return to work.

Employees who are granted an approved leave of absence must continue to pay their portion of the health and/or optional/supplemental benefit(s) premiums and all other deductions. The City continues to pay its portion of employee's premium(s). Non-payment of premiums that is more than 30 days late results in the cancellation of benefits. The City will give the employee fifteen (15) days' notice before cancellation of benefits.

If an employee elects not to return to work upon completion of an approved unpaid leave of absence, the City will recover the cost of any payments made to maintain the employee's health and/or optional/supplemental coverage from the employee unless the employee does not return because of circumstances that are beyond the employee's control, including an FMLA qualifying condition.

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A request for Family/Medical Leave of Absence Form must be completed and signed by the employee. The form must be submitted to the employee's immediate Supervisor for review and then forwarded to the CAO for approval and processing. If possible, the form should be submitted 30 days in advance of the effective date of the leave.

The use of Family/Medical Leave is not considered negatively or held against the employee as it relates to evaluations, promotional considerations, or any other employment factors. No Supervisor will interfere with, restrain, or deny employees their rights under this policy; nor will an employee be discharged or discriminated against based on the employee's use of the Family/Medical Leave or the filing of a grievance or charge related to this policy and the Family/Medical Leave Act.

#### **G. Limitations on Leaves of Absence**

Except for leaves of absence for military duty, no leave of absence, by itself or in combination with other periods of leave, may last longer than six (6) months. Any employee who for any reason or combination of reasons misses a total of six (6) months

of work in a twelve (12) month period, or a total of nine (9) months of work in an eighteen (18) month period, will be separated from employment due to unavailability for work, subject to any reasonable accommodation duties the company may have under the ADA or similar law. Any employee so separated will be eligible for rehire and will be able to apply for any vacancies that may exist at any given time, depending upon qualifications and availability of job openings.

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#### H. Jury Duty/Court Appearance Leave

Employees who are required to miss work to serve as a juror or who are subpoenaed to appear as a witness in court receive their normal compensation. It is the responsibility of the employee to provide a copy of the subpoena or court notice to the employee's Department Head or Supervisor.

Jury/court leave may not be used in any instance when an employee is a plaintiff or defendant in a court action unless the employee's involvement arises because of the employee's job duties or responsibilities.

#### I. Bereavement Leave

In the event of a death in the employee's family, an employee may be granted up to three (3) calendar days of bereavement leave to attend the funeral and handle the personal affairs of the deceased. For bereavement leave, the definition of family includes the employee's spouse (as defined by State law), employee's or their spouse's parents; brother(s); sister(s); grandparent(s); uncle(s); aunt(s); children; brother-in-law; sister-in-law. The Department Head or Supervisor may extend this period by two calendar days if extended travel time is necessary.

#### J. Election Leave

Employees are encouraged to vote in all elections. Employees should try to vote before or after work, during the lunch break, or by early voting or absentee ballot alternative. If employees cannot vote during these times, a maximum of up to one-hour election leave is allowed upon approval of their Supervisor.

#### K. Quarantine Leave for Certain Law Enforcement Personnel

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#### Definitions.

The following definitions apply to this Section only. The words and terms defined in this Section have the meaning given unless the context clearly indicates another meaning.

- "Law Enforcement" is defined as certified peace officers who are employed by the City of Johnson City.
- "Blanco County Health Authority" or "Health Authority" is a physician appointed by the County under the Texas Health and Safety Code, Chapter 121,

the “Local Public Health Reorganization Act”, to administer State and local laws relating to public health within Blanco County.

- “Communicable Disease” means an illness that occurs through the transmission of the infectious agent or its toxic products from a reservoir to a susceptible host, either directly, as from an infected person or animal, or indirectly through an intermediate plant or animal host, a vector, or the inanimate environment that is required to be reported to the Texas Department of Health by the Texas Health and Safety Code Section 81.041.

#### Paid Quarantine Leave

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City of Johnson City law enforcement personnel, who the Blanco County Health Authority requires to quarantine or isolate due to possible or known exposure to a communicable disease while on duty, will receive regular full pay, consisting of all employee benefits and compensation the employee is entitled to under the City of Johnson City Personnel Policies & Procedures for the duration of the quarantine or isolation period (“Quarantine Leave”).

If eligible, the employee is not required to use other available paid leave before using Quarantine Leave.

Blanco County’s Health Authority or its designee determines when an employee is required to be quarantined or isolated due to possible or known exposure to a communicable disease while on duty, including Quarantine Leave eligibility and the duration of the leave.

Law enforcement personnel should quarantine or isolate if required by Blanco County’s Health Authority or its designee and follow all the Health Authority’s recommendations during the quarantine or isolation period. Once the Health Authority places the law enforcement personnel on quarantine or isolation, the employee shall notify their immediate Supervisor of the need to quarantine or isolate as soon as possible.

Law Enforcement personnel are not eligible for overtime hours during any period that they are subject to quarantine or isolation by the Blanco County Health Authority or its designee. If the employee’s combination of Quarantine Leave and Hours Worked is more than the employee’s regularly scheduled work hours, the number of Quarantine Leave hours must be reduced so the total hours per day does not exceed the regularly scheduled number of hours for that day. Law Enforcement personnel are prohibited from working another job on the days that they use Quarantine Leave.

#### L. Mental Health Leave for Certain Law Enforcement Personnel

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#### Definitions

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1. “Traumatic event” – an event which occurs in the peace officer(s) scope of employment when the officer is involved in the response to or investigation of an event that causes the officer to experience unusually strong emotional reactions or

feelings that have the potential to interfere with their ability to function during or after the incident.

Traumatic events may include, but are not limited to, the following:

- a. Major disasters which may include response to weather-related events involving multiple casualties; or explosions with multiple casualties; or search and recovery missions involving multiple casualties;
  - b. Incidents involving multiple casualties which may include shootings or traffic accidents;
  - c. Line of duty death or suicide of a department member;
  - d. Death of a child resulting from violence or neglect;
  - e. Officer(s) involved shooting of a person.
2. Mental health leave – administrative leave with pay granted in response to a traumatic event that occurred in the scope of the peace officer's employment.
  3. Mental health professional – a licensed social or mental health worker, counselor, psychotherapist, psychologist, or psychiatrist.

#### Requesting Mental Health Leave

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An officer directly involved in a traumatic event may request the use of mental health leave. The request shall be made in writing through the chain of command. The request shall be treated as a priority matter and a decision on the granting of the leave shall be made no later than 24 hours following the submission of the request. The request shall be granted unless the chain of command can articulate specific compelling reasons to deny granting the leave.

#### Confidentiality of Request

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Any request for mental health leave shall be treated as strictly confidential by all parties involved and shall not be discussed or disclosed outside the officer's immediate chain of command, and only as necessary to facilitate the use of the leave. Any officer or Supervisor who becomes aware of behavioral changes and suggests the officer seek mental health leave shall not discuss that matter with any third party. Any breach of this confidentiality shall be grounds for discipline.

Confidentiality may be waived by the officer seeking mental health leave. Confidentiality may be waived under circumstances that indicate the officer is a danger to himself or herself or others and department personnel must confer with mental health professionals.

#### Duration of Mental Health Leave

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An officer directly involved in a traumatic event may request up to three working days of mental health leave.

Extensions of mental health leave may be available under certain circumstances. Any request for an extension shall be accompanied by documentation from a mental health professional who is counseling the officer. The request may extend the leave by three working days. Each officer may request no more than two extensions, each supported by sufficient documentation by the mental health professional. The Chief shall grant the extension(s) upon the receipt of sufficient documentation to explain the need for the extension.

## CHAPTER 13 TRAVEL POLICY

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### Section 13.1 Content

The City of Johnson City will reimburse employees for necessary, appropriate, and approved travel-related costs. Employees who travel are expected to exercise good judgment when incurring travel costs. Arrangements for air transportation, hotel accommodations, car rentals, and conference registrations are the responsibility of the traveling employee. Also, the City will reimburse employees for expenses personally paid for on behalf of the City.

Policy Exception: The payment of sales and use tax for airfare, fuel, ground transportation, car rentals, lodging, and restaurants is allowed. An employee should seek a sales tax exemption for lodging where possible.

### Section 13.2 Travel Authorization

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#### A. Travel Outside the City of Johnson City

All travel outside of the City of Johnson City made at the expense of the City shall be made only upon the prior authorization of the Department Head or Supervisor. If the traveler is a Department Head, authorization must be made by the CAO ~~or Mayor~~. Before making a trip, the employee must submit a Travel Request Form. The nature of the trip, destination, times and dates of the beginning and end of the trip, and detailed estimates of the cost must be stated on this form. In addition, documentation of the reason for travel should be attached along with mileage calculations, if mileage reimbursement is requested.

#### B. Travel Request Form

The Travel Request Form shall be submitted for approval to the Departmental Head or Supervisor. If the traveler is a Department Head the form is submitted to the CAO ~~or Mayor~~.

Same-day travel of an employee also requires the approval of the Department Head or Supervisor.

### Section 13.3 Registration and Conference Fees

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Registration fees for a meeting or conference at which attendance has been approved should be paid in advance by the City or charged on the City's credit card.

### Section 13.4 Air Transportation

All City-approved air travel must be at the most reasonable and economical rate. Travelers are strongly encouraged to book their reservations well in advance of travel to ensure the lowest fare.



The City is not responsible for loss or damage to luggage or other personal effects during travel. If such damage occurs, travelers should seek reimbursement through their own insurance carrier or attempt to recover costs directly from the responsible party.

#### **Section 13.5 Use of Private Automobiles or City Vehicles / Mileage**

Mileage in privately owned vehicles is calculated based on the distance from the City Hall to the travel destination and back to the point of return.

