

# PERSONNEL POLICY MANUAL

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**Farmersville**  
DISCOVER A TEXAS TREASURE

## CITY OF FARMERSVILLE, TEXAS

Draft April 2011

PERSONNEL POLICY MANUAL



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## PERSONNEL POLICY MANUAL



### CHAPTER 1

#### INTRODUCTION

##### 1-01. OBJECTIVES OF POLICIES

The purpose of these policies is to bring into the service of the city a high degree of understanding, cooperation, efficiency, and unity which comes through systematic application of good procedures in personnel administration, and to provide a uniform policy for all employees with all the benefits such a program insures. The basic objectives of these policies are:

- (a) To promote and increase efficiency and economy in the service of the city.
- (b) To provide fair and equal opportunity to all qualified applicants to enter city employment on the basis of demonstrated qualifications, merit and fitness as ascertained through fair and practical methods of recruitment and selection.
- (c) To develop a program of recruitment, advancement, and tenure which will make employment with the city attractive as a career and encourage each employee to render his/her best services to the city.
- (d) To establish and promote high morale among city employees by providing a good working environment, uniform personnel policies, opportunity for advancement, and consideration for employee needs and desires.

##### 1-02. EQUAL OPPORTUNITY POLICY

Discrimination against any person in recruitment, examination, appointment, training, promotion, discipline, or any other aspect of personnel administration because of political or religious opinions or affiliations; because of membership in employee organizations; because that person reports a violation of law; or because of race, color, ancestry, origin, marital status, or other non-merit factors is prohibited. Discrimination on the basis of age, sex, physical handicap or disability is prohibited except where specific age or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration.

It is the city's policy to comply with nondiscrimination laws and requirements set forth by state and federal regulations.

The city will recruit, hire, train, and promote people in all job classifications without regard to race, color, religion, national origin, sex, age, physical or mental disability or history of disability, genetic information,

**Comment [MPACohort1]:** Please review the objectives of the policy to ensure they convey the purpose and intent of the city as part of this revision.

**Comment [MPACohort2]:** Replaced existing policy with standard and most recent (Nov 2010) EEOC language.

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status as a veteran, uniformed service, or other protected characteristics.

Managers and supervisors of the city will base decisions on employment to further the principle of equal employment opportunity. They will ensure that promotion decisions are in accord with principles of equal employment opportunity by imposing only job-related requirements for promotional opportunities.

The city will ensure that all personnel actions, including compensation, benefits, transfers, layoffs, return from layoff, city-sponsored training, education, tuition assistance, and social and recreation programs, will be administered without regard to race, color, religion, national origin, sex, age, physical or mental disability or history of disability, genetic information, status as a veteran, uniformed service, or other protected characteristics.

The city will reasonably accommodate the religious observances and practices of an employee or prospective employee unless such accommodation creates an undue hardship on the conduct of the business. As part of this accommodation, the city will make reasonable accommodations to the religious observances and practices of an employee or prospective employee who regularly observes Friday evening and Saturday, or some other day of the week as his or her Sabbath, and/or who observes certain religious holidays during the year, and who is conscientiously opposed to performing work or engaging in similar activity on such days, when such accommodations can be made without undue hardship on the conduct of the business. The following factors will be considered: (a) business necessity, (b) financial costs and expenses, and (c) resulting personnel problems. Any employee who requires a religious accommodation should speak with a human resources representative.

Any employee with a disability who requires accommodation should speak with a human resources representative. Generally, disability refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. The city will seek to reasonably accommodate qualified individuals with a disability. The employee has the responsibility to provide adequate information to the city as part of the accommodation process. A qualified person with a disability means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the position. Such reasonable accommodation may take the form of making existing facilities readily accessible to or usable by individuals with a disability, restructuring jobs, modifying schedules, acquiring or modifying equipment, adjusting training materials, adjusting employment policies, and the like. Generally, such reasonable accommodation will be made unless it creates an undue hardship for the city.

Any person who believes he or she may have been discriminated against in violation of these principles or who observes any discrimination in violation of these principles or who needs a reasonable accommodation should discuss the matter with a human resources representative, their supervisor or the City Manager. If for any reason you do not want to discuss the matter with these individuals, you may discuss the matter with \_\_\_\_\_, the designated EEO Officer for the city.

### 1-03. APPLICABILITY AND SCOPE

**Comment [MPACohort3]:** The city should identify an "EEO Officer" for the city, which may be the City Manager, Mayor or other designated officer.

**Comment [MPACohort4]:** At a minimum, establish a separate "non-employee" code of conduct to manage the conduct/behavior of applicable contractors, volunteer firefighters and reserve police officers.

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These policies apply to all city employees unless specified otherwise by state law, departmental policy approved by the city council or other official city council action. A person on retainer or under contract is not considered to be a city employee in the absence of a specific agreement to that effect. These policies are not applicable to volunteer firefighters or reserve police officers.

### 1-04. STATEMENT OF AT-WILL EMPLOYMENT

Nothing in this manual shall be considered to create a property right in employment. It should be understood that employment is for an unspecified indefinite period of time and is at-will for both the employer and employee. These policies are not intended to constitute an employment contract and the employer reserves the right to amend these policies unilaterally and without notice.

Employment with the City of Farmersville is on an "at-will" basis. The employee may quit and the City may terminate the employee at any time, for any non-discriminatory reason or for no reason. The provisions of this Personnel Policies Manual are not intended to create a contract of employment, and no agreement or promise regarding an employee's terms or conditions of employment is binding on the City. The City has the right to change its policies at any time without prior notice. No contrary verbal representation or statement of an employee's terms and conditions of employment is binding upon the City.

### 1-05. DISSEMINATION AND FAMILIARITY OF POLICIES

Personnel Policy Manuals outlining the general personnel policies of the city will be furnished to all employees for their personal use and reference. The Personnel Department shall require that all employees sign a statement that they have been furnished a copy of a Personnel Policy Manual outlining these policies. It shall be the employee's responsibility to become thoroughly familiar with such policies.

### 1-06. AMENDMENTS TO POLICIES

These policies may be amended, supplemented, or superseded at any time by the city council. The city reserves the right to change, alter, or amend this manual and policies unilaterally and without notice to the employee. Upon any change, the city will provide each employee a copy of the revised policy changes in writing as soon as possible thereafter.

### 1-07. ADMINISTRATIVE AUTHORITY

The city council shall be responsible for establishing the policies under which personnel matters are to be administered. With the exception of matters reserved to the city council by statute or these policies, the general and final authority for personnel management rests with the City Manager, who shall develop, administer policies and procedures as they apply to all departments and employees.

Each Department Head is responsible within the scope of his or her authority for enforcing the provisions of these policies and related rules and procedures in regard to matters involving his or her department.

**Comment [MPACohort5]:** This paragraph was previously part of policy 1-03 but is more applicable in this section of the policy.

**Comment [MPACohort6]:** Consider changing the authority over policy revisions to lie with the City Manager, if possible, to allow for greater efficiency in administering the manual. We recommend to include a clause that would require the City Manager to provide a copy of all revised policies to the City Council at the next council meeting to ensure appropriate checks and balances. We also recommend that the policy should identify a specific time period in which revisions will be distributed to employees and in an electronic format if possible.

**Comment [MPACohort7]:** In line with policy 1-04, we recommend that the policy be revised to have the City Manager responsible for establishing the policies under which personnel matters are to be administered, preferably with 3<sup>rd</sup> party involvement with the HR Department or City Attorney.

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Nothing in this manual shall abridge any right of public access under the state statutes providing for open meetings and access to public records. To the extent possible, for the protection of all concerned, the city council's rulings will be reduced to writing.

**Comment [MPACohorts]:** Moved this statement from chapter 6 that addresses the grievance procedure as it could be applied to the entire policy manual.

### 2.01 VACANCIES

Department Heads shall notify the City Manager immediately when positions become vacant. The three resumes submitted to the personnel manager shall be reviewed by the City Manager. Vacancies may be filled through public announcement, promotion, promotion or advancement.

### 2.02 ANNOUNCEMENT OF VACANCIES

The personnel department shall publicly announce by appropriate means, in all languages, such job announcements as possible that specify the title, and nature of the job, the educational qualifications and the application deadline. Each announcement shall also contain a statement affirming the city's commitment to a policy of equal employment opportunity. An advance period of time shall be allowed for the individual process to receive and cover applications for the vacant position.

### 2.03 APPLICATIONS

Applications for employment or advancement shall be submitted in forms as prescribed by the personnel department. Only applications already retained in the personnel database shall be considered. An applicant's education is verifiable with applying to city positions. In special circumstances, all applications received will be eligible before the city personnel department.

### 2.04 SELECTION

The primary goal of the city is to fill vacancies with the most qualified applicants available using fair and credible selection methods. The City Manager or the Department Head shall determine the most appropriate means of evaluating applicants against job requirements to identify the best qualified applicants. Reference checks, interviews, review and psychological assessments, drug screening, criminal history checks, investigation of citizenship or employment history and other tests, theory-based, theory-based, and/or other screening procedures may be used as deemed appropriate, and shall be used to be consistent with applicable employment laws and regulations and will be kept confidential. Applicants may be required to provide work experience and qualifications information necessary to determine compliance with prescribed qualifications in job posting requirements.

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### CHAPTER 2

#### EMPLOYEE HIRING & APPOINTMENT SELECTION & HIRING

##### 2-01. VACANCIES

Department Heads shall notify the City Manager immediately when job vacancies occur in their department. Only those vacancies allocated in the annual budget or new positions authorized by the city council shall be filled. Vacancies may be filled through public announcement, promotions, transfers, demotions or reinstatement.

**Comment [MPACohort9]:** Replaced the word "appointment" with the word "selection" to properly reflect the employment action.

**Comment [MPACohort10]:** Provide additional procedures and clarification regarding timeframes, such as "immediately" and decide if you want to refer to "directors" as Department Heads or Department Heads and then be consistent in the manual.

##### 2-02. ANNOUNCEMENT OF VACANCIES

The personnel department shall publicly announce by appropriate means all job vacancies. Each job announcement insofar as practicable shall specify the title, and nature of the job; the required qualifications; and the application deadline. Each announcement shall also contain a statement affirming the city's commitment to a policy of equal employment opportunity. An adequate period of time shall be allowed in the selection process to insure fair and open competition for the vacant position.

**Comment [MPACohort11]:** Provide additional information regarding the announcement process of where jobs will be posted and also clarify statements such as "appropriate means" and "adequate period of time".

##### 2-03. APPLICATIONS

Applications for employment or reinstatement shall be submitted on forms as prescribed by the personnel department. Only applications officially received in the prescribed manner shall be considered. All information submitted in connection with applying for city positions is subject to verification. All applications received shall be kept on active file for a period of one (1) year.

**Comment [MPACohort12]:** Provide clarification and procedure for "prescribed manner". The city will want to verify the document retention period for applications is only one year.

##### 2-04. EVALUATION

The primary goal of the city is to fill vacancies with the most qualified applicants available using fair and practical selection methods. The City Manager or the Department Head shall determine the most appropriate means of evaluating applicants against job requirements to identify the best qualified applicants. Reference checks, interviews, medical and psychological examinations, drug screening, criminal history checks, verification of citizenship or employment eligibility, skills test, written tests, driver's license checks, and/or other screening procedures may be used as deemed appropriate, and shall, in all cases, be consistent with applicable employment laws and regulations and will be kept confidential. Applicants may be required to provide work experience and qualifications information necessary to demonstrate compliance with prescribed qualification or proficiency requirements.

**Comment [MPACohort13]:** Provide clarification for "most appropriate means" in order to ensure fair and equal treatment with your applicants. It would also be helpful to identify the evaluations that all applicants must go through and then identify others that may be based on "when appropriate".

**Comment [MPACohort14]:** It is unlawful to ask about a person's citizenship or verify employment eligibility as part of the evaluation process.

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### 13-062-05. PRE-EMPLOYMENT DRUG SCREENING TESTING

All persons offered positions with the city may be required to submit to a drug and/or alcohol test.

Prior to the test, all applicants shall be required to sign a written consent form authorizing a urine or breath test for the presence of controlled substances and alcohol. A job applicant refusing to sign a requested consent form will not be considered for employment.

Test results shall be sent marked "Personal and Confidential" to the City Manager or his or her designee, and shall be treated in a highly confidential manner. An applicant shall not be placed on the city payroll or otherwise allowed to report for work until negative test results have been received by the City Manager.

In the case of positive test results, disclosure of the results shall be made to the applicant by the City Manager. The applicant shall be told by the City Manager that he or she is disqualified for employment with the city for an one-year period, and to be reconsidered, must successfully pass a pre-employment drug screen after the one-year period submit evidence of successful completion of a rehabilitation program.

### 2-06. DISQUALIFICATION

An applicant shall be disqualified from consideration if he or she:

- (a) Does not meet the qualifications necessary for performance of the duties of the position involved;
- (b) Has made any false statement of fact on the application, depending upon the seriousness, willfulness and applicability of the false information to the position;
- (c) Does not successfully pass necessary pre-employment evaluations and/or screenings to include pre-employment drug testing and criminal background checks;
- (d) Is an alien not lawfully authorized to work in the United States; or
- (e) Would be in violation of the nepotism policy or laws; or
- (f) An applicant may also be disqualified from consideration upon other reasonable grounds relating to job requirements based upon other legal and/or job-related factors.

### 2-07. AUTHORITY FOR APPOINTMENT/HIRING

Except as otherwise provided by these policies, state law, or city ordinance; the hiring/appointing authority for all city positions shall rest with the City Manager. The City Manager may delegate such authority to Department Heads for those positions to be under their supervision.

Appointments—Hiring decisions shall be made based on the qualifications of applicants as ascertained

**Comment [MPACohort15]:** Moved from Chapter 13 (Controlled Substance and Alcohol Abuse Testing Policy) and included with the pre-employment evaluation/screening policies.

**Comment [MPACohort16]:** Verify with legal counsel regarding the requirement to have the applicant complete a rehabilitation program; may be beyond the scope of "potential employer".

**Comment [MPACohort17]:** Included language regarding pre-employment evaluations and made minor revisions to existing language.

**Comment [MPACohort18]:** Revise the reference to "appointment" and replace with "hiring" to be consistent with employment language.



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through fair and practical selection methods. It shall be the policy of the city to hire/appoint the most qualified applicant for the position.