Tolls and reasonable parking fees may be paid by the City, City credit card, or personal monies. Personal monies are reimbursable by the City. Parking or other traffic fines are not reimbursable.

The City's Seat Belt Policy applies when using a private or City vehicle and on City business.

#### **Section 13.6 Ground Transportation**

Taxi fares, public transportation, and shuttle services for transportation to and from the airport and between business-related locations in the destination City may be paid by the City credit card or are reimbursable. Receipts are required for reimbursement by the City.

#### **Section 13.7 Car Rentals**

Car rentals must be approved in advance by the Department Head or Supervisor.

#### **Section 13.8 Lodging**

The City will reimburse or pay for the actual cost of standard accommodations in reasonably priced hotels and motels.

#### **Section 13.9 Per Diem (Personal Expenses)**

Per Diem for personal expenses payable to the employee of the City before travel is based on rates published by the General Services Administration for the destination City.

#### **Section 13.10 Business Meals**

Business meals, including receptions, workshops, meetings, and seminars, where the discussion of City business is the primary purpose, may be paid by the City credit card or reimbursed with the approval of the Department Head or Supervisor.

Receipts must have the name and location of the restaurant, the group or organization, the number of people the receipt is for, and the date and amount of the expense.

#### **Section 13.11 Travel Expenses Not Reimbursable by the City**

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1. Alcoholic beverages;
2. First-class airfares (employee reimbursement will be reduced to coach);
3. Travel accident insurance premium and/or purchase of additional travel insurance;
4. Costs incurred by traveler's failure to cancel transportation or hotel reservations in a timely manner;
5. Late check-out or room guaranteed charges;
6. Parking or other traffic fines;
7. Personal entertainment expenses;
8. Haircuts, personal grooming, and shoeshine services;
9. Tobacco products;
10. Automobile towage;
11. Child-care, babysitting, house-sitting, pet-sitting, or kennel charges;
12. Books, magazines, or newspapers; and
13. Other expenses not directly related to City business.

## CHAPTER 14 EMPLOYEE SAFETY AND ACCIDENT PREVENTION

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### Section 14.1 Goal of the City

The City's goal is to maintain a safe working environment for its employees and its citizens.

#### A. Responsibilities of the Employer

The City is responsible for providing a reasonably safe and healthy working environment for employees. To do so, the City provides specialized safety equipment and training for employees, as deemed necessary and in accordance with City policy.

#### B. Responsibilities of the Employee

All employees are responsible for always observing safe work practices and are expected to conform to safety rules and regulations as set out by the City. Questions concerning proper safety methods or noticed safety problems or violations should be referred immediately to the employee's Department Head or Supervisor. Supervisors shall address such reports immediately and take steps to correct problems or violations.

### Section 14.2 Drug-Free Workplace Policy

#### A. Overview

While at work, each employee has the responsibility to deliver services in a safe, efficient, and conscientious manner. To perform a job in the safest manner possible, employees must be able to work in an alcohol/drug-free work environment and be free from the effects of alcohol and other job-impairing substances while on the job.

Accordingly, the use, sale, distribution, possession, or being under the influence while on the job of intoxicating liquor, controlled substance, a drug not medically authorized, or any other substances that impairs job performance or poses a hazard to the safety and welfare of the employee, co-workers, citizens, or visitors is strictly prohibited and may result in disciplinary action, up to and including termination.

#### B. Definitions

1. **Alcohol:** means any beverage, mixture, or preparation containing ethyl alcohol (ethanol).
2. **Controlled Substance (Drug):** means any drug, controlled substance, inhalant (abusable glue or aerosol paint), or perception-altering substance, including, but not limited to, marijuana, hashish, cocaine, heroin, morphine, codeine, opiates, amphetamines, barbiturates, hallucinogens, phencyclidine (PCP), and inhalants.
3. **Urinalysis Test:** means screening by a laboratory designated by the City for drugs in a urine specimen provided by an applicant or employee.

4. **Blood Test:** means a screening by a laboratory designated by the City for alcohol in a blood specimen provided by an employee
5. **Breathalyzer Test:** A test to confirm the specific level of alcoholic beverage present in the body.
6. **Intoxication:** any level of mental or physical impairment resulting from the voluntary introduction of alcohol or a controlled substance.
7. **Positive Test Result for Alcohol:** means having a reportable blood alcohol concentration (BAC) level in the body of .02 or higher, as determined by blood and/or Breathalyzer test.
8. **Positive Test Result for Drugs:** This means having a “reportable level” of a drug in the body, as determined by a urinalysis and/or blood test.
9. **Reasonable Suspicion:** a conclusion based on personal observation of specific, objective instances of employee conduct, that an employee is unable to satisfactorily perform assigned job duties due to the suspected use of controlled substances or alcohol. Such inability to perform may include, but is not limited to, a pattern of abnormal or erratic behavior, physical symptoms (i.e., glassy or bloodshot eyes, slurred speech, odor, unsteady gait, poor coordination, or reflexes), or direct observation of controlled substance or alcohol use. Information provided by a reliable and credible source of possession of controlled substances or alcohol will also constitute a basis for reasonable suspicion.
10. **Testing Facility:** means a hospital, clinic, or laboratory approved by the City.

**C. Notification**

1. City rules and regulations prohibit the use or possession of controlled substances (except with notification to the Department Head or Supervisor and by prescription only) or alcohol while an employee is on duty. Violation of these rules and regulations will subject the employee to discipline, up to and including termination.
2. Based on reasonable suspicion, after a workplace accident or injury, before hiring, or through a random drug screening authorized by the H.R. Department, an employee shall submit to testing for controlled substance and/or alcohol use. Prior to such testing, employees are required to sign a form consenting to the test.

**D. Prohibited Conduct Relating to the Use of Alcohol and Controlled Substances**

**Employees Will Not:**

1. Have a positive test result for alcohol.
2. Test positive, equal to, or exceeding the maximum levels for a confirmed test, as established by the Federal Department of Health and Human Services, for a controlled substance.
3. Report for duty or return to duty exhibiting the odor of alcohol or a controlled substance.

4. Be under the influence of alcohol or a controlled substance or exhibit any element or the appearance of intoxication.
5. Possess, use, or distribute alcohol or controlled substances while on duty.
6. Consume any alcoholic beverage or controlled substance immediately before or following their tour of duty at their worksite.
7. Refuse or fail to comply with the requirements, referrals, or time frames within this policy.

**E. Procedures for Reasonable Suspicion Testing of Employees**

When there is reasonable suspicion that an employee is under the influence of alcohol or a controlled substance while on duty:

1. The employee is prohibited from working.
2. The Supervisor or Department Head personally observes and reviews specific objective instances of employee conduct to confirm that reasonable suspicion exists.
3. The employee is immediately transported for testing to the appropriate testing facility. After testing, arrangements are made for safe transportation to the employee's residence, or a place selected by a relative of the employee.

**F. Disciplinary Actions Relating to the Use of Alcohol and Controlled Substances in the Workplace**

Employees who refuse to consent or submit to a drug or alcohol test in accordance with these procedures may be terminated. Employees who produce a positive test result for drugs or alcohol, or who otherwise violate this policy, are subject to disciplinary action, up to and including termination. Employees engaging in any activity designed, intended, or which has the effect of altering in any manner a drug or alcohol test will be terminated.

**Section 14.3 On-The-Job Accidents and Injuries**

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An employee who receives an injury while working for the City may be entitled to benefits under the Worker's Compensation Law of the State of Texas. Time spent towards initial and follow-up care by the employee is compensable.

If an employee is injured on the job, they must immediately contact their Department Head or Supervisor, who will notify the Human Resources Department, if available, and then immediately fill out a "First Report of Injury" form to determine if they should go to a medical clinic. If the employee is unable to complete these reports, it will be the responsibility of the Department Head or Supervisor.

If an employee is involved in an accident, and the employee is injured or not, the employee must immediately notify their Department Head or Supervisor who will then notify the Human Resources Department, if available, and then be sent to a City-approved medical clinic for drug/alcohol testing in addition to any other treatment that is needed.

**Section 14.4 Seat Belts**

All drivers and passengers of City vehicles and personal vehicles used for City business are required to use safety belts as equipped for the vehicle. Employees violating this section are subject to disciplinary action.

**Section 14.5 — Smoke-Free Workplace Policy**

Maintaining a smoke-free workplace protects the health, safety, and well-being of all employees and the citizens served in City facilities. Smoking is prohibited inside all City facilities. Smoking and the use of tobacco products are allowed in designated areas. **INCLUDE E-CIGS??**

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**Section 14.6 Prohibited Weapons Policy**

Policy. The possession by an employee of handguns and other types of weapons are prohibited in all City facilities, except as specifically required by certain positions, where it is a bona fide job requirement **and as provided by state law. CURRENT POLICY: 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.**

Commented [L44]: Penal Code 46.02 (a-5) allows a handgun in a public place as long as it's in a holster. (a-5) "A person commits an offense if the person carries a handgun and intentionally displays the handgun in plain view of another person in a public place. It is an exception to the application of this subsection that the handgun was partially or wholly visible but was carried in a holster." Please confirm with Ross.

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Any employee who is licensed to carry a concealed handgun may transport or store a firearm in a locked, privately-owned motor vehicle located in a parking area for employee parking provided on City property.

Exceptions.

1) This Section does not apply to an employee ~~whohat~~ who has received written permission from the Municipal Court Judge, pursuant to Section 46.03 of the Texas Penal Code, to carry a firearm within City Hall / Municipal Court, as amended.

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2) The provisions of this section do not apply to those excepted under Penal Code 46.15, as amended, a law enforcement peace officer or special investigator regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon. Handgun possession by a law enforcement peace officer or special investigator shall be in accordance with Penal Code Chapter 46, as amended.