**2-08. NEPOTISM**

No person related within the second degree of affinity (marriage) or within the third degree of consanguinity (blood) to the mayor or any member of the city council shall be appointed to any office, position, or other services of the city, but this prohibition shall not apply to officers or employees who have been employed by the city continuously for more than six (6) months prior to the election of such member of the council or mayor.

**Comment [MPAChort19]:**  
RECOMMENDATION: Consider implementing nepotism guidelines addressing nepotism between family members of employees and at the very least create a policy that would prohibit nepotism within the line of supervision.

**2-09. NEPOTISM CHARTS**

**Consanguinity Kinship Chart (Blood)**

1st Degree:	2nd Degree:	3rd Degree:
Father	Grandfather	Great grandfather grandfather
Mother	grandmother	Great grandmother
Brother	Uncle	Great uncle
Sister	Aunt	Great aunt
Son	Nephew	Great nephew
Daughter	Niece	Great niece
	Grandson	Great grandson
	granddaughter	Great granddaughter
	1st cousin	2nd cousin

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### Affinity Kinship Chart (Marriage)

1st Degree:	2nd Degree:
Spouse's father	spouse's grandfather
Spouse's mother	spouse's grandmother
Spouse's brother	spouse's uncle
spouse's sister	spouse's aunt
spouse's son	spouse's nephew
spouse's daughter	spouse's niece
	spouse's grandson
	spouse's grand-daughter
	spouse's 1st cousin

### 2-10. RESIDENCY REQUIREMENTS

There shall be no absolute residence requirements for city employment except the City Manager and those employees likely to be called to work in cases of emergency. The City Manager shall be required to reside within the city limits and employees likely to be called to work in cases of emergency may be required to reside within reasonable commuting ranges of their places of work. For these purposes, a reasonable commuting distance shall be within a fifteen (15) minutes commute of the city. Employees permitted to operate city vehicles between their places of residence and work may be required to reside within the city or within reasonable commuting ranges.

**Comment [MPACohort20]:** Deleted the first sentence as it is very similar to the second sentence (which remains).

### 2-11. MEDICAL EXAMINATIONS

A person who has been offered employment may be required to take a medical and physical examination at city expense given by a doctor designated by the city. The offer of employment will be conditioned upon the results of the physical examination, if required. Furthermore, these results will not be used to discriminate on the basis of a qualified disability and the information obtained regarding medical condition or history will be collected and maintained in separate forms and in separate medical files and shall be treated as confidential medical information. The city manager, acting upon information provided by medical personnel, shall be the final authority in determining medical suitability for employment. The city manager may waive or modify the medical examination requirement for any or all part-time positions, temporary employees, or emergency appointments.

All job offers are conditioned upon successful completion of a pre-employment physical by a physician selected by the city. The city pays for the examination. The Human Resources department will make an appointment for the applicant. If the applicant fails to appear or fails to complete the physical, that action will be treated as a rejection of the conditional job offer.

**Comment [MPACohort21]:** Expanded on the recommended legal language relating to pre-employment physicals.

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The essential functions of the position offered to the applicant will be given to the physician. Prior to the examination, the physician will tell the applicant which physical tests will be conducted. The individual will be given an opportunity to discuss with the physician any concerns he or she may have about the examination. All applicants will be required to sign the standard consent and release form permitting the physician to disclose the results of the physical to the city.

The physician will only advise the city that the individual is able or is not able to perform the essential functions of the position offered to the applicant. The physician will only disclose specific medical information when:

- a) It is necessary to explain the reasons for the failure of the examination or the rejection of a particular accommodation, or
- b) Information is otherwise needed to understand the rejection of an applicant for failing the physical examination.

All medical information provided to the city will be maintained in confidence in accordance with the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), the Family and Medical Leave Act (FMLA), state law, and any other applicable law. The city will give the applicant a copy of the results upon request.

Any medical recommendation not to hire the individual must specifically state that the individual is not able to perform the essential functions of the position even with reasonable accommodation. The essential functions that cannot be performed shall be identified. Any accommodations that have been considered will be noted, along with any suggested accommodations by the applicant. If the city rejects any accommodation, the reasons for the rejection will be identified.

If the applicant questions the results of the physical, he or she will be given an opportunity to comment, submit additional information including statements from other physicians, and/or request another physical.

### 2-12. RE-EMPLOYMENT

Former employees who have not been terminated for cause shall be eligible for reemployment and may be given preference over other job applicants provided they meet the minimum requirements and qualifications of the position and it is in the best interest of the city.

### 2-13. EMPLOYEE ORIENTATION

All new employees shall be given a thorough orientation about the nature of the job, the benefits, obligations and responsibilities of the position, and the general policies and procedures of both the city and

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the department he or she is to be employed in. In addition, the city will verify employment eligibility and obtain information needed for payroll and insurance programs, determining citizenship status, etc., such as date of birth, that were not provided for in the application for employment.

With the approval of the city manager, a department head may require that a current employee successfully undergo a medical examination at city expense, to determine fitness for continued employment or for promotion or other personnel action. In cases of department heads, the city manager may require a department head to successfully undergo a medical examination at city expense.

**Comment [MPACohort22]:** Deleted this section since this was addressed in the updated policy 2-10 on "medical examinations"

*(This section has been deleted and is not included in the current version.)*

*(This section has been deleted and is not included in the current version.)*

*(This section has been deleted and is not included in the current version.)*

*(This section has been deleted and is not included in the current version.)*

### 2.04 TEMPORARY POSITIONS, EMERGENCY TEMPORARY APPOINTMENTS

The Department Head, with approval of the City Manager, reserves the right to hire temporary or part-time employees in cases of emergency or when an existing employee is on leave for an extended period which exceeds the municipal capabilities of the city. Emergency Temporary positions are limited to 90 days and are used to supplement the normal operations of the organization. The emergency hire will not acquire any status or rights in the position to which they are temporarily assigned.

The emergency hire may be used for a limited time to provide relief from a temporary position. The emergency hire may be used to provide relief from a position which is vacant for an extended period, pending recruitment, or to perform other duties.

### 2.05 STATUS CHANGES OR NEW HIRING

Temporary hires and status changes are subject to the approval of the City Manager. The City Manager may require that a temporary hire or status change be subject to a probationary period.

### 2.06 PROBATIONARY PERIOD

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CHAPTER 3

TYPES OF APPOINTMENT EMPLOYMENT CATEGORIES, ACTIONS AND PERSONNEL RECORDS

3-01. TYPES OF EMPLOYMENT

Employees may be hired into the following types of employment categories:

- (a) An appointment is ordinarily of indefinite duration and may be made to a full-time or part-time position. A full-time position is one where an employee works forty (40) hours in a regular work week schedule.
- (b) A part-time position is one where an employee works less than forty (40) hours in a regular work week schedule.
- (c) A law enforcement position may require an employee to work forty-three (43) hours in a seven day work week.

3-02. TEMPORARY POSITIONS-EMERGENCY-TEMPORARY APPOINTMENTS

The Department Head, with approval of the City Manager, reserves the right to hire temporary or part-time employees in cases of emergencies or unusual or extraordinary circumstances which places demands which exceed the manpower capabilities of the city. Emergency-Temporary positions/appointments shall not be used to circumvent the normal appointment/hiring procedures. The employees involved shall not acquire any status or rights in the position to which they are temporarily employed/appointed.

An appointment may be made for a limited term in unusual circumstances. Temporary appointments are ordinarily limited to special projects and may be made to full-time or part-time positions requiring continuous, seasonal or intermittent performance.

3-03. STATUS CHANGES OR NEW HIRINGS

Department Heads shall submit recommended changes in the personnel status of their employees or requests to hire new employees prior to making any commitments to either existing employees or prospective new hires.

3-04. PROMOTIONS POLICY

Comment [MPACohort23]: Inserted new chapter to separate personnel actions from "selection and hiring".

Comment [MPACohort24]: Deleted language regarding "indefinite duration" which can be interpreted as conflicting with at-will employment policy.

Comment [MPACohort25]: Recommend consulting with legal counsel to verify the legality of the 43 hour work-week for law enforcement.

Comment [MPACohort26]: Consider identifying the minimum/maximum salary increase associated with promotions. Best practices would be worded in a way that would allow for a "minimum of a 3% increase to the beginning of the salary range or 10%, whichever is greater".

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A promotion is the assignment of occurs when an employee moves from one position to another higher level job requiring more responsibility, experience, education, technical or professional expertise and which is usually paid at a higher salary. It shall be city policy to provide promotional opportunities whenever possible and practical. The selection process may be limited to qualified city employees. Opportunities for promotion across organizational lines shall be maximized, with approval from the City Manager being necessary prior to such promotion.

### 3-05. TEMPORARY PROMOTION ACTING PAY

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

Nothing herein shall be construed to prevent the assignment of additional or a higher level of duties to an employee without additional compensation.

### 3-06. TRANSFERS

A transfer is the reassignment of an employee from one position to another. A transfer not involving promotion or demotion may be effected at any time for administrative convenience or necessity, or upon request of the employee to the Department Head, provided that the employee is qualified to perform the duties of the position to which the transfer is contemplated. Transfers may be made administratively or in conjunction with an announced selection process. Transfers between classes or between departments shall become effective following approval of the City Manager.

### 3-07. DEMOTIONS

A demotion is the assignment of an employee from one position to another position having less responsibility or requiring less experience, education, technical, or professional expertise, and which is usually at a lower salary. A demotion may be effected for either a disciplinary or a non-disciplinary action.

An employee may be administratively demoted at his or her own request, or as an alternative to layoff/reduction in force, with the approval of the City Manager providing the employee is qualified to perform the duties of the lower level position. Such demotions shall not be considered as disciplinary actions or to disqualify the employee involved from consideration for later advancement. Demotions, when used as an alternative to layoff/reduction in force, may be fully or partially rescinded at any time.

### 3-08. PERSONNEL FILES AND RECORDS

Comment [MPACohort27]: You will often find this policy referred to as "acting pay" in similar organizations.

Comment [MPACohort28]: Consider clarifying this statement. Is the intent that no employee would be expected to take on additional duties without getting additional compensation?

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The payroll clerk shall maintain the official personnel files and records for all city employees. Separate files will be maintained and will contain medical information and benefit selections. Unless otherwise provided by law, personnel files shall be confidential and may not be used or divulged for purposes unconnected with the city personnel management, except with the permission of the employees involved. Nothing herein shall prevent the dissemination of impersonal statistical information. An employee shall have a right of reasonable inspection of his or her official personnel files and records under appropriate supervision.

### **9-02. STATUS CHANGES OR NEW HIRINGS**

Department Heads shall submit recommended changes in the personnel status of their employees or requests to hire new employees prior to making any commitments to either existing employees or prospective new hires.

### **3-09. PERSONNEL REPORTS**

Department Heads shall be responsible for providing the payroll clerk with all necessary employee reports and records associated with good personnel management for their department. Such records and reports shall include, but not be limited to, employee sick leave, vacation leaves, attendance and overtime records, performance reports, counseling records, and all types of disciplinary action. Failure to do so may result in formal disciplinary action.

### **REASONABLE ACCOMMODATION FOR DISABILITIES**

When an otherwise qualified employee is determined by medical authority to possess a physical or mental limitation, the city will review the case and decide what reasonable accommodation is appropriate, as described by law. Applicants with known physical or mental limitations will be provided with reasonable accommodations to city facilities. Any employee or applicant with known physical or mental limitations who believes reasonable accommodation is not being provided may appeal the decision to the city council. The city council will review the facts of each particular case and act in accordance with the provisions of applicable laws.

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### CHAPTER 4

### PROBATION

#### 4-01. PROBATIONARY PERIOD

Every newly appointed person or promoted person shall be required to successfully complete a probationary period of ninety (90) days. However, a person who is being promoted from one position to another shall be considered to be on probation for the duration of the probationary period. However, an employee's probationary period may be retroactively extended from 90 days to 180 days if, in the opinion of the Department Head or City Manager, such extension is necessary or warranted in order to adequately evaluate the employee's job performance and skills or performance required for the position.

During the term of the probationary period, the Department Head may discharge or discipline any employee at will and such disciplinary action or discharge shall not be subject to any grievance or arbitration.

#### 4-02. PURPOSE OF PROBATIONARY PERIOD

The Department Head shall use the probationary period to identify strengths and weakness of new and promoted employees and to determine self-worth in their job. Only those employees who meet acceptable standards during their probationary period shall be retained. Department Heads shall evaluate all work-related issues on newly probationary employees to the City Manager prior to the completion of the probation.

#### 4-03. FAILURE OF PROBATION

The probationary period for a newly promoted employee shall be three (3) months. An employee shall not be recommended, in the judgment of the Department Head, for promotion or other agency action and shall not be eligible for promotion or job title change if probation time occurs at any time within the probationary period and shall not be recommended out of the probationary period. Any employee who fails probation will be terminated.

A newly promoted employee who fails probation may be returned to his or her former job at a mutually agreed wage, and will be eligible for reprobation for later re-assignment. Department Heads shall advise the Heritage Administration of all cases of failure of probation and report the same to the Personnel Department for record keeping purposes.

#### 4-04. APPEAL OF FAILURE OF PROBATION

An employee failing probation shall have no right to appeal such an on the grounds of discrimination which is prohibited by law and State policies, in which case the employee may appeal its ruling to the City Manager within the 30 working days following notice of failure of probation.



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### CHAPTER 4

#### PERFORMANCE BY PROBATION COMPENSATION

##### 4-01. PROBATIONARY PERIOD

Every newly employed person or promoted employee shall be required to successfully complete a probationary period of ~~six (6)~~three (3) months. ~~Whenever a license or certification is required for a position, the probationary period shall be extended for a period of time permitted by state or federal law to obtain such license or certification. However, an employee's probationary period may be extended up to no more than three (3) more additional months if, in the opinion of the Department Head or City Manager, such additional time is necessary or warranted in order to adequately evaluate the employee or to secure any license or certification required for the position.~~

During or at the end of the probationary period, the Department Head may discharge or discipline any employee at will and such disciplinary action or discharge shall not be subject to any grievance or arbitration.

##### 4-02. PURPOSE OF PROBATIONARY PERIOD

The Department Heads shall use the probationary period to closely observe and evaluate the work and fitness of employees and to encourage adjustment to their jobs. Only those employees who meet acceptable standards during their probationary periods shall be retained. Department Heads shall submit an evaluation report on each probationary employee to the City Manager prior to the completion of the probation.