Prohibition. Specifically prohibited are:

1. Any type of ~~firearm~~
2. A knife with a blade over 5 ½ inches
3. "Brass knuckles" or "knuckles" made of any other hard substance
4. A throwing knife, dagger, or switchblade
5. Any other weapon made illegal as described in the Texas Penal Code, ~~Section 46.01~~ Chapter 46.

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Disciplinary Action. Violation of this policy may result in disciplinary action, up to and

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including termination.

Violation of this policy may result in disciplinary action, up to and including termination.

**Policy Exception:** The provisions of this section do not apply to those excepted under Penal Code 46.15, as amended, a law enforcement peace officer or special investigator regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon. Handgun possession by a law enforcement peace officer or special investigator shall be in accordance with Penal Code Chapter 46, as amended.

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**CHAPTER 15 MISCELLANEOUS REGULATIONS**  
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**Section 15.1 Nepotism**

Nepotism is the patronage bestowed or favoritism shown based on family relationships ~~as in business and politics. Unless already authorized by the City Council,~~ The practice of nepotism in hiring personnel or awarding contracts is forbidden by the City. No person may be hired or appointed by the City ~~for regular, full-time employment~~ who is related within the second degree of affinity (by marriage) or within the third degree of consanguinity (by blood) to any member of the City Council, the CAO, or any other City officials. In addition, in the interest of effective management, no employee shall supervise another employee who is related within the second degree of affinity or the third degree of consanguinity to the Supervisory employee.

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**Section 15.2 Driving Records Check**

Driving records may be obtained prior to employment or at any time during employment for an employee whose job duties require the operation of a city vehicle.

Employees who operate a vehicle for City business must immediately notify their Department Head or Supervisor if their driver's license has been suspended, revoked, or denied.

If an employee, who operates a motor vehicle as a job duty, receives a traffic citation that may result in the employee's driving privileges being suspended, and driving is an essential function of the job, the employee must notify their Department Head or Supervisor within three days of the issuance of the ticket. If the traffic citation requires an appearance at court, the employee must notify their Supervisor of the status of the citation the next working day after the court proceeding.

The City periodically requests driver's license information from employees so that driving record information can be obtained. An unsatisfactory driving record may be a factor in determining an employee's ability to perform their job and may be grounds for disciplinary action or termination.

**Section 15.3 — Use of Information Technology**

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The City provides employees with computers that may include access to e-mail and the Internet to perform their jobs more efficiently. This technology is provided by the City at its own expense and its use, and all related resources are restricted to City business. All work done using this technology is and remains the property of the City. It is not intended for use in connection with employee's personal business, private or non-business matters, to solicit business for non-work-related ventures, or any personal cause, including political or religious issues.

Employees do not have any right of privacy with respect to the use of the City's computers, software, e-mail, or the Internet. Employee communications, documents, and other matters on computers, software, email, or the Internet are subject to inspection and review by the City and may be subject to disclosure under the Public Information Act. Employees are strictly prohibited



from printing, displaying, downloading, or sending any sexually explicit images, messages, cartoons, or jokes. This includes excessive messages with little information that slows down productivity and clogs the system or non-work-related activities, such as chat rooms. Inappropriate or abusive use of computer technology may result in disciplinary action up to and including termination.

Employees are prohibited from posting, transmitting, and/or disseminating any material that may bring discredit to or may adversely affect the efficiency or integrity of the City of Johnson City on any personal web page, social networking website, community-based website, online discussion forum, online blog, instant messaging chat client, chat room, or other online social space without the written permission of a Department Head or Supervisor

**A. Electronic Mail**

Electronic mail (e-mail) is used to facilitate business-related communication between employees and other businesses outside the organization. The use of e-mail is considered the same as creating or sending a business letter or office memo and is structured in a professional manner that represents the employee and the City. They are not the private property of any employee and employees have no right to privacy. The City reserves the right to review, audit, intercept, access, and disclose all messages created, received, or sent over the electronic mail system for any purpose.

**B. Internet Usage**

Access to the Internet is provided to employees in certain positions to utilize its resources for conducting City business. The City reserves the right to review and monitor employee Internet access. Employees are not permitted to download, display, or disseminate materials that may be considered obscene, racist, sexist, or otherwise offensive.

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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.

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**C. 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.

**Section 15.4 Use of Telephones and Cellular Telephones**

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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. Use of 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.

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.

Cellular telephone calls are not secure and can be monitored. It is illegal to intentionally monitor cell phone conversations without the consent of one of the parties to the conversation. Caution should be exercised when confidential or sensitive information is discussed on a City-provided cell phone.

#### Section 15.4—5 —Breastfeeding

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Pursuant to Texas Government Code Title 6, Subtitle A, Ch. 619, the City supports the practice of expressing breast milk during work hours for a reasonable amount of time that may be needed beyond the usual meal or break times. Employees who wish to express milk during work hours shall keep Supervisors informed of their needs.

Expressed milk may be stored in any municipal refrigerator located in City facilities, and all expressed milk should be labeled with the employee's name and date collected so it is not inadvertently confused with another employee's milk. Each employee is responsible for the proper storage of her milk.

#### Section 15.56 —Visitors in the Workplace

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To provide for the safety and security of employees and the facilities in the City, only authorized visitors are allowed in the workplace. Each Department Head or Supervisor is responsible for determining what authorized visitors are allowed. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures the 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.

## CHAPTER 16 \_EMPLOYEE PERFORMANCE APPRAISAL

### Section 16.1—Performance Appraisal

#### A. Performance Appraisals

**Purpose.** Performance appraisals are conducted to give employees feedback on their overall job performance. The performance appraisal interview establishes a time when employees and Supervisors can meet to discuss performance, work goals, and personal development goals. The appraisal is intended to give the employee and the City information that assists the employee in becoming a more effective worker.

**Procedure.** Written performance appraisals are completed by the Department Head or Supervisor at least 10 workdays prior to completion [See Section 7.1 (A)] of original probation. Thereafter, performance appraisals are conducted on an annual basis prior to the end of each fiscal year. Informal appraisals and work discussions may occur on a more frequent basis. Performance appraisals are in written form on approved performance appraisal forms. The Department Head or Supervisor may delay the completion of a performance appraisal due to pending disciplinary review.

**CURRENT POLICY (new added text in bold):** The work performance of each permanent employee shall be evaluated annually by the Department Head or immediate Supervisor. Department Heads will be evaluated by the CAO only. The CAO shall be evaluated by the Mayor and the review submitted to Council.

#### B. Evaluation of Performance Appraisals

**Evaluation.** When conducting performance appraisals, Department Heads or Supervisors are responsible for objectively evaluating the employee's job performance throughout the evaluation period. Supervisors are responsible for the validity of performance ratings.

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## CHAPTER 17 CONDUCT

All violations of Chapter 17 will be handled by the policies in Chapter 18.

~~City employees are prohibited from engaging in any physical, intimate, and/or sexual relationship with any subordinate employee (this includes Reserves, Volunteers, and Interns).~~

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Personal Behavior. As civil servants, City employees are held to a high level of professional behavior. Therefore, it is expected that all City employees show due consideration and respect for the public, their colleagues, and the office they hold.

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~~City employees are prohibited from engaging in any conduct, on or off-duty, that could reflect unfavorably upon the City.~~ City employees are expected to keep their private lives unsullied so as not to reflect poorly on the City; to maintain courageous calm in the face of danger, scorn, or ridicule; to have self-restraint; to be constantly mindful of the welfare of others; to be honest in both thought and deed, in both personal and official life; and to be exemplary in obeying the laws of the land and the regulations of their department.

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~~City employees are prohibited from engaging in any conduct, on or off-duty, that could reflect unfavorably upon the City.~~

~~City employees are prohibited from engaging in any physical, intimate, and/or sexual relationship with any subordinate employee (this includes Reserves, Volunteers, and Interns).~~

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### Preferential Treatment Avoidance.

Employees must avoid any action that might result in or create the impression of using their position for private gain or giving preferential treatment to any person or company while conducting City business. It is the responsibility of all employees to observe rules and regulations adopted for the orderly, proper, efficient, and safe operation of City functions.

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### Section 17.1 Restricted Activities

Certain activities, by virtue of their relationship to the City service or the unique characteristics of the City, must be regulated or restricted. These activities include, but are not limited to, the following:

#### A. Outside/Inside Employment

Outside / inside employment includes, but is not limited to, other employment, the ownership or operation of a business, employment as a consultant or advisor, employment with the City in another position, or employment with another local governmental entity. Such employment must not conflict with the performance of assigned City duties, be in competition with the City, or be deemed a conflict of interest by the Department Head or Supervisor.

## **B. Privileged Information**

City employees who are involved with plans, programs, or information of public interest may not use this privileged information for personal gain, or to benefit friends or acquaintances. If an employee has an outside interest that could be affected by any City plan or activity, this situation must be reported to their Department Head or Supervisor and the CAO immediately. An employee in such a position must also fill out a "Conflict of Interest Form." This Form can be requested from the City Secretary's Office. Each employee is charged with the responsibility of ensuring privileged information remains confidential and that only information that should be made available to the public is released. Violation of these provisions regarding the use of privileged information for private gain is cause for disciplinary action and/or criminal charges.

## **C. Political Activity**

Any funds provided from or through the City are not to be contributed to or used for the conduct of political activities or the benefit of any candidate for public office, whether partisan or non-partisan. No employee shall be assigned to work for or on behalf of any partisan activity or candidate.

**Commented [L52]:** Can an employee work for a political candidate outside of work?

The following actions are strictly prohibited:

1. Working or directing other staff to work on any political activity on paid time.
2. The use of City facilities or equipment paid for in whole or in part with City funds for political purposes. This includes the use of space, office equipment, and telephones during regularly scheduled work hours, as well as after regular work hours.
3. The implicit or explicit coercion of employees to work on political activities on their own time.
4. The use of City rank or title to assist any public official or candidate in any election at any time.
5. Engaging in any political activity while wearing City uniforms or driving City vehicles. (An exception is made for those employees who are voting).
6. Campaigning for and/or assisting during working hours in the election of any public official running for public office.

## **Section 17.2 Harassment Policy**

The City is committed to providing a work environment that is free from harassment or intimidation toward or by any employee, Supervisor, manager, citizen, visitor, or other non-employee work contact.

### **A. Definition of Harassment**

Harassment is defined as unwelcome or unsolicited verbal, non-verbal, physical, or sexual conduct that:

1. Is made a term or condition of employment, such as a Supervisor's decision to hire or fire;
2. Is used as the basis for employment decisions like pay, promotion, or job assignments;
3. Interferes with the employee's work performance; or
4. Creates an intimidating, hostile, unprofessional, or offensive work environment.

Examples of what may be considered harassment, depending on the specific facts and circumstance, include, but are not limited to, the following:

**Verbal and Non-Verbal Harassment:**

Derogatory, vulgar, or degrading comments, jokes, gestures, or other verbal or non-verbal conduct, regarding a person's race, color, religion, sex, national origin, age, disability or genetic information, or the distribution or posting of similar written or graphic material offensive in nature.

**Physical Harassment:**

Hitting, pushing, or other aggressive physical conduct or threats to take such action.

**Sexual Harassment:**

Unwelcome or unsolicited sexual advances, demands for sexual favors, or other verbal or physical conduct of a sexual nature. Behavior that may, depending on the circumstances, be considered sexual harassment includes unwanted touching, holding, grabbing, hugging, or other unwanted physical contacts. In addition, offensive language or jokes, whistles or "cat calls", staring at a person's body, offensive gestures, or motions, or distributing or displaying sexually oriented cartoons, pictures, calendars, or other objects may be considered sexual harassment.

**Retaliation:**

Demonstrating hostility toward, alienating, or otherwise taking unfriendly action against an employee for complaining about or reporting the behaviors described above.

**B. Reporting Process**

If an employee believes harassment has occurred or witnessed what is believed to be

harassment of or by another employee(s), immediate action should be taken by:

- Identifying the offensive behavior to the harasser and requesting that it stop.
- Discussing the concern as soon as possible with a Department Head or with Human Resources whom the employee feels comfortable talking with about the problem.
- Contacting the CAO or Mayor to report the complaint/incident when the employee is not comfortable talking directly to the harasser or the employee's Department Head or Human Resources.

There is no requirement for the form or content of a harassment complaint. The complaint may be verbal or written. It is recommended that as much information as possible be provided regarding the offending incident or conduct, such as: what happened or is continuing to happen, the person(s) causing the harassment, time(s), place(s), and, if available, the names of witnesses, etc.

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#### C. Supervisor Responsibility

Department Heads and Supervisors are responsible for the conduct of all City employees. As part of this responsibility, they must take steps to eliminate any form of harassment and counsel or discipline employees as necessary to correct inappropriate behavior. Supervisors who are aware of or should have known of harassment by employees or non-employees and who do not take immediate action to correct the situation may be subject to disciplinary action. Allegations of harassment are dealt with as confidentiality as possible.

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When a Supervisor is notified of alleged harassment, the Supervisor is required to promptly notify their Department Head and the CAO for a determination as to how the investigation is to be made. The complaint is promptly and thoroughly investigated. The investigation may include interviews with individuals directly involved and where necessary, with employees who may have observed the alleged harassment or who may be similarly situated. The complaint, investigative steps, and findings are documented as thoroughly as possible.

All employees filing a complaint regarding harassment are to receive a written response from their Department Head or Supervisor addressing their complaint within ten (10) business days.

#### D. Disciplinary Action

If the investigation indicates that harassment or retaliation against the complainant(s), witness(es), or person(s) who participate in the investigation occurred, appropriate action up to and including termination is taken.

Employees who file a harassment complaint that is groundless and brought in bad faith,

or brought for the purpose of humiliating others, are subject to disciplinary action up to and including termination.

### Section 17.3 Appearance and Dress

Professional appearance and attire are required during work hours. Employees are expected to take sufficient hygienic care to maintain a neat and clean appearance appropriate for their specific job and work environment. Employees who are required to wear uniforms and/or safety gear are to wear them appropriately. Employees whose dress and appearance do not meet the standards of sound judgment and are not appropriate for their job and work environment are subject to disciplinary action. A Department Head or Supervisor determines if an employee's appearance and dress is appropriate.

Jeans are allowed but must be uniformly dyed with no holes or frayed edges. Leggings are permitted, but the accompanying top must be at least mid-thigh. Examples of non-acceptable office attire include beach flip flops, shorts, cut-offs, miniskirts, tank tops, spaghetti straps, faded or backless attire, or any revealing or ill-fitting clothing, including tops or clothing that reveal the breasts, the midriff, or navel.

Jewelry, piercings, and tattoos are generally allowed, but should not be excessive, unprofessional in appearance, or distracting. Tattoos and piercings on the face and neck are not acceptable (excluding ear lobe piercings for earrings and cosmetic permanent makeup for eyebrows, eyeliner, lipstick, and lip liner only. Permanent makeup shall be in good taste and blend naturally with the skin tone to enhance a natural appearance). If tattoos and/or piercings on the face, neck, or back are present, in the case of tattoos, they must be covered up, and, in the case of piercings, articles/jewelry associated with such piercings should be removed. Tattoos on other parts of the employee's anatomy may also be required to be concealed if it is determined by the Department Head that the tattoos are distracting from the work or services performed by the employee.

### Section 17.4 Social Media and Website Policy

#### A. Purpose

This policy provides guidelines for the use of social media, such as Facebook, Twitter, Instagram, or LinkedIn by City employees. The City's primary internet presence shall be City of Johnson City websites and social media sites. Social media is useful when sharing information and promoting engagement with our City Council, Staff, citizens, and the public. The City has an overriding interest in ensuring those who speak on behalf of the City do so in a professional manner and with content that is both accurate and timely.

#### B. Scope

This policy applies to:

1. any established or planned website or social media site maintained by the

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City or its Departments;

2. any City of Johnson City employee who uses City Social Media Sites or City Websites for any purpose; and

3. in a limited manner, to all City employees who use personal social media pages or websites, if the social media page or website, or any individual post thereon, indicates that the employee is an employee of the City of Johnson City or otherwise implies an affiliation with the City of Johnson City, unless the employee specifically includes the following phrase prominently on the social media site or website:

“The views and opinions expressed on this page are the employee’s personal views and not those of the City of Johnson City.”

This policy shall not apply to:

1. City employees’ use of their personal social media or websites when acting solely in a personal capacity; or
2. Social media and websites of elected officials when they are used solely for campaign purposes during an election.

### C. Definitions

City-Managed Websites – Websites that are designed, developed, and/or maintained by City Staff who are authorized by the CAO to do so and that are used to communicate with the public on City-related business.

City Social Media Sites – Social media sites that are developed and/or maintained by City Staff who are authorized by the CAO to do so and that are used to communicate with the public on City-related business.

Comment – A response published on a City social media site using text, graphics, video, or other multimedia file by the authorized Administrator.

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Copyright – The right of an author to control the reproduction and use of any creative expression (including photos, graphics, body of text, etc.).

Follow – A term used on social media websites, such as Twitter and Facebook, where an individual chooses to receive updates or information from a particular social media website.

Hyperlink – A link from one part of a webpage to another page, such as the City of Johnson City home web page, with a link to its events calendar.

Post – A term used on social media websites to indicate an entry published on the webpage, including text, graphics, video, or other multimedia files.

**Social Media** – A type of website where registered users create online communities to share information, ideas, personal messages, and other content (such as videos).

**Social Media Administrators** – City Staff who are authorized by the CAO and/or his/her designee to oversee social media sites or websites maintained by the City. A social media administrator's authority is limited to actions that directly reflect guidance from the CAO and Mayor.

**Social Networking** – The creation and maintenance of personal and business relationships online.

**Tweet** – A post published on the social networking website Twitter.

**URL** – A World Wide Web website address, such as [www.johnsoncitytx.org](http://www.johnsoncitytx.org).

**Website** – A group of web pages that contain hyperlinks and are made available to any user on the Internet.

**Web Page** – A particular section of a website that has its own unique URL.

#### **D. City-Managed Websites**

City-Managed Websites include, but are not limited to, the following:

**City of Johnson City** ([www.johnsoncitytx.org](http://www.johnsoncitytx.org)) – The official website for the City of Johnson City providing comprehensive information about our form of government, policies, procedures, Departments, City news, and City events.

#### **E. City Social Media Sites**

City Social Media Sites include, but are not limited to, the following:

**City Facebook** (@JohnsonCity) – The City uses Facebook to engage with the public and to help showcase Johnson City as a preeminent residential, commercial, and tourism City in the Texas Hill Country. If appropriate, a message stating “This site is not monitored. Call 911 for emergencies.” should be added to social media sites.

**City Instagram** (@CityofJCtx) – The purpose of the City's Instagram profile is to promote the City through photographs, so people are encouraged to visit, shop, dine, and play in Johnson City. If appropriate, a message stating “This site is not monitored. Call 911 for emergencies.” should be added to social media sites.

**Johnson City Police Department Facebook** (@johnsoncitytxpolice) – The purpose of the Police Department Facebook page is to disseminate important notices, educational content, Departmental news, and encourage engagement with the public. If appropriate, a message stating “This site is not monitored. Call 911 for emergencies.” should be added

to social media sites.