##### 4-03. FAILURE OF PROBATION

The probationary period for a newly promoted employee shall be three (3) months. An employee shall fail probation when, in the judgment of the Department Head, the employee's fitness and/or quality of work are not such as to merit continuation in the job. Failure of probation may occur at any time within the probationary period and shall not be considered part of the disciplinary process. Any employee who fails probation will be terminated.

A newly-promoted employee who fails probation may be returned to his or her former job if a vacancy exists and will be eligible for consideration for later advancement. Department Heads shall insure the thorough documentation of all cases of failure of probation and report the same to the Personnel Department for record keeping purposes.

##### 4-04. APPEAL OF FAILURE OF PROBATION

An employee failing probation shall have no right to appeal except on the grounds of discrimination which is prohibited by law and these policies, in which case the employee may appeal in writing to the City Manager within five (5) working days following notice of failure of probation.

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CHAPTER 5

PERFORMANCE EVALUATIONS & COMPENSATION

5-01. EMPLOYEE PAY SCHEDULE

All employees will be paid weekly on Friday. Pay dates falling on a recognized holiday will be scheduled for the next preceding workday. When an employee is on authorized leave, the employee must report to the payroll office to pick up his or her paycheck unless previous arrangements are made.

Comment [MPACohort29]: Need to clarify if pay dates are the "next" workday or the "preceding" workday, but cannot be both.

5-02. EMERGENCY DUTY PAY

Employees called back to work in emergencies shall be compensated in accordance with established overtime and recall policies.

Comment [MPACohort30]: Is this still the case, or is there direct deposit for city employees, making this an outdated statement?

Comment [MPACohort31]: Recommend that the city create a policy outlining recall policies.

5-03. OVERTIME AND COMPENSATORY TIME

All employees, except exempt employees, as defined under the Fair Labor Standards Act, are eligible to receive overtime pay. Overtime, when ordered for the maintenance of essential city functions, shall be allocated as evenly as possible among all employees qualified to perform the work. Overtime compensation will be paid for all scheduled and approved time worked in excess of a regular forty (40) hour work week unless such employees are exempt from overtime pay.

Public Works Department Employees will receive overtime compensation in the form of overtime wages at the rate of one and one-half (1½) times the employee's regular base pay. All other departments will receive overtime compensation in the form of compensatory time off at a rate not less than one and one-half (1½) hours for each hour of overtime worked in lieu of overtime wage compensation.

All overtime work must be clearly reflected on the employee's time records before it is allowed. Compensatory time off must be approved by the Department Head. No sick time, vacation time, holiday time, or time taken for jury duty or for traveling to and from schools, conferences, or seminars shall not be considered as compensatory time "hours worked" when determining calculating overtime pay.

Exempt employees are not eligible for overtime pay.

Comment [MPACohort32]: Recommend deleting this statement unless it is supported by clearer guidelines relating to "time off from time to time". (First half of the sentence relating to exempt employees was deleted because it is a duplicate statement from the first sentence in policy 5-03.)

5-04. EMPLOYEE PERFORMANCE EVALUATIONS

An employee shall be evaluated at least annually. Special evaluations may be made if requested by the Department Head and approved by the City Manager. Performance evaluation reports shall be on forms provided through the personnel office. All performance evaluation reports shall be permanently placed in the employee's personnel file. Employees shall be provided copies of their performance evaluation reports if requested.

Comment [MPACohort33]: If possible, try to include additional information regarding the procedure for performance reviews.

## PERSONNEL POLICY MANUAL



Evaluators shall individually discuss the evaluation results with the employees and shall counsel them regarding their careers and any improvements in performance which appear desirable or necessary. Employees dissatisfied with their performance evaluation may seek reconsideration by using the established grievance procedures.

### 5-05. MERIT INCREASES

Pay increases may be granted by the City Manager or city council as a reward for those employees demonstrating exceptional or above-average job performance. These merit increases are intended to reward outstanding personnel and as an inducement to motivate employees in their performance and productivity.

### 5-06. TERMINATION SEPARATION PAY

Employees who leave the service of the city shall receive all pay which may be due to them in accordance as follows:

- (a) An employee will be paid for any hours worked and for any overtime compensation due him or her;
- (b) Only employees who have successfully completed their probationary period shall be paid for unused vacation time earned;
- (c) Employees may request that any retirement benefits paid by him or her, through payroll deductions, be refunded in accordance with the applicable program; and
- (d) Any indebtedness to the city which the employee might have incurred shall be deducted from his or her final paycheck.
- (e) If any employee dies while employed by the city, the city shall pay his or her designated beneficiary or the deceased's estate if there is no designated beneficiary, any unpaid wages, unused vacation time, and accumulated benefits.

### 5-07. SEVEN-DAY WORK PERIOD FOR LAW ENFORCEMENT EMPLOYEES

Employees who work in Law Enforcement have an established seven-day work week of forty-three (43) hours. All time worked over the 43 hour work week will constitute compensatory time in lieu of cash payment.

**Comment [MPACohort34]:** Recommend a different method in which employees can seek reconsideration for a review in which they are dissatisfied. We do not see where the scope of an employee performance review falls within the guidelines for filing a grievance in accordance with policy 7-09 (now 8-09).

**Comment [MPACohort35]:** Re-titled this section to refer to "separation" pay which is more commonly referred to rather than "termination" pay, which could infer an employee was fired rather than voluntarily separated.

**Comment [MPACohort36]:** Include guidelines for paying of compensatory time upon separation (rate of payment, how it is calculated, etc.).

**Comment [MPACohort37]:** Since the probationary period can be 6 months or 9 months, does the difference in time frame affect the payout of unused vacation? Recommend that this be clarified in the policy.

**Comment [MPACohort38]:** Recommend consulting with legal counsel to verify the legality of the 43 hour work-week for law enforcement.

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CHAPTER 6

ABSENCES & LEAVES

6-01. HOLIDAYS

New Years Day, Martin Luther King Day, Presidents Day, Good Friday, Memorial Day, Fourth of July, Labor Day, Veterans Day, Thanksgiving Day and the Friday following, December 24th and 25<sup>th</sup>, and any other days as may be declared by the city council shall be observed as official holidays for city employees in accordance with the following rules:

- (a) All full-time employees shall be entitled to all authorized paid holidays while employed by the City of Farmersville. Part-time, temporary and seasonal employees are not entitled to holiday pay.
- (b) As many employees as possible shall be granted each holiday off, consistent with the maintenance and continuation of essential city functions. Department Heads shall ensure that employees working non-standard schedules or on scheduled shifts shall receive benefit of official holidays.
- (c) Employees required to work on a scheduled holiday shall be granted another day of paid leave, or may receive compensation in lieu of the holiday. In the event another day of paid leave is selected, the time must be taken within thirty (30) days of the holiday, or the employee will be monetarily compensated for the unused holiday, unless otherwise authorized or directed by the City Manager.
- (d) If the official holiday falls on a Saturday, the preceding Friday shall be observed as the holiday. If a holiday falls on Sunday, the following Monday shall be observed.
- (e) To receive pay for a holiday, an employee must be scheduled to work on the holiday, or on authorized leave, and not be subject to any disciplinary action.
- (f) Employees desiring to observe religious holidays not coinciding with official holidays may be authorized time off without pay, or may be authorized to utilize accrued vacation or compensatory time.
- (g) Holidays shall not be credited towards or used as termination separation pay.

**Comment [MPACohort39]:** It may be helpful to clarify if the process is different (or the same) for exempt and non-exempt employees.

**Comment [MPACohort40]:** Is this reasonably easy to track who has and has not taken the holiday within the thirty day period? Is the policy worth any administrative tasks associated with tracking the time?

**Comment [MPACohort41]:** Is this the policy for police officers as well? If they are scheduled "off" that day - do they not receive pay for holidays?

6-02. VACATION LEAVE

All full time employees, except temporary or seasonal employees, shall earn vacation leave at the following rates:

0-1 yrs. service	3.34 hrs. per mo. or 40 hrs. per year
2-7 yrs. service	6.67 hrs. per mo. or 80 hrs. per year
8-14 yrs. service	10.00 hrs. per mo. or 120 hrs. per year

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15-99 or more yrs. service 13.33 hrs. per mo. or 160 hrs. per year

Regular part-time employees who work at least less than 40 hours per week on a regular basis shall earn vacation leave on a basis of at 50% of the rate for full-time employees, as follows:

0-1 yrs. service	1.67 hrs. per mo. or 20 hrs. per year
2-7 yrs. service	3.36 hrs. per mo. or 40 hrs. per year
8-14 yrs. service	5.00 hrs. per mo. or 60 hrs. per year
15 or more yrs. service	6.67 hrs. per mo. or 80 hrs. per year

Vacation leave shall be administered according to the following rules:

(a) Employees shall not be eligible to take vacation leave until completion of one (1) continuous year of employment.

(b) No employee may carryover more than 40 hours of vacation leave except in extenuating circumstances as determined by the Department Head. Employees may receive pay for earned, unused vacation time upon approval of the City Manager. Employees may be compensated for vacation pay should their work situation require their presence and cause the employee to exceed the maximum 40 hours accumulation allowed.

(c) When a regularly scheduled holiday occurs during the period of an employee's vacation, an additional day of leave shall be granted.

(d) Vacation leave shall be charged only for time during which the employee would ordinarily have worked.

(e) Employees being laterally transferred, promoted, or demoted shall retain any accrued vacation leave.

(f) Vacation leave shall not be advanced to employees except in emergencies with the approval of the City Manager.

(g) Vacation leave credits are not transferable between employees.

(h) Employees may be compensated for vacation pay should their work situation require their presence and cause the employee to exceed the maximum 40 hours accumulation allowed.

The Department Head shall schedule vacation leaves with particular regard to operating requirements and, insofar as possible, with the requests of the employees.

### 6-03. SICK LEAVE

Sick leave is granted to full time employees by the city for the purpose of permitting an employee to be

Comment [MPACohort42]: Recommend including the accrual rate for part-time employees as well.

Comment [MPACohort43]: To be more in line with best practices, recommend reducing the one year requirement to 6 months.

Comment [MPACohort44]: This statement used to be separate as letter "h", but ties in with letter "b" and so we recommend combining them.

Comment [MPACohort45]: Is this statement necessary considering any hours outside of what an employee would have worked would be considered an "advance" and prohibited according to letter "f" below?

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relieved of his or her duties during his or her actual illness or injury or when an employee is required to attend to his or her spouse or children who are ill or incapacitated provided they reside in the same household as the employee, as provided for in the Family Leave Act. Sick leave may not be used for any other purpose. Employees who use their sick leave without just cause may be dismissed. Part time, temporary and seasonal employees are not eligible for sick leave.

- (a) If an employee becomes ill and cannot report for work, his or her absence must be reported to his or her immediate supervisor prior to or within one (1) hour after his or her regular reporting time so that such absence will be charged to sick leave. Failure to report in will cause an employee's absence to be charged to leave without pay.
- (b) An employee will accumulate sick leave at the rate of eight (8) hours per month beginning after the six (6) month probationary period has been successfully completed. Accumulated sick leave shall not exceed 520 hours. Employees who have been employed by the City of Farmersville a total of 24 months at the time of passage of this policy shall begin with 520 hours accumulated sick leave.
- (c) There will be no compensation for unused sick leave.
- (d) The City Manager may investigate any benefits claimed under this policy, and disapprove any claims not properly substantiated.
- (e) Abuse of sick leave benefits may result in disciplinary action or dismissal.
- (f) Official holidays and regular days off shall not count against sick leave.

(g) After a sickness of three (3) days, a doctor's report may be required. After the third day of illness, a doctor's report may be required each 7 days thereafter in accordance with the Family Medical Leave Act (FMLA).

-while the employee is absent due to illness.

(g)(h) An employee who becomes ill or injured during a vacation may request that the vacation be terminated and the time of illness be charged to sick leave. Such request must be made immediately to the Department Head or no later than the first regularly scheduled work day following vacation. A doctor's statement will normally be required in such instances.

### MATERNITY LEAVE

Leave of absence for maternity reasons will be without pay and will be recorded and treated as any other medical leave of absence, as provided for in the Family Leave Act. Pregnant employees may continue to work as long as their doctor says they are capable of performing their job duties safely and will be expected to return to work following delivery at whatever time their doctor determines they are again capable of performing their job duties without endangering their health or safety. In maternity cases, as in other cases of illness or injury, the City reserves the right to require a letter of approval from the employee's doctor at any time certifying the employee's capability or incapability of performing job duties safely.

**Comment [MPACohort46]:** If the parent does not have full custody but needs to stay home with a child, are they able to do so?

**Comment [MPACohort47]:** Recommend changing this notification to 30 minutes before regular reporting time.

**Comment [MPACohort48]:** Recommend clarifying if this policy is the same or different for exempt and non-exempt employees.

**Comment [MPACohort49]:** Recommend identifying who those employees are and document how this policy affects them in a memo format so you can provide a copy to each employee, place a copy in their file and then remove this from the policy manual.

**Comment [MPACohort50]:** Recommend clarifying if this policy statement is specific to sick time, or benefits overall.

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~~Any earned, unused vacation time may be used for a portion of \_\_\_\_\_ maternity leave.~~

~~All regular full and part-time female employees will be eligible for maternity leave. Temporary and seasonal employees will not be eligible.~~

### 6-05-04. BEREAVEMENT LEAVE

All full time employees may be granted leave with pay for a period not to exceed three (3) work days to attend a funeral and handle the necessary family details in case of death in their immediate family or other relative living in the same household. This leave will not be charged against sick leave or vacation. Part time, seasonal, and temporary employees may be granted up to three (3) days leave of absence without pay in such cases. (Immediate family, for this purpose, shall be defined as husband, wife, son, daughter, mother, father, mother-in-law, father-in-law, employee's or spouses grandparents, brother, sister.)