**F. Authorized Use of City Social Media Sites and City-Managed Websites**

The City utilizes social media and websites for the purpose of sharing information, promoting events, engaging with the public, and other objectives, as determined by the CAO and/or his designee. Daily management of all City-Managed Websites and City Social Media shall be the responsibility of the Social Media Coordinator (SMC). A request to post information shall be submitted to the SMC with posting information and desired websites. Once approved by the SMC, the SMC shall post the content. The following provisions apply to all Departments and/or employees who publish content on City Social Media Sites or City-Managed Websites.

**Commented [L58]:** Do you mean for employee content approved by the SMC?

1. Observe and abide by all copyright, trademark, and service mark restrictions when publishing content;
2. All content shall be subject to archive and retention, as defined in the Texas Public Information Act, Texas Government Code, Chapter 552;
3. Employees submitting information for posting and the SMC should ensure the accuracy of all information posted to City Social Media Sites and City-Managed Websites. Information posted to City Social Media Sites and/or City-Managed Websites should be current, accurate, complete, and relevant, and, if mistakes are made, the error must be corrected as quickly and candidly as possible;
4. All content should follow and abide by the terms of service of each social media site on which it is posted, if applicable;
5. All content posted to City Social Media Sites and City-Managed Websites should remain professional in tone and be in good taste;
6. If the content includes photos of any City employee, independent contractor, or volunteer, the SMC shall ensure the appropriate releases have been completed before posting; and
7. Department websites and social media content are subject to review, editing, and approval by the SMC.

In addition to the above guidelines, the following applies to City employees' use of City Social Media Sites and City-Managed Websites, including content that discusses City business, policies, or procedures:

1. Employees should have no reasonable expectation of privacy when engaging in City Social Media Sites or City-Managed Websites online. Such social media and website content may be obtained for use in criminal trials, civil proceedings, and administrative investigations. Content is accessible by the public, not retractable, and can be retained or referenced for long periods of time.
2. Employees are prohibited from posting text, photos, graphics, or video recordings of City business on City Social Media Sites and/or City-Managed Websites without prior authorization from the SMC.
3. Employees are prohibited from posting on City Social Media Sites and/or

City-Managed Websites sexually explicit images, videos, cartoons, jokes, messages, or other material that would be considered a violation of the City policy preventing sexual harassment in the workplace.

4. When posting content on City Social Media Sites and/or City-Managed Websites, employees shall avoid all conduct that would compromise the integrity of the City, undermine public confidence in the City, and/or adversely affect any employee or Department.

5. Employees are prohibited from using City Social Media Sites or City-Managed Websites to provide misinformation about the City, fellow employees, or City policies and procedures.

#### **G. Public Comment and Interaction**

The City welcomes the opportunity to engage with its citizens and the public through websites and social media in a limited public forum. These forums operate in a spirit of professionalism, good taste, community, and educational interaction. Users and visitors to City Social Media Sites and Websites shall be notified that the intended purpose of the site is to serve to foster communication between the City and the public.

City Social Media Sites and City-Managed Websites that offer comment or interaction functions shall provide a disclaimer on the site that "posted comments do not necessarily reflect the views or positions of the City."

The City reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law. Editing or deleting content is permitted if the content:

- a. Promotes, constitutes, or encourages illegal, improper, or illicit purposes through visual, textual, or auditory posting;
- b. Promotes or advocates violence or the threat of violence against any individual or group;
- c. Promotes, fosters, or perpetuates discrimination based on race, creed, religion, gender, national origin, physical or mental disability, or sexual orientation;
- d. Would be reasonably considered pornographic, obscene, or defamatory in nature, or contains inappropriate sexual content or links;
- e. Compromises the safety of City employees or officials or City public infrastructure systems;
- f. Violates a legal ownership interest of another party, such as copyright, or violates confidentiality; or
- g. Violates the hosting social media site's terms of service.

#### **H. Records Retention of City-Authorized Social Media and Websites**

The City of Johnson City shall maintain social media and websites record in accordance with this policy and with State Law.

## **I. Employee Use of Personal Social Media and Websites**

This policy applies to City employees' use of their personal social media sites (i) when acting as an employee or representative of the City of Johnson City; (ii) when identifying themselves as an employee or representative of the City of Johnson City; or (iii) when an employment relationship, representative relationship, or other affiliation with the City of Johnson City is otherwise implied. Personal social media sites or websites may be monitored to determine applicability to and/or adherence to City policies.

To avoid the applicability of this policy to a personal social media account or website, or to an individual post thereon, City employees must adhere to the following guidelines. Failure to do so could result in the information being considered the employee speaking on behalf of the City and will be treated in the same manner as employee use of City Social Media Sites or Websites:

1. Employees identifying themselves as an employee of the City on personal social media accounts or websites or otherwise implying an affiliation with the City shall state that "the views expressed on this site are the employee's personal views only, and they do not reflect the views of the City of Johnson City, its staff, or its officials." This statement shall be placed as a disclaimer on the employee's personal social media account or website and should be included along with any post that would otherwise violate this policy.
2. Personal social media accounts or websites may not be designated in a way that would cause users to believe that the site is administered or endorsed by the City, including the unauthorized use of City logos or City trademarks. This includes political websites or social media sites used and administered by candidates for public office in the City of Johnson City.
3. Employees are prohibited from posting on personal or social media accounts or websites sexually explicit images, videos, cartoons, jokes, messages, or other material that would be considered a violation of the City policy preventing sexual harassment in the workplace.
4. For online safety, employees are discouraged from providing personally identifiable information within personal social media accounts or websites, including addresses, telephone numbers, or e-mail addresses.

City time and equipment should not be used for updating personal social media accounts or websites, including updating personal pages or profiles. Time spent on social media sites should be limited in the same manner as time spent on the telephone or internet while conducting personal business.

## **J. Employee Photo Release Agreement**

All City personnel (full-time, part-time, independent contractors, and volunteers) shall complete the Photo Release Agreement as designated by the Social Media Coordinator. If any person refuses or fails to complete the Photo Release Agreement, that person's photo will not be used in any manner on City Social Media Sites, City-Managed Websites, or

otherwise.

#### K. Violations

Violations of this policy shall be considered misconduct and may result in disciplinary action, up to and including termination of employment.

Department Heads and Supervisors are responsible for subordinate compliance with this policy and for investigating non-compliance.

#### L. Revisions

The City of Johnson City reserves the right to update this policy, as needed.

### Section 17.5 Code of Ethics

The Code of Ethics 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.

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#### A. Definitions

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

*City* shall mean the City of Johnson City.

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

*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 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 (5) above do not prohibit:

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- (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 City Council of the City in the case of the CAO, any gift of anything of value more than \$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 CAO, and the CAO shall forward it to the Mayor;
- (3) **SUGGEST CHANGING THIS PROCESS. SEE COMMENT.** Not less than seven (7) working days after the complaint is received by the Mayor, the Mayor shall acknowledge receipt to the complainant and provide a copy of the complaint to all members of the City Council, to the CAO, and to the party complained of. The Mayor, or his/ her designee, shall notify the complainant, the CAO, and the person complained of as to the date of the hearing if the Mayor deems a hearing is warranted. If a hearing is deemed warranted and the City Council fails to conduct the hearing within thirty (30) days of the CAO's receipt of the complaint, the Mayor 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 by the CAO, or the Mayor in the case

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**Commented [L59]:** Suggest revamping this process to delivery of the complaint to the CAO, an investigation by the CAO first and upon a finding that a complaint is valid, then the CAO forwards to the City Council. Council to determine action disciplinary and/or contract termination, etc. Where the complaint is against the CAO, the complaint goes to the Mayor for review and forwarding to Council.

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**Commented [L60]:** Suggest removing hearing requirement.

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**Commented [L61]:** Two years may be too long.



involving the CAO, 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 Mayor in the case involving the CAO, or action taken by their Supervisor or Department Head may appeal in accordance with appeal procedures as outlined in Chapter 19 in this Manual.

**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.

**H. City Council.**

This Code of Ethics shall apply to the City Council. Each member shall acknowledge in writing receipt of the Code.

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## CHAPTER 18 \_DISCIPLINE

### Section 18.1 Overview

It is the responsibility of all employees to observe the regulations necessary for the proper operation of City functions and to ensure continuous services. Employee misconduct or work infraction shall be subject to disciplinary action. Procedures have been established for the handling of disciplinary measures of reprimand, suspension, demotion, and discharge. Any disciplinary measure may be used in any given situation where deemed appropriate.