### 6-05. MILITARY LEAVE

~~It is the policy of the city to provide authorized military leave and/or leaves of absence to eligible employees who participate in the United States Armed Forces Reserve, States Military Forces, Public Health Services or National Guard. Furthermore, no person shall be discriminated against because of his service in the United States Armed Forces Reserve, State Military Forces, Public Health Services or National Guard.~~

~~It is the intent of the city to comply with all conditions and requirements of federal and state laws now existing, and/or as may be amended.~~

#### A. Eligibility

~~Any employee who enters into the Armed Forces of the United States under existing Federal regulations shall be granted military leave or a leave of absence and will be afforded reinstated rights as provided by the applicable laws then in force.~~

~~B. Short-Term Military Leave. In accordance with state and federal regulations, the following guidelines will apply to employees that are engaged in military services:~~

- ~~1. Annual short term tours of duty are defined as military service not exceeding fifteen (15) days per calendar year. Employees engaged in authorized training or duty ordered or authorized by proper authority are entitled to leaves of absence from their respective duties without loss of time, vacation time, or salary, not exceeding fifteen (15) days in a calendar year.~~

**Comment [MPACohort51]:** Deleted the maternity leave policy and will address this leave in the PGLA policy.

## PERSONNEL POLICY MANUAL



2. Each participating employee is requested to complete a leave request form and include a written schedule of training dates and copies of military orders as far in advance as is possible so that work schedules may be adjusted to accommodate the needs of the city. The written notification and orders will be placed in the employee's personnel file as a matter of record.

3. The employee will be paid full salary (not exceeding fifteen (15) days per calendar year) by the agency for each day partially or wholly spent in performing such duty if the employee would have been otherwise scheduled to work for the agency.

4. An employee on short-term military leave will continue to accrue benefits during the approved military leave.

### C. Long-Term Military Leave

Long-term military service is defined as a military tour which will require an employee to be absent from work longer than the fifteen (15) days as defined under Short-Term Military Leave.

Each participating employee is requested to complete a leave request form that includes a written schedule of training and/or deployment dates and copies of military orders as far in advance as is possible so that work schedules may be adjusted to accommodate the needs of the organization. The written notification and orders will be placed in the employee's personnel file as a matter of record.

An employee may utilize vacation leave or leave without pay once they have exhausted their (15) days of military leave for that calendar year.

Full-time employees of the city who are members of the State Military Forces or members of any of the Reserve Components of the Armed Forces of the United States are entitled to leave of absence from their duties for up to fifteen (15) days in any one calendar year, without loss of vacation time or salary. Said leave may be used for all days during which they are engaged in authorized training or duty. Requests for approval of military leave must be accompanied by copies of the relevant military orders. Military leave in excess of fifteen (15) days will be charged to vacation leave or leave without pay. Upon return from the training, the employee must furnish a statement from the commanding officer showing the military earnings while at camp.

Full-time employees of the city who enter active duty with the State Military Forces or with the Armed Forces of the United States are entitled to be restored to employment subject to the provisions of the law upon honorable release from active duty, provided an appropriate position is available. Reemployment of such individual is subject to the approval of the City Manager.



## PERSONNEL POLICY MANUAL



### 6-06. ADMINISTRATIVE LEAVE WITH PAY

(a) Employees on duty on the date of any national, state, or local election and who are eligible to vote in such elections shall be granted time off without loss of pay or benefits to exercise this right if they cannot reach their polling place outside of working hours before they close. Evidence of voter registration and voting may be required by the supervisor.

(b) Employees shall be granted sufficient leave with pay when called for jury service or court duty. The employee shall provide his or her supervisor a copy of the jury or court summons. Employees excused or released from jury service or court duty shall immediately report to their work station for the remainder of their shift.

(c) Employees who make donations of blood without receiving compensation for it will be excused from duty without loss of pay or benefits. Employees will be excused for such time as it is necessary to make blood donations and to recuperate, if needed. The excused absence will not exceed four (4) hours and will be authorized for only the day of the donation.

(d) The Department Head may grant an employee administrative leave with pay for purposes of attending a professional conference, convention, training activity, legislative proceeding, or civic function or meeting, or for purposes of coordinating with governmental and private agencies and entities in the interest of the city.

### 6-07. AUTHORIZED LEAVE WITHOUT PAY

In circumstances not falling within other provision of these rules, the City Manager may authorize an employee to take leave without pay under mutually agreeable terms and conditions. Employees taking leave without pay shall not lose or gain seniority. All employee benefits will remain in effect during periods of authorized leave without pay.

### 6-08. ABSENCE WITHOUT LEAVE

An employee failing to report to work or remain at work as scheduled without proper notification to his or her immediate supervisor and obtaining authorization or excuse has committed a serious offense and shall not be paid for the time involved. Absence without leave constitutes abandonment of duties and may result in severe discipline, up to and including discharge. In cases where the employee is discharged for absence without leave, it shall not be considered to be in "good standing".

### 6-09. LEAVE UNDER THE FAMILY AND MEDICAL LEAVE ACT

#### A. Eligibility

An employee is eligible for family leave up to twelve (12) work weeks during any twelve (12) month

**Comment [MPACohort52]:** Recommend policy provides guidance on what employees are expected to do with any jury payments received from the courts in which they are serving.

**Comment [MPACohort53]:** Recommend clarifying the number of days constitute abandonment of duties.

## PERSONNEL POLICY MANUAL



period if the employee has been employed by the city for at least twelve (12) months and has worked at least 1,250 hours during the twelve (12) months immediately preceding the date that the desired leave would begin.

### B. Family and Medical Leave

1. Eligible employees may take reasonable medical leaves under FMLA for the following reasons: of absences for maternity purposes; the birth, adoption, or placement of a foster child; or for the care of a spouse, son, daughter, or parent who has a serious health condition.

- a. To care for the employee's son or daughter during the first 12 months following birth.
- b. To care for a child during the first 12 months following placement with the employee for adoption or foster care.
- c. To care for a spouse, son, daughter, or parent ("covered relation") with a serious health condition.
- d. For incapacity due to the employee's pregnancy, prenatal medical or child birth; or
- e. Because of the employee's own serious health condition that renders the employee unable to perform an essential function of his or her position.

2. For these purposes of family and medical leave, "serious health condition" shall mean an illness, injury, impairment, or physical or mental condition involving inpatient care in a hospital, hospice, or residential medical care facility or continuing treatment by a health care provider.

3. "Spouse" shall mean the husband or wife of the employee, but shall not include unmarried domestic partners. If both an employee and his/her spouse are employed by the city, their combined time off may not exceed twelve (12) work weeks during any twelve (12) month period.

An employee will be required to first use any of his or her accrued and unused vacation.

### C. Military Family Leave

There are two types of Military Family Leave available provided under the Family and Medical Leave Act: Qualifying Exigency Leave and Covered Service member Care Leave.

1. Qualifying exigency leave. Employees meeting the eligibility requirements described above

## PERSONNEL POLICY MANUAL



may be entitled to use up to 12 weeks of their Basic FMLA Leave entitlement to address certain qualifying exigencies. Leave may be used because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces. Covered active duty means duty during deployment with the Armed Forces to a foreign country (for a member of a regular component of the Armed Forces); or duty during deployment with the Armed Forces to a foreign country under a call or order to active duty (for a member of a reserve component of the Armed Forces). Qualifying exigencies may include:

- f. Short-notice deployment (up to 7 days of leave)
- g. Attending certain military events
- h. Arranging for alternative childcare
- i. Addressing certain financial and legal arrangements
- j. Periods of rest and recuperation for the servicemember (up to 5 days of leave)
- k. Attending certain counseling sessions
- l. Attending post-deployment activities (available for up to 90 days after the termination of the covered servicemember's covered active duty status)
- m. Other activities arising out of the servicemember's covered active duty or call to active duty and agreed upon by the company and the employee

2. Leave to care for a covered servicemember. There is also a special leave entitlement that permits employees who meet the eligibility requirements for FMLA leave to take up to 26 weeks of leave during any single 12-month period if the employee is the spouse, son, daughter, parent, or next of kin caring for a covered military servicemember or veteran recovering from an injury or illness. A covered service member is:

- a. A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- b. A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

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### 3. For the purposes of military family leave, a "serious injury or illness" means:

- a. For a member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; or
- b. For a veteran who was a covered servicemember of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

### 4. When both husband and wife work for the same employer, the aggregate amount of leave that can be taken by the husband and wife to care for a covered servicemember is 26 weeks in a single 12-month period.

#### D. Notification Procedures

An employee requesting family-leave/FMLA is required to give thirty (30) days' notice before the date the leave is to begin by requesting an FMLA packet from the personnel office, except for confirmed emergencies, which notice shall then be given as soon as practicable. In cases of medical emergencies, notice may be given in person or by phone, and may be given by the employee's spouse or another family member. The city may also require certification of a serious health condition when family medical leave is taken for the care of a spouse, son, daughter, or parent. An employee on family leave shall provide a statement of the employee's intentions concerning returning to work under this policy.

A medical clearance is required for all employees desiring to return to work from taking leave as a result of a serious health condition. The city may also require certification of a serious health condition when family leave is taken for the care of a spouse, son, daughter, or parent.

#### E. Benefits during FMLA Leave

Taking family leave will not result in the loss of any benefit accrued prior to the date on which the leave begins. However, vacation and sick leave benefits shall not accrue during the period of the leave of absence. An employee on family leave will remain covered under all employee benefit plans (medical, retirement, etc.) throughout the duration of the leave as if actively employed.

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F. Return from FMLA

An employee returning to work following a leave of absence under these family leave provisions, shall be returned to his or her position or an equivalent position. An employee in need of leave benefits provided under the Family Medical Leave Act should contact the Human Resources office to receive a current information packet outlining all the employee's rights and responsibilities provided under FMLA.

6-10. INJURY LEAVE

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

6-11. PERSONAL LEAVE

Full time employees shall be allowed a maximum of two (2) days of personal leave per year with pay. Personal leave shall accrue on the employee's employment anniversary date. Any personal leave not taken during the twelve (12) month period following an anniversary date may not be carried over to the next year and will be lost. Prior approval of personal leave must be given by the Department Head or Supervisor. Part-time, seasonal or temporary employees are not eligible for personal leave.

Comment [MPACohort54]: Recommend administering this benefit at a certain point each year; either at the start of a budget year or the calendar year would require payroll to manage this benefit one time for all employees rather than track utilization and coordinate benefit each pay period.

7-03. POLITICAL ACTIVITIES

The purpose of this policy is to provide guidelines for employees who are engaged in political activities. This policy is intended to provide a fair and equitable environment for all employees who are engaged in political activities. The purpose of this policy is to provide a fair and equitable environment for all employees who are engaged in political activities.

Under certain circumstances, employees may be required to disclose their political activities.

- 1. Employees who are elected or appointed to a public office shall disclose the nature of the position and the date of the election or appointment.
- 2. Employees who are elected or appointed to a public office shall disclose the nature of the position and the date of the election or appointment.
- 3. Employees who are elected or appointed to a public office shall disclose the nature of the position and the date of the election or appointment.

## PERSONNEL POLICY MANUAL



### CHAPTER 7

#### EMPLOYEE CONDUCT

##### 7-01. ATTENDANCE

All employees are expected to report to work as scheduled and to work their scheduled hours and overtime, if necessary. Employees shall be at their place of work in accordance with city and departmental policies and regulations. Department Heads shall establish work schedules and maintain daily employee attendance records. The personnel office will maintain annual employee attendance records.

Comment [MPACohort55]: START HERE!!!

##### 7-02. WORK STANDARDS

It shall be the duty of each employee to maintain high standards of integrity, cooperation, proficiency, and economy in his or her work for the city. Department Heads shall organize and direct the work of their departments to achieve these objectives. If work habits, attitude, production, and/or personal conduct of an employee become a problem and/or jeopardize credibility for the city, supervisors should point out the deficiencies at the time they are observed and take appropriate action. Counseling and warning the employee in sufficient time for improvement should ordinarily precede formal disciplinary action, but nothing herein shall prevent immediate formal action as provided elsewhere in these policies whenever the interest of the city requires it.

Comment [MPACohort56]: Included language that addresses broad guidelines regarding integrity and ensure credibility for the city, which serves as a "catch-all" for negative behaviors which may not be specifically spelled out in other conduct policies.

##### 7-03. POLITICAL ACTIVITIES

The Hatch Act restricts the political activity of individuals principally employed by state, county or municipal agencies who work in connection with programs financed in whole or in part by federal loans or grants. An officer or employee of a state or local agency is covered by the Hatch Act if he or she has duties in connection with an activity financed in whole or in part by federal funds. Activity permitted by Federal Law may be restricted or prohibited by State or local laws or regulations.

Under the law, State and Local Employees in Federally Aided Programs MAY NOT:

1. Use their official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office;
2. Directly or indirectly coerce, attempt to coerce, command or advise State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for partisan political purposes; or

## PERSONNEL POLICY MANUAL



3. Be a candidate for public office in a partisan election.

The Hatch Act defines partisan election as referring to a political party. Thus, under the Hatch Act, an election for public office is a partisan election if any candidate is running as a representative of, for instance, the Republican or Democratic party. An employee covered by the Act may not be a candidate for public office in a partisan election.

### Employees MAY:

1. Be candidates of public office in nonpartisan elections, i.e., an election where no candidates are running with party affiliation.
2. Hold elective office in political parties, clubs, and organizations.
3. Be appointed to fill a vacancy for an elective office.
4. Actively campaign for candidates for public office in partisan and nonpartisan elections.
5. Contribute money to political organizations.
6. Attend and give a speech at a political fundraiser, rally, or meeting.

### Employees MAY NOT:

1. Be candidates for public office in partisan elections in any jurisdiction.
2. Use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office in any jurisdiction.
3. Directly or indirectly coerce contributions, labor, time, or other valuable thing from other city employees.
4. Orchestrate a "write-in" candidacy during a partisan election in any jurisdiction.
5. No employee while on duty shall take an active part in any political campaign of another person for an elective position of the city. The term "active part" means making political speeches, passing out cards or other political literature, writing letters, signing petitions, actively and openly soliciting votes, and making public derogatory remarks about the candidates.
6. Engage in political activity while wearing an official uniform.

Except as may be otherwise provided by law, the following restrictions on political activity shall apply to city employees:

## PERSONNEL POLICY MANUAL



(a) Employees shall refrain from publicly using their positions for or against any candidate for public office in any jurisdiction.

(b) No employee while on duty shall take an active part in any political campaign of another person for an elective position of the city. The term "active part" means making political speeches, passing out cards or other political literature, writing letters, signing petitions, actively and openly soliciting votes, and making public derogatory remarks about the candidates.

(c) Employees may not be required to contribute money, labor, time, or other valuable thing to any person for city election purposes.

(d) No employee may hold an appointive or elective city office of public trust, partisan office in any jurisdiction, or any other office where service would constitute a direct conflict of interest with city employment, with or without remuneration.