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Reasons for disciplinary action include, but are not limited to, the following:

1. Insubordination;
2. Demonstrated incompetence or inefficiency in the performance of job duties;
3. Carelessness, negligence, or misuse of City property or funds;
4. Theft or intentional destruction of City property or funds;
5. Neglect or refusal to comply with a lawful directive;
6. Being under the influence of intoxicants or drugs while on duty or possessing such substances on City property;
7. Indulging in offensive conduct or using offensive or abusive language in public or at the worksite;
8. Conviction of a felony or misdemeanor that has a harmful effect on City operations or the employee's ability to carry out their job duties, that reflect negatively upon the City, or subjects the City to increased liability for the employee's actions;
9. Deliberate or careless conduct endangering the safety of the employee or other employees;
10. Inducing or attempting to induce any employee to commit an act in violation of City rules, regulations, or official policy;
11. Using, threatening, or attempting to use personal or political influence to secure special consideration as an employee;
12. Violating the provisions regarding political activities;
13. Intentional falsification of personnel records, timecards, or other City records;
14. Sleeping on duty;
15. Habitual absenteeism;
16. Violating a safety rule or practice;
17. Leaving assigned work area without prior authorization by the Supervisor;
18. Violation of a departmental rule, regulation, order, or professional ethics;
19. Quitting work early without authorization to do so;
20. Lying to Supervisors or falsifying records with respect to official duties, including work duties and discipline;
21. Failure to report, where known, violation of personnel or departmental rules by any employee in conjunction with City employment;
22. Discussing with unauthorized persons any confidential information gained through employment with the City;
23. Indulging in offensive conduct, on or off-duty, that reflects unfavorably upon the City or subjects the City to increased liability for the employee's actions;

24. Engaging in an unlawful act while on duty or while representing the City;
25. Threatening another employee with bodily harm;
26. Abuse of any type of paid or unpaid leave or other benefit programs;
27. Failure to maintain required licenses or certifications;
28. Operation of a vehicle for City business if driver's license is suspended or revoked;
29. An employee who operates a motor vehicle as a job duty who receives a traffic citation that may result in the employee's driving privileges being suspended, and driving is an essential function of the job, (the employee must notify their Department Head or Supervisor within three days of the issuance of the ticket).
30. Any employee absent from work for three consecutive days without notification of such absence is deemed to have abandoned their job and is terminated, unless extenuating circumstances require a lesser action;
31. Failure to comply with the City's Drug/Alcohol-Free Workplace Policy;
32. Failure to comply with the City's Prohibited Weapons Policy;
33. Failure to comply with the City's Harassment Policy; or
34. Failure to comply with the City's Smoke-Free Workplace Policy.

## Section 18.2 Disciplinary Action

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Disciplinary action may be taken for any of the reasons outlined in the above section or for any other cause that warrants such action.

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The degree of discipline should be reasonably related to the seriousness of the offense and take into consideration the employee's past disciplinary record and tenure with the City. The City is not obligated to follow a progressive disciplinary process. The City reserves the right to utilize whichever form of discipline it determines appropriate for the offense.

The Human Resources Department (HR) must receive notification from a Department Head or Supervisor for Reprimand types B. – G. below. The Department Head or Supervisor must also give an official copy of the reprimand to the employee being reprimanded. In the case involving a Department Head, xxxxx, and in the case involving the CAO, xxxxx

Commented [L62]: What process to follow for notice, etc when these two positions are concerned?

### A. Verbal Reprimand

Whenever grounds for less severe disciplinary action exist and the Supervisor determines that more severe action is not immediately necessary, the Supervisor shall verbally communicate to the employee the deficiency and, when appropriate, tell the employee how to correct the deficiency. The Supervisor shall also state that failure to remedy the deficiency may result in more severe disciplinary action. A written summary of the verbal warning/disciplinary action must be submitted to HR to be included in the employee's personnel file.

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### B. Written Reprimand

A Department Head or Supervisor may initiate a written reprimand in situations where a verbal reprimand has not resulted in improvement or where stronger initial action is warranted. The written reprimand should identify the offense(s), the necessary corrective action(s) to be made by the employee, the period in which the employee must accomplish the corrective action, and that further action may be taken if the problem is not corrected within the stated period. The employee's Supervisor and the employee must sign the written reprimand, and, after review of the Department Head, a signed copy of the written reprimand must be included in the employee's H.R. personnel file.

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### C. Suspension

When a written reprimand(s) has not corrected a problem, or when a separate severe infraction occurs, the Supervisor may recommend to the Department Head that the employee be suspended with or without pay for a specified period. Documentation regarding the suspension must be authorized by the Department Head.

The length of the suspension and determination of whether pay will be withheld shall be established by the Department Head.

### D. Non-Disciplinary Suspension

During an investigation, administrative hearing, or trial of an employee for any civil or criminal act, the Department Head may suspend the employee for the duration of the proceedings if it is determined to be in the best interest of the City. Such suspensions may be with or without pay depending on the circumstances and within policy guidelines.

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Reinstatement, resignation, or discharge terminates the non-disciplinary suspension.

### E. Reduction In Pay

When previous disciplinary action(s) has not corrected a problem, or when a serious infraction occurs, an employee's pay may be reduced to a lower amount. Documentation regarding the reduction in pay must be signed by the Department Head.

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### F. Demotion

When previous disciplinary action(s) has not corrected a problem, or when a serious infraction occurs, an employee may be demoted. Documentation regarding the demotion must be signed by the Department Head.

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Employees demoted for disciplinary reasons are placed on a 3 to 6-month additional probationary period in the new position.

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### G. Dismissal

When previous disciplinary action has not corrected a problem or when a serious

infraction occurs, the Department Head may terminate any employee under their direction. Employees on original probation may be dismissed with or without cause. Documentation regarding the termination must be signed by the Department Head. Nothing contained herein shall ever be construed as limiting the City's "at will" employment policy, including its abilities related to layoffs, reductions in force, elimination of municipal departments, positions, or for the benefit of the municipality.

Appeal. An appeal of a disciplinary action shall be conducted as outlined in Chapter 19, Section 19.2.

## CHAPTER 19 COMPLAINTS/APPEALS

It is the policy of the City of Johnson City to provide employees with an appeals process for complaints. Chapter 19 shall not apply to employees defined under Section 4.4 (Reserve Officers, Volunteers, and Internships); employees covered by Section 4.4 shall be on indefinite original probation, as defined in Section 7.1A and shall have no appeal rights outlined within Chapter 19.

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### Section 19.1 Complaints

A complaint is a grievance presented to the Human Resources Department about conditions of work, work relationships, or the interpretation or application of policies, rules, or regulations.

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A complaint also includes an employee's appeal of written reprimands, pay increases or decreases, performance appraisals, or disciplinary actions.

It is the responsibility of the employee to immediately submit a copy of the complaint to the Human Resources Department. If a complaint is not submitted to the Human Resources Department, it is not a valid complaint.

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Employees serving their original probationary period do not have access to the appeal process for terminations or any other employment or disciplinary action.

### Section 19.2 Grievance/Appeals Procedures

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Exhaustion of the appeal process is a prerequisite for pursuing court action.

Commented [L64]: Court action? Is this for those instances involving a benefit derived from state/federal law such as denial of workers comp? Keep in mind that benefits such as PTO (not required by law) are not usually considered by a court.

An eEmployees must attempt to first resolve the matter informally with his~~their~~ immediate Supervisor. If this does not resolve the situation and the employee wishes to continue, the employee must submit a written complaint ~~is made, filed with the HR Department, and to be processed in the following manner~~ as follows:

Step A. The written complaint must be filed with the H.R. Department. The H.R. Department must forward the complaint no later than ten (10) working days to the appropriate Department Head or Supervisor. No later than five (5) working days after the receipt of the employee's written complaint, the Department Head or Supervisor (or CAO for a case involving a Department Head) shall investigate the complaint and responds to the employee's complaint in writing. At the discretion of the Department Head or Supervisor and within the time frame listed above, the Department Head or Supervisor may meet with the employee to further discuss the employee's complaint.

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Appeals of verbal or written reprimands are limited to Step A. Employee complaints

about Disciplinary Actions C. – G. of Section 18.2 must be submitted as stated below.

Step B. If the employee wishes further review of the complaint, the employee must submit an appeal in writing, addressed to the CAO ~~but~~ and submitted to the H.R. Department no later than seven (7) calendar days of the receipt of the Department Head's or Supervisor's written response. The H.R. Department will then forward the appeal to the CAO.

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Step C. The CAO may ~~request to conduct an investigation – a fact-finding study~~ of the complaint. Such ~~fact-finding investigation~~ is to be completed no later than fourteen (14) calendar days upon receipt of the employee's appeal from the H.R. Department unless additional time is ~~required to complete the fact-finding study~~ needed.

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Step D. No later than fourteen (14) calendar days of the receipt of the employee's complaint, the CAO may meet with the employee to discuss the complaint. The decision to sustain the Department Head's or Supervisor's action, modify such action, or reverse the action will be made by the CAO no later than fourteen (14) calendar days of the receipt of the complaint forwarded from the H.R. Department.

Step E. If the employee wishes a further review of the complaint, the employee must submit an appeal in writing ~~for review and consideration by the City Council~~. The appeal ~~shall be~~ addressed to the Mayor ~~but~~ and submitted to the H.R. Department no later than five (5) working days of the receipt of the CAO's written response.

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~~Step F. The Mayor may request a fact-finding study of the complaint. Such fact-finding is to be completed no later than five (5) working days upon receipt of the employee's appeal from the H.R. Department unless additional time is required to complete the fact-finding study.~~

**Commented [L65]:** Recommend skipping another fact-finding study. The facts should already be included in the reports by the Supervisor and the CAO.

Step ~~GF~~. No later than fourteen (14) calendar days of the receipt of the employee's complaint ~~or receipt of the results of any fact-finding study, the Mayor may meet with the employee to discuss the complaint~~ the City Council shall issue its decision on the complaint. The decision ~~by the City Council~~ to sustain the CAO's action, modify such action or reverse the action ~~will be made by the Mayor no later than fourteen (14) days of the receipt of the employee's complaint from the H.R. Department. The determination of the Mayor is final.~~

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Step ~~GH~~. Notwithstanding anything contained herein to the contrary, nothing provided for in this Section shall ever be construed as compelling the City to undertake a redundant act or to compel any act inconsistent with the good order, health, and safety of the municipality.

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### Section 19.3 Stipulations

If the employee does not file the complaint document within the stated time limits, the matter is

considered to have been withdrawn.

Only issues submitted in written form and timely filed are addressed during the complaint process.

The employee does not lose any pay while reasonably preparing and presenting the complaint. The employee must obtain prior approval from the Supervisor to spend reasonable amounts of time on these matters. Such approval is not to be unreasonably withheld.

Except as otherwise stipulated, complaint/appeal hearings are informal hearings. These hearings are not bound by any formal rules of evidence. The person responsible for hearing the complaint has the sole authority to allow evidence and witnesses.