### 7-04. SOLICITATION

Solicitation of contributions or anything of value for any purpose whatsoever shall ~~not~~ be permitted by city employees while on the job ~~only~~ ~~with~~ ~~without~~ the express approval of the Department Head. ~~No~~ ~~employees~~ ~~are~~ ~~may~~ ~~be~~ ~~not~~ required to make any contribution or shall ~~will~~ be penalized or rewarded in any way in connection with his or her employment according to his or her response to the solicitation.

Comment [MPACohort57]: Revised the language to provide clarity and removed the double negatives.

### 7-05. OUTSIDE EMPLOYMENT

Although outside employment is not expressly prohibited by the city and employees who work other jobs on their own time must remember that their first responsibility is to the city. If a second job leads to excessive absenteeism, tardiness, or poor performance, the employee may be asked to choose between the two jobs. The Department Head may establish certain conditions before granting this permission, e.g., work must be located within the city or within a reasonable commuting distance, outside employer may be required to excuse employee to answer emergency calls, etc. In addition, outside employment ~~would~~ not create any conflict or embarrassment to the city, etc.

### 7-06. PHYSICAL FITNESS

It shall be the responsibility of each employee to maintain the standards of physical fitness required for performing his or her job.

### 7-07. PERSONAL APPEARANCE

All employees, regardless of work location and degree of public contact, are expected to maintain a good personal appearance and an acceptable standard of cleanliness and personal hygiene at all times.



## PERSONNEL POLICY MANUAL



### 7-08. FINANCIAL OBLIGATIONS

All employees are expected to keep their personal financial affairs in good order. Failure to pay just debts, including taxes, may constitute grounds for disciplinary action if job performance is impeded.

### 7-09. CONFLICT OF INTEREST

No officer or employee of the city shall accept, directly or indirectly, any gift, favor, privilege, or employment having a monetary value in excess of twenty-five dollars (\$25.00) from any person, firm, or corporation doing business with, or seeking to do business with the city during the term of office of such officer or during the employment of such employee of the city and in connection with such office or employment, except as may be authorized by ordinance or on behalf of the city and for its benefit. Under no circumstance shall cash or any instrument of cash having monetary value be accepted. No officer or employee of the city who is employed, directly or indirectly, by any person, firm, or corporation doing business with, or seeking to do business with the city shall in any manner participate in any discussion or decision of any agency, board, commission, or instrumentality of the city having to do with the business done or sought to be done with the city by such person, firm, or corporation without first declaring publicly such employment.

### 7-10. GENERAL DEPARTMENT

The attitude and department behaviors of a city employee, whether in public or private, should at all times be such as to promote the good will and favorable attitude of the public toward the city administration and its programs and policies.

### 7-11. SEXUAL AND OTHER FORMS OF UNLAWFUL HARASSMENT

The city strictly prohibits harassment of its employees that is based on sex, race, disability, genetic information, national origin, age, veteran status, uniformed service, religion, or other protected characteristics, whether it is by a co-worker, a manager, a customer, or a vendor. Sexual advances, requests for sexual favors, sexual or racial jokes, racial, ethnic, religious, or national origin slurs, and other harassing language or conduct have no place in our business. It is expected that employees will treat one another with mutual respect for their dignity. Employees are protected from coercion, intimidation, interference, or discrimination for filing a complaint or assisting in an investigation under the laws covering these individuals. Harassment of any type by any employee is grounds for discipline, up to and including immediate termination.

Any person who believes he or she may have been discriminated against in violation of these principles or who observes any discrimination in violation of these principles or who needs a reasonable accommodation should discuss the matter with a human resources representative, their supervisor or the City Manager. If for any reason you do not want to discuss the matter with these individuals, you may discuss the matter with \_\_\_\_\_ the city's EEO Officer or any officer of the city.

**Comment [MPACohort58]:** Recommend deleting this section. With the economy the way it is, employers are having a difficult time requiring employee compliance with this type of policy. In addition, if a person did not pay their taxes or behaved in a way that discredited them or the city, the conduct policy would capture this as a violation.

**Comment [MPACohort59]:** Does this include cash under \$25 which is addressed in the first sentence?

**Comment [MPACohort60]:** Provides clarity for those employees that may not understand the word "department".

**Comment [MPACohort61]:** Need to identify the city's EEO officer, as identified in policy 1-02.

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Managers or supervisors who receive any complaint or concern involving discrimination or observe any discrimination must bring the matter to the attention of the EEO Officer or the City Manager. That individual will initiate an appropriate investigation. Employees have a responsibility to cooperate in any investigation of unlawful discrimination. All employees are to cooperate fully with the investigation and resolution of all harassment and/or discrimination complaints.

No employee, male or female, shall harass another employee by making unwelcome sexual advances or favors or other verbal or physical conduct of a sexual nature a condition of any employee's employment, using an employee's submission to or rejection of such conduct as the basis for or as a factor in any employment decision affecting the individual, or otherwise creating an intimidating, hostile, or offensive working environment by such conduct. The city does not condone any sexual harassment of its employees. All employees, including supervisors and department heads, will be subject to severe discipline, up to and including discharge, for any act of sexual harassment they commit.

The creation of an intimidating, hostile, or offensive working environment may include such actions as persistent comments on an employee's sexual preferences or the display of obscene or sexually oriented photographs or drawings. However, conduct or actions that arise out of a personal or social relationship and that are not intended to have a discriminatory employment effect may not be viewed as sexual harassment. Any employee who feels victimized by sexual harassment should report the harassment to the department head immediately. No employee will be subject to any form of retaliation or discipline for pursuing a sexual harassment complaint.

### 7-12. INDICTMENTS AGAINST EMPLOYEE

An employee may be suspended, with or without pay, if accused or indicted for a crime or official misconduct pending a decision on the indictment such as dismissal, acquittal or conviction. If the indictment is dismissed or if the employee is acquitted, the suspended employee shall be reinstated to his or her former position, or a similar one if not available, without loss of any benefits and such suspension shall not be considered as a disciplinary action.

### 7-13. SMOKING AND SMOKELESS TOBACCO POLICY

It is the City's intent to protect the health of the non-smokers employees and citizens by providing a healthy environment in which to work and conduct business. Therefore, smoking and/or smokeless tobacco is not permitted in any municipal facility, building, structure and/or office space that is owned and/or leased by the City of Farmersville. In addition, at no time shall smoking or the use of smokeless tobacco be permitted in any City vehicle or while operating motor equipment. This policy shall apply to all employees, visitors and tenants. Employees violating this policy will be subject to discipline as outline in the discipline policy.

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CHAPTER 8

DISCIPLINE, APPEALS AND GRIEVANCES

8-01. WORK ETHIC AND DISCIPLINARY POLICY

The city expects its employees to accept reasonable and appropriate work assignments willingly and to perform them in a satisfactory manner. Employees are also expected to comply with all rules, regulations, and policies pertaining to job performance standards and personal conduct on the job. If an employee fails to perform satisfactorily or if his or her personal conduct is unacceptable, disciplinary action may be taken.

As part of a positive discipline program, all reasonable efforts will be made to insure due process to the employee. The city will attempt to review and resolve all employee problems as promptly and equitably as possible and at the lowest possible organizational/supervisory level. All employees will be provided with a fair, expedient, objective and consistent means of resolving work related problems.

8-02. GROUNDS FOR DISCIPLINARY ACTION

The City Manager or Department Head may take disciplinary action against an employee for any of the following actions. This list is to illustrate the more common causes and is not intended to be all inclusive.

the following:

- (a) Illegal, unethical, abusive or unsafe acts.
- (b) Violation of city rules, regulations, policies or procedures.
- (c) Insubordination.
- (d) Leave under false pretenses.
- (e) Incompetence.
- (f) Neglect of duties.
- (g) Theft.
- (h) Participation in prohibited political activities.
- (i) Unauthorized soliciting while on duty.
- (j) Excessive or unauthorized absenteeism and tardiness.

Comment [MPACohort52]: Fair, objective and consistent does not always allow for "expedient". Recommend removing this word; timeliness is already addressed in the preceding sentence as "promptly" as possible.

## PERSONNEL POLICY MANUAL



- (k) Failure to conduct himself or herself in a courteous and proper manner while on duty.
- (l) Falsification of official documents or records.
- (m) Unauthorized use or disclosure of official information.
- (n) Unauthorized or improper use of official authority.
- (o) Possession, use or being under the influence of drugs or alcoholic beverages not prescribed by a physician while on duty.
- (p) Damaging city equipment, tools, machines, and/or property.
- (q) Wasting materials and supplies.
- (r) Carelessness, recklessness, and/or engaging in horseplay.
- (s) Immoral conduct or indecency.
- (t) Abuse of illness, injury, disability, or other benefits.
- (u) Any threat or physical attack on any supervisor or co-worker.
- (v) Failure to properly document time and attendance records.
- (w) Sexual harassment.
- (x) Unauthorized or improper use of city-owned equipment.
- (w)(v) Any other actions or behaviors that could result in negative publicity or have an adverse affect on the city or its citizens may be subject to disciplinary action.

~~This list is to illustrate the more common causes and is not intended to be all-conclusive.~~

### 8-03. TYPES OF DISCIPLINARY ACTION

Formal disciplinary action taken shall be consistent with the nature of the deficiency or infraction involved and the record of the employee. Formal disciplinary action shall include verbal warnings, written reprimands, suspension without pay, pay reduction, demotion, or dismissal. Any of the foregoing types of formal disciplinary action may be invoked for a particular deficiency or infraction, depending upon the extent of circumstances. An employee may be formally warned at any time that he or she may be dismissed or otherwise disciplined for further unsatisfactory performance and/or conduct. Nothing here shall prohibit the administration of informal disciplinary action, such as oral reprimands. Informal disciplinary action may be documented in the employee's official personnel file at the discretion of the Department Head.

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

## PERSONNEL POLICY MANUAL



**Verbal Warnings** with records of each warning being noted in the employee's personnel file.

**Written Reprimands** which the Department Head must transmit through the City Manager before placement in the employee's personnel file;

**Suspension without Pay or Reduction in Pay or Demotion or Dismissal**

Nothing herein is intended to negate the authority or responsibility of a superior to take disciplinary action believed appropriate, based upon the relevant circumstances; or prohibit the superior from immediately discharging an employee for the first instance of gross misconduct.

### 8-04. WRITTEN REPRIMAND

In the interest of good a positive discipline program, an employee may be formally reprimanded in writing. The reprimand shall describe the deficiency or infraction involved and shall state the likely consequence of further unsatisfactory performance and/or conduct. The employee will be informed of the written reprimand and a copy of the reprimand shall be kept in the employee's official personnel file.

### 8-05. SUSPENSION

In the interest of a positive good-discipline program, an employee may be suspended without pay for up to thirty (30) calendar days in any one (1) calendar year. A notice of suspension must be given to the employee which describes the deficiency or infraction involved and which states the likely consequences of further unsatisfactory performance and/or conduct. The suspension shall be permanently noted in the employee's official personnel file. When an employee is under investigation for a crime or official misconduct or is awaiting hearing or trial in a criminal matter, he or she may be suspended with or without pay for the duration of the proceedings when such suspension would be in the best interests of the city and the public. If the investigation or proceedings clear the employee, he or she shall be eligible for reinstatement with full pay and benefits restored.

### 8-06. REDUCTION IN PAY

In the interest of good a positive discipline program, an employee's pay may be reduced provided it is done within reason. A written notice of reduction must be given to the employee which describes the deficiency or infraction involved and which states the likely consequences of further unsatisfactory performance and/or conduct. The reduction shall be permanently noted in the employee's official personnel file, but the employee shall not be disqualified from consideration for later pay increases.

### 8-07. DISCIPLINARY DEMOTION AND DISMISSAL

In the interest of a positive good-discipline program, an employee may be demoted. A written notice of

**Comment [MPACohort63]:** Does the employee remain in the same position with performance issues but is not demoted to a lesser position with reduced pay?

## PERSONNEL POLICY MANUAL



demotion must be given to the employee which describes the deficiency or infraction involved and which states the likely consequences of further unsatisfactory performance and/or conduct. The demotion shall be permanently noted in the employee's official personnel file, but the employee shall not be disqualified from consideration for later advancement.

An employee may also be dismissed from the city employment in the interests a result of good discipline of the city's positive discipline program. A written notice of dismissal may be provided to the employee describing the deficiency or infraction involved.

An employee may appeal his or her demotion or dismissal in accordance with Section 7-08, entitled "Appeals of Disciplinary Action". The City Manager's decision in all such appeals shall be final."

### 8-08. APPEALS OF DISCIPLINARY ACTION

In the event of disciplinary action involving written reprimand, suspension, reduction in pay, demotion or dismissal of a non-probationary employee, the employee may appeal the action taken against them if the employee feels that he or she has been disciplined unfairly, too harshly, or inappropriately. The employee must file a notice of appeal in writing to the City Manager within five (5) business days following such disciplinary action. The relevant disciplinary action may be stayed pending final decision on the appeal or may take effect at any time after issuance of the notice as determined by the City Manager.

An appeal of a disciplinary action and request for a hearing must be submitted in writing to the City Manager, and must contain the following information:

- (a) The disciplinary action being appealed and the effective date of the disciplinary action;
- (b) The specific reason the discipline is believed to be unjust or otherwise in error;
- (c) The remedy or solution sought; and
- (d) The date submitted and the original signature of the employee appealing the disciplinary action.

The City Manager, after notice to the employee and a hearing of the appeal facts, shall have the final authority to approve, disapprove, modify, or rescind any disciplinary actions taken or proposed by the supervisor or the Department Head of the employee. Should it be found by the City Manager that the employee has been unjustly disciplined, discharged or suspended, he or she may be reinstated and compensated for all time lost at his or her regular rate of pay. To the extent possible, for the protection of all concerned, the City Manager's ruling will be reduced to writing within ten (10) business days after the conclusion of the hearing. The City Manager's decision shall be final.

**Comment [MPACohort64]:** Recommend identifying a third party that can part of the appeal process. If the City Manager is consulted by the Department Head throughout the process, then it is likely that the appeal to the City Manager would not be an effective way to evaluate the termination process, because it was ultimately his decision to terminate - so in essence the City Manager would be hearing an appeal to his own decision. We recommend that a third party either review/approve the termination before it happens, or a third party is the authority in which former employee's appeal to.

## PERSONNEL POLICY MANUAL



There shall be no right of appeal for probationary employees or persons temporarily appointed in a temporary position to the City's service except on the ground of discrimination prohibited by law or these rules.

These procedures are guidelines only, and it is recognized that it may not be possible to adhere to them in every case. They are not intended to impose on the City any burden of furnishing an employee with substantive or procedural due process.

~~Nothing in this manual shall abridge any right of public access under the state statutes providing for open meetings and access to public records. To the extent possible, for the protection of all concerned, the city council's rulings will be reduced to writing.~~ 8-09 GRIEVANCE AND APPEAL PROCEDURES

- A. A grievance is an allegation regarding the violation, misinterpretation, or improper application of a specific state or federal law regulation, or the City of Farmersville personnel and administrative policies or ordinance provision. This does not include questioning the substance of policy nor complaints regarding an employee's individual working conditions.
- B. Grievances should be solved, if possible, at the lowest level of supervision. The following procedures should be followed when considering employee grievances.
  1. An employee shall, within three (3) working days of the date the incident occurred or from which he or she could have become knowledgeable of the incident, discuss the matter with his or her supervisor. If the supervisor is not able to resolve the matter or fails to respond, the employee may, within five (5) working days of the date the grievance was first discussed with the supervisor, present a formal grievance in writing to the City Secretary.
  2. The City Manager shall review the grievance and render a decision within ten (10) working days after receiving the grievance, unless an extension of time is required in order to gather additional information. The decision of the City Manager regarding the grievance is final and non-appealable.
- C. The formal written grievance must be submitted in writing to the City Manager, and must contain the following information:
  1. A brief explanation of the incident causing the grievance,

**Comment [MPACohort65]:** Recommend re-reading this statement and adjusting based on the city's intent of said statement. It appears that it is providing for a way to not have to go through the process, however, the at-will statement is sufficient in allowing for the necessary flexibility.

**Comment [MPACohort66]:** Moved this statement to the beginning of the manual as an overall disclaimer to the policy manual. Now is attached to policy 1-07.

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including the date of occurrence;

2. A brief statement showing how the employee's working conditions were adversely affected by the incident;
  3. The specific violation, misinterpretation, or misapplications of the specific law, ordinance, resolution, policy, rule, or regulation of which the employee is complaining;
  4. The remedy or solution sought; and
  5. The date of submission and the original signature of the aggrieved employee.
- D. Punitive action shall not be taken against an employee for submitting a grievance in accordance with these guidelines.
- E. Each employee should always keep in mind the responsibility of the City to its citizens and the general public. It is the responsibility of the employee to assist in discharging this responsibility by contributing to a good working relationship among employees in the City government. In order to minimize disruption of the operation of City government, the employee shall utilize this grievance procedure.
- F. The City Secretary will file all documents in the employee's personnel folder located in said office.
- G. The right to grieve ends if the employee terminates employment with the City.

### 8-10. RETALIATION AGAINST EMPLOYEE FOR REPORTING VIOLATIONS OF LAW

The city nor any employee of the city may not suspend or terminate the employment, or otherwise discriminate against, a public employee who reports a violation of law to an appropriate law enforcement authority if the report is made in good faith.

### 8-11 EXEMPTIONS

The City Manager shall be exempt from the disciplinary, dismissal, suspension, and demotion sections of this Chapter.



PERSONNEL POLICY MANUAL



CHAPTER 9

**NON-DISCIPLINARY TERMINATIONS/SEPARATIONS**

**9-01. RESIGNATION**

An employee may leave the employment with the city in "good standing" by giving two (2) weeks notice. The City Manager may waive any portion of the notice period. The personnel records of any employee who resigned by giving proper notice shall show that the employee resigned of his or her own accord.

An employee failing to report for duty or remain at work as scheduled without proper notification, authorization, or excuse shall be considered as absent without leave which constitutes abandonment of duties, except when the failure to notify is due to circumstances beyond the control of the employee. Absence without leave may be considered as an employee's resignation without notice. In such cases, the employee's separation shall not be considered to be in "good standing."

**9-02. REDUCTION IN FORCE/LAYOFF**

An employee may be laid off because of changes in duties, organizational changes, lack of work, or budget cutbacks. Whenever possible, an employee laid off from one city department may be transferred to a suitable position elsewhere provided said employee has the appropriate qualifications and job skills. Whenever possible, at least two (2) weeks notice shall be given an employee prior to layoff. Layoffs shall be carried out on the basis of demonstrated job performance and efficiency, with the most proficient employees being retained the longest. Temporary employees shall be laid off before regular employees performing similar duties. A layoff shall not be considered a disciplinary action.

Employees laid off may be recalled back to their job or another similar job in which they meet the minimum job requirements and qualifications in the reverse order of the layoff. Employees being recalled shall have precedence over other job applicants. Employees recalled back to work shall report to work as instructed. An employee failing to report back to work shall be considered as having forfeited his or her right to reemployment.

**9-03. INCAPACITY**

An employee may be terminated for medical reasons when the employee as an individual no longer meets the standards of fitness required for the position, unless a reasonable accommodation can be made. A finding of incapacity shall be based on an individual medical determination by a competent physician. Terminations for incapacity shall not be considered disciplinary action and shall not operate to deny any employee the use of any accrued illness, injury, disability or other benefits.

## PERSONNEL POLICY MANUAL



### 9-04. RETIREMENT

Eligible employees may elect to retire from the city service in accordance with applicable retirement programs.

### 8-05. UNSATISFACTORY SERVICE

An employee may be terminated for unsatisfactory service when his or her ability to handle the duties of the position fall below the desirable standards for continued employment, as supported by performance evaluation records and supporting documentation.

**Comment [MPACohort67]:** Recommend deleting the section on unsatisfactory service since this policy relates to "non-disciplinary separations" and unsatisfactory service is addressed policy 8.07 that deals with dismissal (termination).

## PERSONNEL POLICY MANUAL



### PERSONNEL CHAPTER 3

#### PERSONNEL RECORDS

##### 3.01 PURPOSE, SCOPE, AND SCOPE

The purpose of this manual is to provide a clear and concise guide for the management of personnel records. This manual is intended to be used by all personnel and is subject to change without notice. The manual is intended to be used by all personnel and is subject to change without notice. The manual is intended to be used by all personnel and is subject to change without notice.

##### 3.02 STATUS CHANGES OF RECORDS

Personnel records are maintained in a central file system. Records are maintained in a central file system. Records are maintained in a central file system. Records are maintained in a central file system.

##### 3.03 PERSONNEL RECORDS

Personnel records are maintained in a central file system. Records are maintained in a central file system. Records are maintained in a central file system. Records are maintained in a central file system.

## PERSONNEL POLICY MANUAL



### (FORMER) CHAPTER 9

#### PERSONNEL RECORDS

Comment [MPACohort58]: Recommend moving this chapter to "chapter 3"

##### 9-01. PERSONNEL FILES AND RECORDS

The payroll clerk shall maintain the official personnel file and records for all city employees. Unless otherwise provided by law, personnel files shall be confidential and may not be used or divulged for purposes unconnected with the city personnel management, except with the permission of the employee involved. Nothing herein shall prevent the dissemination of impersonal statistical information. An employee shall have a right of reasonable inspection of his or her official personnel file and records under appropriate supervision.

##### 9-02. STATUS CHANGES OR NEW HIRINGS

Department Heads shall submit recommended changes in the personnel status of their employees or requests to hire new employees prior to making any commitments to either existing employees or prospective new hires.

##### 9-03. PERSONNEL REPORTS

Department Heads shall be responsible for providing the payroll clerk with all necessary employee reports and records associated with good personnel management for their department. Such records and reports shall include, but not be limited to, employee sick leave, vacation leave, attendance and overtime records, performance reports, counseling records, and all types of disciplinary action. Failure to do so may result in formal disciplinary action.

##### 10-02. WORKER'S COMPENSATION INSURANCE

Any city employee injured as a result of duties performed in the course of his or her job shall be eligible to receive worker's compensation benefits from the city's workers' compensation fund, at no expense to the employee. Worker's compensation benefits are intended to compensate workers with job-related injuries or illnesses by reimbursing them for income losses and paying for medical and rehabilitation treatment.

##### 10-04. INJURY WAIVE CONTINUATION BENEFITS

Subject to the provisions set forth below, city employees who sustain physical injury on the job may receive wage payments as injury wage continuation benefits, advance and related from and in addition to worker's compensation payments, during such time as a doctor, after selected by the city, or selected by the employee and approved by the City Manager, certifies that the employee is not now or should not

## PERSONNEL POLICY MANUAL



### CHAPTER 10

#### EMPLOYEE BENEFITS

Comment [MPACohort69]: Would recommend that the city review these policies and provide any updates relating to benefit changes. If possible, we recommend removing as much information as possible that may change from year to year and refer employee's to the "benefit plan document" where appropriate to reduce the need to update this section each year when changes are made to benefits.

##### 10-01. MEDICAL INSURANCE

All full time and regular part-time employees who are on a regular weekly work schedule are provided with medical insurance. Seasonal or temporary employees are not provided insurance coverage. Coverage shall begin upon acceptance of the employee by the insurance underwriter. This insurance provides for payment of hospitalization and major medical expenses up to the limits of the policy for illness and accidental injuries off the job. Coverage for other family members is at the option of and payable by the employee through payroll deductions at the prevailing rates.

Any employee who is laid off or terminated by the city, except in cases of gross misconduct, will be allowed to continue the insurance coverage up to a maximum of eighteen (18) months. Coverage for family members may be continued for up to three (3) years. Employees or family members that elect to continue coverage after being laid off or terminated will be required to pay the entire cost of the premium.

##### 10-02. LIFE INSURANCE

The city provides group life insurance coverage for all full time and regular part-time employees. Seasonal and temporary employees are not provided coverage. Coverage shall begin upon acceptance of the employee by the insurance underwriter. The cost of providing this insurance to employees is paid by the city. The life insurance is payable in the event of death of an employee. It is designed to help ensure that an employee's family receives financial assistance in the event of the employee's death. Payment will be made to the beneficiary designated by the employee.

##### 10-03. WORKER'S COMPENSATION INSURANCE

Any city employee injured as a result of duties performed in the course of his or her job shall be eligible to receive worker's compensation benefits from the city's insurance carrier at no expense to the employee. Worker's compensation benefits are intended to compensate workers with job related injuries or illnesses by reimbursing them for income losses and paying for medical and rehabilitation treatment.

##### 10-04. INJURY WAGE CONTINUATION BENEFITS

Subject to the provisions set forth below, city employees who sustain physical injury on the job may receive wage payments as injury wage continuation payments, separate and distinct from and in addition to worker's compensation payments, during such time as a doctor, either selected by the city, or selected by the employee and approved by the City Manager, certifies that the employee is not able or should not

## PERSONNEL POLICY MANUAL



return to regular or full time work due to the injury.

Wage continuation benefit payments shall not be charged against sick leave or vacation time until the supplemental wage continuation benefits have been exhausted. The total amount paid an injured employee, while absent from work, including any combination of worker's compensation benefits, wage continuation benefits, sick leave, vacation leave, and wages for work performed, shall not exceed one hundred percent (100%) of full pay which he or she should have received for such period at his or her regular hours and rate of pay. In no event shall the total amount of wage continuation benefits paid to an employee as a result of a physical injury, including any later aggravation, relapse, or re-injury, exceed six (6) months at one hundred percent (100%). In no event shall injury wage continuation benefits be paid to an employee for more than six (6) months as a result of a physical injury, nor shall supplemental wage continuation benefits be paid for absence from work or inability to perform regular or full time work for an injury sustained two (2) or more years previously.

While off work and drawing injury wage continuation benefits, an injured employee shall continue to accrue vacation leave at the regular rate. Injury wage continuation benefits shall be administered under the following rules:

- (a) The term "physical injury" as used herein, shall mean an injury to the physical structure of the body or a part thereof including any subsequent aggravation or re-injury that occurs while the employee is acting in the course and scope of his or her employment and shall not include any illness, disease, or infection except such illness, disease, or infection as is directly caused by and naturally results from a physical on-the-job injury. Injuries that occur while traveling to and from work, while engaged in horseplay, while attending to personal matters and partly in employment matters, shall not be deemed injuries so as to qualify for this supplemental benefit.
- (b) An employee with a physical injury who is able to perform light duty, as determined by the treating doctor, may be required to do so for his or her original department or another department.
- (c) An employee who does not qualify for injury wage continuation benefits, or whose benefits are used up before being released to duty by the treating doctor may take his or her accrued sick and/or vacation leave, to equal one hundred percent (100%) of regular pay. If the employee is receiving weekly worker's compensation payments then sick and vacation leave may be taken in an amount necessary to make up the difference between such payments and full regular pay. An employee who has used all accrued sick and vacation leave, and injury wage continuation benefits before being released to duty by the treating physician may be granted a leave of absence without pay for a reasonable period upon recommendation of the Department Head and approval by the City Manager.
- (d) An employee who is physically able and who fails to report any on-the-job injury, however minor, within twenty-four (24) hours after it occurs, to his or her supervisor and take such first aid treatment as may be necessary shall not receive or be eligible for injury wage continuation benefits. When an employee is injured on the job, he or she shall report the accident as soon as

## PERSONNEL POLICY MANUAL



possible and submit it to the Department Head who shall forward a copy to the payroll clerk.

(e) Injury wage continuation benefits are purely voluntary on the part of the city and may be terminated at any time.

### 10-05. SOCIAL SECURITY

All employees of the city are covered under the Federal Insurance Contributions Act (FICA). This type of government insurance, known as "Federal Old Age and Survivor's Insurance," provides for benefits for retirement, disability or upon death. This insurance is financed by social security taxes which are paid through payroll deductions by the employee.

### 10-06. UNEMPLOYMENT INSURANCE

All employees of the city are covered under the Texas Unemployment Compensation Insurance program. This program provides payments for unemployed workers in certain circumstances as provided by law. The city pays an unemployment tax on behalf of each employee on a portion of the employee's earnings to finance this benefit.

### 10-07. RETIREMENT AND IN SERVICE DEATH BENEFITS

The city is a member of the Texas Municipal Retirement System. The purpose of this system is to provide a plan for the retirement and disability of employees of Texas municipalities. Participation in this system is compulsory for all employees who have not reached the age of sixty (60) years and for part time employees in accordance with the retirement system's policies. Participation in the system begins upon employment with the city. The employee will contribute five percent (5%) of his or her salary through payroll deductions into the retirement plan, with the city matching this amount on a 1 to 1 basis.

In addition to the retirement plan, the city also provides an In-Service Death Benefit for its employee's participation in the Texas Municipal Retirement System. Benefit is payable to the designated beneficiary upon death of the covered employee. The amount payable to the beneficiary is equal to the annual salary of the covered employee. This supplemental benefit is provided by the city at no cost to the employee.