#### **Section 19.4—Employee's Right to Representation**

~~Employees have the right to be represented during the complaint process so long as the representative does not claim the employee's right to strike.~~

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## CHAPTER 20 SEPARATIONS

The relationship between the City and its employees is "employment at will," irrespective of the classification of the position. "At-Will" means that the employment relationship can be terminated by either employer or employee at any time for any or no reason, in so much as it is not illegal.

Employees terminating employment from the City are required to turn in all keys, material or equipment, or other City property by their last day of employment. Failure to do so may result in legal action.

The termination of non-management employees falls under the authority of the Department Head. The termination of the CAO and City Secretary, with the recommendation from the CAO, positions fall under the authority of the City Council. The termination of any employee must be processed through the Human Resources Department.

### Section 20.1 Voluntary Separations

#### A. Resignations

Employees resigning from City service are requested to submit a resignation in writing and give a minimum of fourteen (14) calendar days' notice. 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 the use of PTO during this time.

Employees who resign and wish to be rehired must make an application and compete in the appropriate recruitment process.

#### B. Retirements

Employees retiring from the City are eligible for retirement benefits, as provided for by the Texas Municipal Retirement System (TMRS), and health, dental, vision, and life benefits. The City defines a retiree as an employee meeting the Rule of 80, whereby the employee's age plus years of service equal 80. An employee must be a member of the TMRS plan for five (5) years to vest.

The following benefit plans are provided to qualifying retirees **NEED TO CONFIRM**

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**THESE PLANS (WAS CHANGED A FEW YEARS AGO); ALSO ISN'T THIS PROVIDED BUT AT RETIREE'S OWN COST??;**

- The same medical, dental, and vision plan(s) offered to active employees;
- A retiree continuum of care medical plan adopted for retirees and their dependents;
- Retiree life and optional life;
- A retiree continuum of care plan for early retirees and retirees over 65 years of age not entitled to Medicare and Medicare Supplement Programs for over 65 years of age retirees; and/or
- Medicare supplement plan with prescription benefits.

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The City of Johnson City allows retirees to 1) receive medical, dental, and vision plan(s) at the same contribution as charged to active employees; 2) to select a contribution level which is 190% of the active employee contribution; or 3) to offer over age 65 retirees a Medical supplement.

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**A LIMITATION ON WHO QUALIFIED WAS ALSO CHANGED YEARS AGO (EMPLOYEES HIRED BEFORE A CERTAIN DATE).**

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**Section 20.2 Involuntary Separations**

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**A. Termination**

Nothing contained herein shall ever be construed as limiting the City's "at-will" employment policy, including its abilities related to terminations, layoffs, reductions in force (RIF), the elimination of municipal departments or positions, or for the benefit of the municipality.

**B. Reduction In Force ("RIF")**

The City, in its discretion, determines whether a reduction in force is necessary due to lack of work, lack of funds, curtailment of operations or programs, or other circumstances deemed necessary by the City Council. The City Council authorizes all reductions in force. If it is determined that a reduction in force is necessary, employees are laid off in the following order.

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1. Part-time/Temporary employees;
2. Regular, full-time employees who have not completed their original probationary period;
3. Regular, full-time employees whose performance reviews document poor or inadequate performance;
4. Regular, full-time employees in good standing.

If two or more regular, full-time employees have the same performance and attendance ratings, seniority will be the determining factor.

### C. Recall

Recall rights for an employee who was laid off as a result of a RIF apply to the following situations where the positions become available within the one-year recall period and the employee has the ability and qualifications to satisfactorily perform the job.

1. Recall to the employee's former position — such recall occurs in reverse order of RIF, not including employees who were completing their original probationary period or temporary employees.
2. Recall to a vacant full-time position within the City in the same classification.

If an employee is recalled to a position other than previously occupied, the employee has the right to refuse the recall. If an employee accepts the recall, the employee forfeits all other recall rights to any other positions.

Regular full-time employees who are eligible for recall are given 14-calendar ~~day's~~ notice days' notice of recall. The recall notice is sent by certified or registered mail. The employee must notify the CAO or Department Head of their intent to return within three days of receipt of such notice of recall. It is the employee's responsibility to provide the City with the most current and correct mailing address.

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Tenure or length of service with the City, for purposes of fringe benefit calculation, does not accrue while an employee is on RIF status. However, upon recall to work, tenure or length of service resumes without loss of tenure gained before the RIF. Amounts of earned, but unused, PTO leave are paid out, consistent with current benefit plans, to eligible employees at the time of RIF.

The City does not make contributions to the retirement plan on behalf of eligible employees while on RIF status. The election by employees to leave accrued personal contributions in the plan while on RIF or to withdraw those funds may be made within the terms and provisions of the plan itself.

## CHAPTER 21 DEFINITIONS

### Section 21.1 Defined Terms

The following terms, phrases, words, and their derivations shall have the meaning given herein. Definitions not expressly prescribed herein shall be given their plain and ordinary meaning consistent with common usage of the English language.

**APPEAL** - A complaint to management relating to a written reprimand, pay increase or decrease, performance appraisal, suspension, involuntary demotion or dismissal; ~~except~~ employees serving their original probationary period do not have access to the appeal process for dismissals.

**BENEFITS** – Personal, holiday, and sick leaves, health insurance, life insurance, retirements, and any other financial or economic benefits that are offered to an employee by the City.

**BIRTH OF A CHILD** - For a woman giving birth, an initial leave request, either before or after the birth, is usually treated as a request for disability. Since a “normal” birth may result in six weeks of leave due to a disability, any additional leave requested would be due to the birth of a child as provided for under Family/Medical Leave.

**BONA FIDE OCCUPATIONAL QUALIFICATION** – A qualification requirement for a job that is made in “good faith” and is designed to ensure that applicants have the necessary skills and knowledge to perform the job.

**BREAK IN SERVICE** – Any lapse of working time between the official separation of an employee and subsequent rehiring.

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**CITY COUNCIL** - The policy-making body of the City of Johnson City which includes the five Council Members and the Mayor.

**CAO** - The CAO of the City of Johnson City, appointed by the City Council. ~~Duties and responsibilities include assisting the Mayor in the administration of personnel policies and procedures.~~

**CLASSIFICATION (Job Title)** - Positions ~~that may be~~ similar in nature that have approximately the same level of difficulty and responsibility, require comparable skills, knowledge, and abilities at the time of recruitment, and that may be fairly compensated by a general range of pay.

**DEMOTION** - Moving an employee from one position to another position in a lower pay range.

**DEPARTMENT HEAD** - An individual or designee who is ~~regularly~~ responsible for directing the overall operation of a major functional unit or activity.

**DISCIPLINARY ACTION** - A verbal reprimand, written reprimand, pay reduction, suspension, involuntary demotion, or dismissal.

**DISMISSAL** - The involuntary separation from employment.

**EMPLOYEE** - A person on the City of Johnson City's payroll.

**EMPLOYMENT DATE** - The date an employee begins work and is hired as a regular full-time/part-time or temporary employee.

**ESSENTIAL FUNCTION (ESSENTIAL JOB FUNCTION)** - The fundamental duties of a position that the employee must be able to perform with or without reasonable accommodation and without undue hardship to the employer. An essential job function is one that is so critical it cannot be eliminated from the job description without significantly changing the position's role and contribution to the City.

**EXAMINATION** - A written, verbal, physical, skill, performance or other job-related test or review specifically used to assist in evaluating an applicant's ability to perform the essential functions and duties of a particular job.

**EXEMPT POSITIONS** - Employees in exempt positions spend most of their work time performing administrative, executive, or professional duties. Exempt positions are not eligible for overtime compensation and meet the Fair Labor Standards Act definitions for exemption.

**FAMILY** - The definition of family for purposes of bereavement leave includes the employee's or spouse's parents, brother(s), sister(s), grandparent(s), uncle(s), aunt(s), or child(ren). For purposes of Family/Medical Leave, see the definition of "immediate family".

**FULL-TIME POSITION** - One in which the employee is scheduled to work 40 hours in the workweek or another approved full-time schedule.

**GRIEVANCE** - A complaint to management about conditions of work, work relationships or the interpretation or application of policies, rules, or regulations, other than disciplinary actions, adopted to cover personnel practices.

**IMMEDIATE FAMILY** - The employee's (or applicant's) mother, father, stepmother, stepfather, foster mother, foster father, mother-in-law, father-in-law, grandmother, grandfather, sister(s), brother(s), grandchild(ren), sister(s)-in-law, brother(s)-in-law, spouse, child(ren), foster child(ren), aunt(s), uncle(s), niece(s), nephew(s), first cousins, step-relatives, or any other relative living in the same household. For purposes of bereavement leave, see the definition of "family".

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**INTERNAL ALIGNMENT** - The internal ranking of classifications based upon factors such as level of responsibilities, skills, level of education or knowledge and authority.

**(JOB) POSITION ANNOUNCEMENT** - A posted announcement of a position vacancy that is to be filled.

**JOB DESCRIPTION** - A written statement of the essential job functions, general characteristics, duties, responsibilities, and qualification requirements of a job.

**REDUCTION IN FORCE (RIF)** - When the City is compelled to terminate an individual's employment through no fault of that employee.

**LEAVE** - An approved absence from work.

**LONGEVITY PAY** - A benefit provided for regular full-time employees recognizing continuous years of service with the City.

**MATERNITY** - See Birth of a Child.

~~**MAYOR** - The Mayor is the Chief Executive Officer for the City of Johnson City and is responsible for ensuring all laws and ordinances are enforced along with the effective administration of personnel policies and procedures.~~

**MINIMUM QUALIFICATIONS** - The qualifications contained in the job description that a person must possess to qualify or compete for a given classification of positions with the City.