### 11-04. FOOD AND LODGING

Meals and lodging provided by the City Manager or Superintendent of Health, food and lodging expenses incurred while on duty shall be reimbursed for actual expenses incurred. Reimbursement will be provided at the rate of \$10.00 per day unless the employee is on duty for more than 24 hours, in which case the rate shall be \$15.00 per day.

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### CHAPTER 11

### TRAVEL POLICY

Comment [MPACohort70]: Recommend reviewing this policy and ensure procedures are current and reflect the city's processes accurately.

#### 11-01. APPLICABILITY OF TRAVEL POLICY

This policy is applicable to all city employees and applies to all travel on city business outside the city limits and to all travel reimbursements, subject to budget limitations and authenticated expenses.

#### 11-02. AUTHORIZATION REQUIRED

The Department Head may authorize travel leave and expenses for city business outside the city. All travel requests must be approved by the Department Head and prior to its occurrence. Any employee traveling on official city business shall leave word with his or her supervisor as to where he or she can be reached while out of the city. All travel requests must be submitted on forms provided for that purpose.

#### 11-03. TRANSPORTATION EXPENSES

All approved transportation expenses will be reimbursed as follows:

- (a) When employees use their personal vehicles all travel mileage will be paid by rates established by the Federal Government per mile plus any parking fees.
- (b) When city vehicles are used all expenses incidental to the use of such vehicle (parking, gasoline, oil, repairs, etc.) shall be reimbursed. Receipts will be required.
- (c) When air travel is permitted, the cost of such airfare will be reimbursed. Additionally, reimbursement will be made for the use of rental cars, taxi or bus fares, provided such expenses are necessary and reasonable.

Alternate routes which are desirable because of personal affairs of the traveler can be used, but only on the traveler's time and with the traveler bearing the additional cost of the alternate route. Mileage and expenses incurred on alternate routes must be shown on the expense account that is turned in for reimbursement or for advance in funds request.

#### 11-04. FOOD AND LODGING

Whenever authorized by the City Manager or Department Head, food and lodging expenses associated with official city business travel shall be reimbursed for actual expenses incurred. Receipts will be required. Lodging will be reimbursed at single rates unless two or more employees occupy a single room, or



## PERSONNEL POLICY MANUAL



otherwise approved by the City Manager. It shall be the policy of the city to reimburse for only lodging that is economical and practical. Exceptions to this may be granted when cheaper hotel rooms are unavailable or where conferences are held in or nearby the hotel. Meal expenses shall be kept within reason and any excessive costs must be justified and receipted.

Reimbursement will not be made for personal telephone calls, alcoholic beverages, entertainment expenses, or other sundry items not relevant to the public purpose of the travel, except as provided in Section 11-05 hereafter.

### 11-05. ENTERTAINMENT

The city council realizes that from time to time, it is necessary to entertain dignitaries and state, federal, and business representatives whenever it may be deemed in the best interest of the city. Such expenses may be reimbursed at the discretion of the City Manager. Receipts will be required before reimbursement can be made. Whenever practical, prior authorization should be obtained from the City Manager.

### 11-06. TRAVEL ADVANCES AND REPORTS

Minimum, but sufficient cash advances may be drawn from the city treasury by employees traveling on city business. All unused, unauthorized, or unapproved travel advances shall be returned immediately upon return from the business trip. An expenditure report must be filed with the Department Head within two (2) working days following the trip. Failure to submit an expense report will subject the employee to a payroll deduction for any funds advanced. All cash advances and expenditure reports shall be submitted on forms provided for that purpose.

1. Employees shall not claim for other vehicles, pedestrians, and bicycles when they unintentionally enter the path of the vehicle.
2. Employees shall never use unauthorized vehicles, such as, golf carts, etc.
3. Employees shall operate City vehicles or equipment in accordance with the manufacturer's operation manual on safety, use and general conditions of the vehicle.
4. Employees shall operate only vehicles or equipment, which are in full mechanical condition, including lights on trailers.
5. Employees shall not alter from City vehicles or equipment, including the removal of any air bags, etc.
6. Employees shall ensure that all vehicles loaded in the back of a pickup are properly secured at all times.
7. Employees shall never a load of a trailer while operating or being in a City vehicle or

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CHAPTER 12

VEHICLE USE POLICY

Comment [MPACohort71]: Recommend revising this policy and ensure procedures are current and reflect the city's processes accurately.

12-01. CITY VEHICLES AND EQUIPMENT

To establish credibility, maintain integrity, and develop public trust, driving and overall operation of City vehicles and equipment must be above reproach. Employees are reminded that while operating City vehicles and equipment, employees are more closely scrutinized by the public and are held to higher standards of accountability in vehicle operation practices than the motoring public at large. Furthermore, there are considerable dangers associated with the operation of any vehicles or equipment. Therefore, the following regulations shall govern operations of all City vehicles or equipment that are owned, leased, or rented by the City.

12-02. TRAFFIC VIOLATIONS

City employees shall exercise due regard for the safety of others while operating City vehicles and equipment, and shall obey all traffic laws, City ordinances, these Regulations, and other applicable laws.

12-03. OPERATION OF CITY VEHICLES OR EQUIPMENT

A. Generally

1. Employees shall stay alert for other vehicles, pedestrians, and bicyclists, which might unexpectedly enter into the path of the vehicle.
2. Employees shall avoid road hazards such as debris, curbs, potholes, etc.
3. Employees shall operate City vehicles or equipment at reasonable speeds while taking into consideration such things as visibility, road and weather conditions, other traffic, etc.
4. Employees shall operate only vehicles or equipment, which are in safe mechanical condition, including lights on trailers.
5. Employees shall not litter from City vehicles or equipment, including the disposal of soft drink cans, etc.
6. Employees shall ensure that all materials loaded in the back of a pick-up are securely fastened at all times.
7. Employees shall wear a seatbelt at all times while operating or riding in a City vehicle, as

## PERSONNEL POLICY MANUAL



required by law.

8. Except for police and fire emergency vehicles, City vehicles and equipment shall be turned off and keys removed when employee(s) leave the vehicle.
9. Employees assigned a City vehicle or equipment that is equipped with beacon lights, shall use such beacon lights as deemed necessary for safety purposes. Employees assigned a City vehicle or equipment that is not equipped with beacon lights shall exercise due caution when standing, stopping, or parking in a public right-of-way.
10. At no time is the possession or use of alcoholic beverages, pornography and/or illegal drugs permitted in City vehicles.
11. At no time may a City employee operate a City vehicle or piece of equipment under the influence of drugs, alcohol, or any other substance, which affects the employee's ability to operate a motor vehicle.
12. At no time shall smoking or the use of smokeless tobacco be permitted in any City vehicle or while operating motor equipment.

### B. Lunch Breaks

Those employees who drive personal vehicles to and from work, but use City vehicles during work hours, shall not be allowed to use City vehicles during their lunch period. The following conditions shall be allowed:

1. A City business lunch engagement,
2. Police and Fire emergency service employees,
3. Performing City business when the lunch period approaches and the distance and time of travel to use their personal vehicle hinders their lunch period, or
4. An employee who is on twenty-four (24) hour call and drives a City vehicle.

C. Breaks shall be taken within the City's corporate limits.

D. Travel Boundaries during Lunch

To enable the City to respond promptly to the needs of the community and citizens, employees driving City vehicles are not allowed to leave the City limits during meal breaks, unless approved by the City Manager.

## PERSONNEL POLICY MANUAL



### 12-04. USE OF TAKE HOME VEHICLES

A. Many City employees shall be driving City vehicles in the course of their duties with the City. Department Heads and certain other key personnel within the City may be permitted to drive City-owned vehicles back and forth to work, based on the position held and duties to be performed. Assignment of take-home vehicles should be limited to those employees whose job duties require them to be on twenty-four (24) hour call and conduct City business on a frequent basis before and after normal working hours (supervisors and Department Heads). Permission for the assignment of a take-home vehicle shall be granted and authorized by the Department or Division Head subject to the approval of the City Manager. Any employee assigned a take-home vehicle shall have the additional responsibility of always being available for service when they are off-duty, unless prior arrangements have been made with the employee's Department or Division Head.

City of Farmersville vehicles and equipment shall be used for official purposes only. **Personal and social uses of any nature, including transporting passengers who are not directly involved in official City business, are prohibited.** Any exceptions to this rule must be approved in writing by the City Manager.

#### B. On Call

On occasion, employees, other than supervisors, Department or Division Heads, and police and fire emergency personnel may be on call after their normal working hours and on weekends. Those employees may be assigned a take-home vehicle for the purpose of responding to City emergencies/duties as required while on call. Employees using a take-home vehicle while on call shall strictly adhere to these Regulations at all times. Employees on call must respond within the time frame established by the Department Head and approved by the City Manager.

#### C. Care and Condition of Vehicles and Equipment

To prolong the life and properly maintain City vehicles, employees shall ensure that their assigned vehicles have sufficient gas, oil, and other fluids to prevent premature failure, and that all tires are kept properly inflated. Additionally, when an employee suspects an impending mechanical malfunction, the vehicle shall be stopped and the motor turned off. The employee shall then seek advice or assistance from his immediate supervisor for proper continued operation or towing of the vehicle. Vehicles determined to be unsafe for operation shall be taken out of service until proper repairs are made. Any employee using a City vehicle or equipment shall be responsible for the condition of that vehicle or equipment.

1. Responsibility for properly functioning safety equipment and general inspection of City vehicles rests with the individual operator. Employees should inspect their assigned vehicles prior to operation. When vehicle damage is observed or equipment is determined to be missing or unsafe, the employee shall notify his or her supervisor as soon as practical.
2. Employees should strive to keep their assigned vehicle as clean and free of trash as

## PERSONNEL POLICY MANUAL



possible. Employees shall remove all trash and litter while fueling the vehicle and prior to turning the vehicle over to another employee.

3. Employees shall secure the spare tire in its proper place and ensure that all other equipment is properly stored and secured.
4. Careless, abusive, negligent, or reckless handling or operation of any City vehicle or equipment by any employee may result in disciplinary action up to and including termination.

### 12-05. DRIVING RECORD REQUIREMENTS

A. For new employees, the following is a list of UNACCEPTABLE DRIVING VIOLATIONS:

1. Three (3) or more accidents in the last three (3) years; or
2. One (1) TYPE A VIOLATION in the last three (3) years; or
3. Any combination of accidents and TYPE B VIOLATIONS which equal four (4) or more occurrences in the last three (3) years.

B. For current employees, the following is a list of UNACCEPTABLE DRIVING VIOLATIONS:

1. Two (2) or more at-fault accidents in the last three (3) years; or
2. One (1) TYPE A VIOLATION in the last three (3) years; or
3. Any combination of at-fault accidents and TYPE B VIOLATIONS which equal three (3) or more occurrences in the last three (3) years.

C. For purposes of this Regulation, three (3) years shall be determined from the date the driver's license record, as provided by the Texas Department of Public Safety.

D. The following violations are TYPE A VIOLATIONS under this Section:

1. Driving while intoxicated.
2. Driving under the influence of drugs.
3. Negligent homicide arising out of the use of a motor vehicle (gross negligence).
4. Using a motor vehicle for commission of a felony.

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5. Aggravated assault with a motor vehicle.
6. Operating a motor vehicle without owner's authority.
7. Reckless driving.
8. Hit and Run (Bodily Injury and/or Property Damage) driving.

E. All moving violations not listed or identified as Type A Violations are TYPE B VIOLATIONS under this Section.

F. Any violation of these Regulations is subject to disciplinary action up to and including termination of employment.

*City employees shall be held responsible for traffic violations. They shall be held responsible for any traffic violations. The City reserves the right to suspend or terminate any employee who is found to be in violation of these regulations. The City reserves the right to suspend or terminate any employee who is found to be in violation of these regulations. The City reserves the right to suspend or terminate any employee who is found to be in violation of these regulations.*

*Disciplinary action shall be taken in accordance with the City's personnel policies.*

*All employees shall be held responsible for any traffic violations. They shall be held responsible for any traffic violations. The City reserves the right to suspend or terminate any employee who is found to be in violation of these regulations. The City reserves the right to suspend or terminate any employee who is found to be in violation of these regulations. The City reserves the right to suspend or terminate any employee who is found to be in violation of these regulations.*

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*Disciplinary action shall be taken in accordance with the City's personnel policies. Disciplinary action shall be taken in accordance with the City's personnel policies. Disciplinary action shall be taken in accordance with the City's personnel policies.*

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CHAPTER 13

TECHNOLOGY USE POLICIES

13-01. CITY OWNED CELL PHONE UTILIZATION

Employees have the responsibility to use all City of Farmersville equipment with prudence and reasonable care. Cellular phones issued by the City of Farmersville shall be for official city business. Except in emergency circumstances, employees should not use a cell phone while operating a motor vehicle, including both making and receiving phone calls and texting if the phone is equipped with a texting feature. Employees using City-issued cell phones have no expectation of privacy in cell phone calls, pictures, or text messages on these phones.

Cell phones should not be considered a benefit; rather they should be considered a tool of service delivery. The City Manager shall have authority to assign all cell phones and approve all features subject to budgetary approval. Each department shall maintain a list of their authorized cellular phones including serial numbers. The City Manager shall maintain the master list for the City. The list(s) shall contain the name to which the phone is issued, employee number, job title, and the cell's issued telephone number.

Oversight of cellular telephone contracts shall rest with the City Manager or designee.

All City-owned cell phones are a public resource and should not be misused for personal telephone calls. However, the City recognizes that unforeseen circumstances develop in which personal calls may need to be made or received on a City issued cell phone. Such calls must be infrequent and brief. Any employee who uses a cellular telephone for personal use will be required to reimburse the City for excessive or unreasonable personal charges. Charges above the monthly rate that cannot be identified as relating to City of Farmersville business will also be subject to reimbursement by the employee.

The City recognizes that many employees have personal cell phones they bring to work. The use of personal cell phones, including those with a camera, at work must not interfere with the employee's job duties or performance and must be kept to a minimum. An employee must also not allow personal cell phones use to become disruptive or interfere with other employees' official duties. An employee who uses a personal or city issued cell phone in violation of City policies will be subject to disciplinary action.