**NON-EXEMPT POSITIONS** - Positions that do not meet the definition of Administrative, Executive or Professional as designated by the Fair Labor Standards Act and earn overtime pay at the rate of time and one half for actual hours worked more than 40 hours in the work week.

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**ORIGINAL PROBATIONARY EMPLOYEE** - The 3- to 6-month period beginning with the initial hiring of a person or the rehiring of an employee after a break in service of a lapse of

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working time between the official separation of an employee and subsequent rehiring of more than three months.

**OUTSIDE EMPLOYMENT** - Any work performed on a recurring basis for monetary compensation for an employer other than the City; including self-employment.

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**OVERTIME** - Time that the Department Head directs and authorizes an employee to work more than the standard workweek or work period.

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**PART-TIME EMPLOYEE** - An employee who usually does not work more than nine-hundred ninety-nine (999) hours during the calendar year in a budgeted position on a continuous basis; a part-time employee is. ~~These employees are~~ not eligible for employee benefits.

**PAY DECREASE** - A decrease in pay that may result from reclassification, demotion, unsatisfactory performance, or similar action.

**PAY INCREASE** - Movement from one pay rate in a range to a higher pay rate within the same range.

**PAY PERIOD** - The biweekly period for which employees receive their paychecks.

**PAY PLAN** - The schedule of pay ranges for each job title (or positions) in the classification plan.

**PAY RANGE** - The range of pay rates for jobs.

**PAY RATE** - A specific rate of pay within a pay range.

**PERFORMANCE APPRAISAL** - An appraisal that is placed in the employee's personnel file. The appraisal is completed on an approved form and signed by the employee, the employee's immediate Supervisor and the Department Head.

**PREGANCY** - See Birth of a Child.

**PROBATION** - A specified period during which the City evaluates the employee's work to determine fitness for their assigned duties and responsibilities.

**PROBATIONARY EMPLOYEE (ORIGINAL APPOINTMENT)** - An employee in a budgeted position who has not yet completed the original probationary period and has no appeal rights for termination.

**PROMOTION** - The result of an employee applying and being selected for a position in a higher pay range.

**PTO** - Paid Time Off.

**REASONABLE ACCOMMODATION** - Changes that can be made to a position to create an opportunity for a qualified applicant or an employee with a disability that does not cause undue hardship for the City.

**RECLASSIFICATION** - The significant change in duties performed by an employee that results in a change in the employee's classification. A reclassification can result in a title change only, the creation of a new classification at the same pay range, or a change in classification with a different pay range.

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**REGULAR FULL-TIME EMPLOYEE** - An employee who is scheduled to work 40 hours during the workweek in a budgeted position on a continuous basis and receives benefits.

**REPRIMAND** - A warning to an employee that the Supervisor believes a deficiency exists and improvement is needed in the employee's work performance or conduct.

**RESIGNATION** - The voluntary separation of an employee from the City.

**RETIREMENT BENEFIT** - Refer to the Texas Municipal Retirement System (TMRS) for information regarding retirement benefits.

**SEPARATION** - The termination of employment by reason of failure to satisfy the probationary period, disqualification, layoff, resignation, retirement, dismissal, or death.

**SPOUSE** - The definition of spouse expressly includes individuals in lawfully recognized opposite-sex, same-sex, and common law marriages and marriages that were validly entered into outside of the United States if they could have been entered into in at least one state.

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**STANDARD WORKWEEK** - A 40-hour workweek.

**SUPERVISOR**- Person in the first-line management who monitors and regulates employees in their performance of assigned or delegated tasks. Supervisors are usually authorized to recommend and/or effect hiring, disciplining, promoting, punishing, rewarding, and other associated activities regarding the employees in their departments.

**SUSPENSION** - An involuntary absence, with or without pay, imposed on an employee as a disciplinary action or during civil or criminal proceedings.

**TEMPORARY EMPLOYEE** - An employee who generally works on a limited assignment or is employed for a specific period, e.g., Interns or Lifeguards who work part-time and have a maximum number of allowed work hours per year without benefits in non-budgeted positions. A temporary employee may work full-time or part-time.

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**TRANSFER** - The movement of an employee from one position to another position of the same classification or pay range in the same or different department.



~~UNDEFINED WORDS/TERMS/ or PHRASES shall be given their plain and ordinary meaning consistent with common usage of the English language.~~

**UNDUE HARDSHIP** - An act requiring a significant expense or difficulty for the City.

**VACANCY** - An authorized budgeted position that is not occupied.

**VERBAL REPRIMAND** - A verbal statement telling an employee about a violation or failure to perform and advising the employee of the consequences of repeated acts or omissions. A verbal warning does not become a written reprimand merely because the Supervisor makes a note of the event.

**WORKDAYS** - The established or scheduled days an employee works.

**WORK PERIOD** - The work period for most non-exempt employees is seven (7) days, with a maximum of forty (40) hours worked at their regular pay.

**WORKWEEK** - The total scheduled workdays in a seven-day period.

**WORKERS' COMPENSATION** - Benefits received by an employee who is injured while carrying out assigned duties, as determined by the Workers' Compensation Act of the State of Texas.

**WRITTEN REPRIMAND** - A written statement of specific charges of violations or failures to perform, or the acts on which such charges are based and a warning of the consequences of repetition.

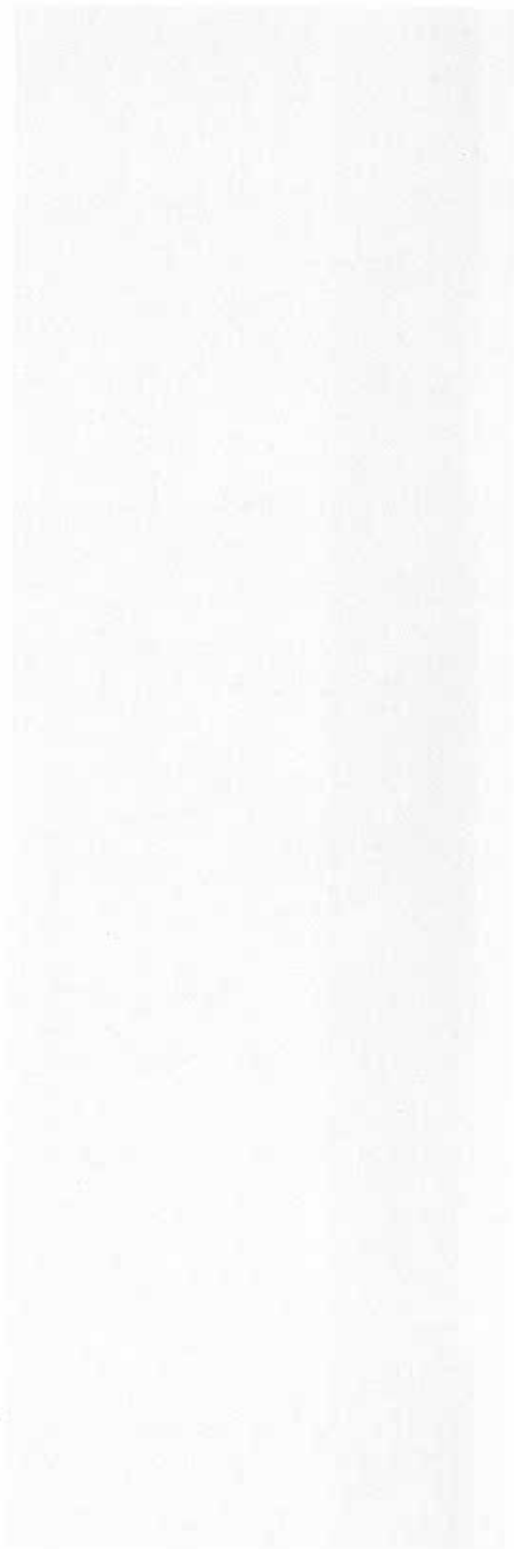
#### **SECTION 21.2 Interpretation**

~~This Personnel Policy and Procedures Manual may be interpreted, as necessary, in the manner provided by Tex. Gov't Code Ann. § 211.001 the Code Construction Act, the applicable provisions thereof being adopted herein.~~

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APPENDIX A \_\_\_\_ ACKNOWLEDGEMENT FORM

**EMPLOYEE ACKNOWLEDGEMENT**

The Personnel Policies and Procedures Manual contains important information about the City, and I understand that I should consult the Chief Administrative Officer or my Supervisor regarding any questions not answered in the Manual.

I have entered into my employment relationship with the City voluntarily and understand that there is no specified length of employment. Accordingly, either the City or I can terminate the relationship at will, at any time, with or without cause, and with or without advance notice.

I also understand and agree that no person, other than for a contractual position authorized by the City Council, the Chief Administrative Officer may enter into an employment agreement for any specified period or make any agreement contrary to the City's stated employment-at-will policy. Further, I understand that this Manual is neither a contract of employment nor a legally binding agreement.

Since the information, policies, and benefits described herein are subject to change at any time, I acknowledge that revisions to the Manual may occur, except to the City's policy of employment-at-will. All such changes will generally be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the City Council can adopt any revisions to the policies in this Manual.

~~Furthermore, I understand that this Manual is neither a contract of employment nor a legally binding agreement.~~

~~By my signature below, I acknowledge that I have received a copy of the Manual and have had an opportunity to read the Manual, and, and I understand that I may ask my supervisor~~

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\_\_\_\_\_ my social security number

\_\_\_\_\_ my family members or information that reveals whether I have family members

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's Name - Printed

\_\_\_\_\_  
City Representative

\_\_\_\_\_  
Date

APPENDIX C \_\_\_\_\_ POLICE DEPARTMENT MANUAL

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