Employees should be aware that records related to calls and text messages made and received on City-owned cellular telephones are public information. Information related to telephone numbers called, length of call, and time and date of call as well as the text message itself may be obtainable through the Texas Public Information Act except in narrowly defined circumstances. Personal cell phones used for city business (such as on duty law enforcement personnel taking a camera photo of a crime scene) may subject the employee's personal cell phone to the Texas Public Information Act in narrowly defined circumstances as well.

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Employees should be aware that cellular telephone calls are not secure and can be monitored. It is a crime for a third party to intentionally monitor cell phone conversations without the consent of one of the parties to the conversation. A party to the conversation may legally monitor or record the conversation with or without the knowledge of the other parties.

Loss or misappropriation of a City issued cell phone must be reported by the employee to a supervisor immediately upon recognition of the loss or misappropriation.

### 13-02. INTERNET USE POLICY

Internet, email, and other forms of electronic communication utilized via City equipment or servers is for city and business-related purposes only. All email is stored and subject to the Texas Public Information Act. The City owns any and all communication sent via email and/or stored on city servers. Employees do not have an expectation of privacy regarding electronic communication, storage, or access if it is created and/or stored at work. Authorized City personnel have the right to access any material in an employee's email account that was created, stored or accessed via City resources. Each employee is personally responsible for the content of his or her electronic communication and Internet usage. Any employee who becomes aware of misuse or abuse of the Internet or electronic communication system must promptly contact his or her supervisor. Employees are required to demonstrate responsibility and adhere to this policy when using the Internet and electronic communication.

Each supervisor should review employee use of the Internet and electronic communication, and he or she may recommend to the Department Director that an employee's access to the Internet and email be restricted or revoked. Each supervisor is responsible for ensuring this policy is communicated and staff is in compliance.

#### A. Prohibited Activities

1. Employees shall not violate copyright laws or send confidential information without prior written approval of the author, publisher or owner.
2. Employees shall not solicit for any reason unless directly related to City business.
3. Employees shall not use the Internet or email to transmit or access any material that is offensive, harassing, intimidating, disparaging, profane, obscene, sexually explicit, unethical, defamatory or threatening in nature, or which advocates an illegal act or violence or discrimination toward other people. Creating, sending or forwarding such material is grounds for disciplinary action. The City has the right to block access to any site and may exercise that right at any time.



## PERSONNEL POLICY MANUAL



4. Any emails that discriminate against employees by virtue of any protected classification including race, gender, nationality, religion, etc. are prohibited at the City. Sending or forwarding non-business emails will result in disciplinary action that may lead to employee termination.
5. Employees shall not hack, crack or probe other networks or accounts.
6. Employees shall not participate in spamming, sending of unsolicited bulk mail, chain email, mass postings or cross postings to news groups without prior approval from the City Manager or designated authority.
7. Employees shall not be involved in any use that violates state or federal laws.
8. Employees shall not recklessly be involved in the propagation of computer worms or viruses.
9. Employees shall not be involved in sending chain emails or in pyramid schemes.
10. Employees shall not conduct personal business or practices of any type that are intended for personal gain or misuse the systems for recreational purposes.
11. Employees shall not be involved with the illegal distribution of software otherwise known as pirating.
12. Employees shall only have access through the City server. Locally installed modems or personal provider access is prohibited without the prior approval of the City Manager or designated authority.
13. Employees shall not incur personal charges through the use of these systems. In the event that an employee does incur personal charges through the use of these systems that employee will be responsible for reimbursing the City for all expenses incurred and may also be subject to disciplinary action.
14. All employees are required to receive approval from the City Manager or designated authority prior to downloading any non-City software. Employees approved for downloading software applications or executable files shall schedule these activities during the appropriate time of day and are responsible for protecting the work environment from any virus or virus-like contamination. Every employee is required to scan all files for viruses prior to importing into City-owned or leased equipment.

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15. Employees are prohibited from engaging in forgery. Employees shall not misrepresent themselves or send email under another employee's name, nor shall they send email to anyone without identifying themselves as the sender.
16. Employees are prohibited from sharing or giving their own password or using another employee's password or access codes.
17. Employees shall not attempt to access or read another employee's email without the authorization of the City Manager, the appropriate Department head, or Professional Standards. Any such access will be coordinated through the City Manager and/or designated authority.
18. Sending and receiving encrypted messages must be approved and agreed upon by the City Manager or designated authority prior to sending or receiving such messages.
19. Employees receiving email containing ".zip" or ".exec" files and other executable attachments are responsible for informing the City Manager or designated authority before opening them.
20. Employees must not present themselves in recognizable City uniforms or with City insignia or property on any private website, such as Facebook, Twitter, MySpace, or any other social websites.

### **B. Inappropriate Language**

1. Employees shall not use obscene, profane, lewd, vulgar, rude, inflammatory, threatening, discriminatory or disrespectful language in any written or electronic document.
2. Employees shall not post any information that could reasonably be expected to cause danger or disruption. Employees shall not use the City of Farmersville Network to engage in any personal attacks, including prejudicial or discriminatory attacks.
3. Employees shall not harass any person through the City of Farmersville Network.
4. Supervisors working in conjunction with the City Manager or designated authority may conduct investigations into the inappropriate use of language or the sending or accessing of inappropriate content by employees on the City of Farmersville Network.

### **C. Privacy**

Texas law requires that all employees protect the integrity of the City's confidential information as well as the confidentiality of others. Each employee is required to understand and comply with the following instructions.

## PERSONNEL POLICY MANUAL



1. All emails sent and received are intended for the use of the addressee only. Confidential email sent from the City of Farmersville should have a disclaimer at the bottom of the email confirming that the email is confidential and for use by the addressee only.
2. All materials sent or received over the Internet shall be considered property of the City. An employee does not have privacy rights in any matter created, received, or sent.
3. The City reserves the right to monitor access or disclose any message created, received or sent via the Internet or email at anytime, without advanced notice.
4. Employees must comply with all other personnel policies and procedures of the City and all established departmental practices or directives. Violations discovered by monitoring or auditing activities, may be grounds for disciplinary actions. Additionally, illegal activity discovered may be brought to the attention of the appropriate law enforcement agency.
5. Electronic messaging systems, as well as other computer systems, are subject to the right of discovery in legal actions brought against the City. Additionally, electronic messages may be subject to disclosure under the Texas Public Information Act.
6. Employees are prohibited from circumventing or blocking privacy or security measures.

### 13-03. SOCIAL MEDIA POLICY

#### A. Policy/Purpose

The City of Farmersville departments may utilize social media and social network sites to further enhance communications with various stakeholder organizations in support of City goals and objectives. City officials and City organizations have the ability to publish articles, facilitate discussions and communicate information through various media related to conducting City business. Social media facilitates further discussion of City issues, operations and services by providing members of the public the opportunity to participate in many ways using the Internet.

#### B. Definitions

Social Media and Social Networking: Both terms are used to refer to social internet sites or websites wherein information is created, exchanged or provided by/to third parties and individuals. Examples of social media include Facebook, MySpace, RSS, YouTube, Second Life, Twitter, LinkedIn, Delicious, Flickr, and blogs of all types, etc.

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### C. General Provisions

1. All City of Farmersville social media sites shall be (1) approved by the City Manager's Office and the requesting Department Head; (2) published using approved City social networking platform and tools; and (3) administered by any department employee or volunteer designated by the requesting Department Head after ensuring the designee has a complete understanding of this policy and has appropriate content and technical experience.
2. All City of Farmersville social networking sites and entries shall adhere to applicable state, federal and local laws, regulations and City policies.
3. The Texas Public Information Act and other applicable laws apply to social media content and therefore content must be able to be managed, stored and retrieved to comply with these laws.
4. All social network sites and entries shall clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure.
5. The City reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law.
6. City of Farmersville social networking content and comments containing any of the following forms of content shall not be allowed for posting:
  - a. Comments not topically related to the particular site or blog article being commented upon;
  - b. Profane language or content;
  - c. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, national origin, or physical or mental disability;
  - d. Sexual content or links to sexual content;
  - e. Solicitations of commerce;
  - f. Conduct or encouragement of illegal activity;
  - g. Information that may tend to compromise the safety or security of the public or public systems; or
  - h. Content that violates a legal ownership interest of any other party
7. All social networking sites shall clearly indicate they are maintained by the City of Farmersville and shall have City contact information prominently displayed.

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8. Employees representing the City via social media outlets must conduct themselves at all times as a representative of the City and in accordance with all City of Farmersville Personnel Policies.
9. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

### D. Employee Guidance for Participating in Social Media

The City of Farmersville understands that social networking and Internet services have become a common form of communication in the workplace and among stakeholders and citizens. Social networks are online communities of people or organizations that share interests and/or activities and use a wide variety of internet technology to make the interaction a rich and robust experience. Employees that choose to participate in social networks while a City employee should adhere to the following guidelines.

1. City policies, rules, regulations and standards of conduct apply to employees that engage in social networking activities while conducting City business. Use of your City e-mail address or communicating in your official capacity will constitute conducting City business.
2. Although minimal personal computer usage is allowed during the work day, participating in non work-related social media outlets while on duty is assumed to impact productivity and cause performance issues and therefore is prohibited.
3. City employees shall notify their supervisor and the City Manager's Office if they intend to create a social networking site or service to conduct City business.
4. Departments have the option of allowing employees to participate in existing social networking sites as part of their job duties. Department Heads may allow or disallow employee participation in any social networking activities in their departments.
5. Confidential or proprietary information or similar information of third parties who have shared such information with the City of Farmersville should not be shared on social media outlets.
6. Employees shall follow all copyright laws, public records laws, retention laws, fair use and financial disclosure laws.
7. Employees shall not cite vendors, suppliers, clients, citizens, co-workers or other stakeholders without their approval.
8. If an employee identifies himself or herself as a City employee, the employee shall ensure that his or her profile and related content is consistent with City of Farmersville's performance and conduct standards regarding how to present one's self to colleagues, citizens and other stakeholders.

## PERSONNEL POLICY MANUAL



9. Employees are free to participate in social networking sites as a private citizen when that participation is not related to City business. If City business is involved, the employee should use a disclaimer such as: "The postings on this site are my own and do not necessarily represent the City's positions or opinions." It should be noted however that a disclaimer will not prevent an employee from being disciplined if their communication has the effect of violating City policy.
10. Employees shall not use ethnic slurs, profanity, personal insults, or engage in any conduct that would not be acceptable in the City's workplace. Avoid comments or topics that may be considered objectionable or inflammatory.
11. While the City of Farmersville encourages its employees to enjoy and make good use of their off-duty time, City employees may be subject to discipline if their activities on or off duty have the effect of disrupting the functioning or efficiency of the workplace. Activities which are considered disruptive include, but are not limited to, harassing, demeaning, or creating a hostile working environment for any official or employee; disrupting the smooth and orderly flow of work within the City; or disrupting working relationships. In addition, employees are subject to discipline for inappropriate activities, on or off duty, if they are acting pursuant to their official duties, or if they engage in inappropriate conduct or speech on private employment matters.

The city reserves the right to interpret, change, amend or delete from this policy in whole or in part any rule, policy, practice contained in this policy should be treated as amended or superseded by any rule, policy, practice, whether contained or not.

### 14-03. DEFINITIONS

**Abuse of -** means violation of any law, rule, ordinance, policy that is a part of the normal activities of the employee which is reported to the City for coverage purposes, either direct or indirect.

**Abused -** means use or applied to any quantity during working time as reported to the City under the influence of alcohol.

**Alcohol Testing -** means testing for the presence of alcohol by a designated voluntary consent, witness, or a blood sample analysis.

**City Property -** means all city buildings and adjacent land, parking lots, all other city-owned land and vehicles.

**Department Head -** shall also include any person designated by the Department Head or his/her designee under the policy in the absence of the Department Head.

**Controlled substances or Drugs -** includes, but is not limited to, amphetamines, barbiturates, cocaine, heroin, marijuana, nicotine/cotinine, pharmaceuticals, tranquilizers, alcohol, hallucinators and narcotics.

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CHAPTER 14

**CONTROLLED SUBSTANCE AND ALCOHOL  
ABUSE AND TESTING POLICY**

**14-01. SCOPE AND PURPOSE OF POLICIES**

It is the policy of the city to provide a work environment which is free from the use, consumption, sale, distribution or possession of controlled substances or alcohol in the workplace. The specific purpose of the policy is to outline the methods for maintaining a work environment free from the effects of controlled substances and alcohol.

This policy applies to all applicants for employment in all city departments and all current employees. These policies and procedures are intended to assist with the compliance with the Omnibus Transportation Employee Testing Act of 1991, 49 CFR Part 382 and 49 CFR Part 40. However, the city reserves the right to go above and beyond the Department of Transportation's drug and alcohol testing regulations.

**14-02. RESERVATION OF RIGHTS**

The city reserves the right to interpret, change, rescind or depart from this policy in whole or in part without notice. Nothing contained in this policy shall be construed as creating or constituting a contract with any employee, whether expressed or implied.

**14-03. DEFINITIONS**

**Alcohol** - means alcohol, or any beverage, containing more than one-half of one percent of alcohol by volume which is capable of use for beverage purposes, either alone or when diluted.

**Alcohol Abuse**- means use of alcohol in any quantity during working time or reporting for work under the influence of alcohol.

**Alcohol Testing** - means testing for the presence of alcohol by a breathalyzer instrument device, urinalysis, or a blood sample analysis.

**City Property** - means all city buildings and adjacent land, parking lots, all other city-owned land and city vehicles.

**Department Head** - shall also include any person designated by the Department Head to take any action necessary under this policy in the absence of the Department Head.

**Controlled substances or Drugs** - includes, but is not limited to, marijuana, hashish, cocaine, heroin, morphine, codeine opiates, phencyclidine, amphetamines, inhalants, barbiturates and hallucinates.

**Comment [MPACohort72]:** Recommend reviewing this policy and ensure procedures are current and reflect the city's processes accurately.

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**Drug Testing** - means the testing for the presence of controlled substances or drugs by a urine or blood sample by qualified medical personnel and laboratory analysis of that sample.

**Employee** - means an individual employed by the city in a full time, part time, seasonal or temporary position.

**Motorized Equipment** - means equipment powered by a motor, including tools.

**Personal Possession** - Includes on the person, in a tool box, desk, vehicle, etc.

**Proper Medical Authorization** - means a prescription or their written approval from a physician, for the use of a drug in the course of medical treatment.

**Reasonable Suspicion** - means a conclusion based on personal observation of a specific instance, or instances, of employee conduct on or off duty, which shall be confirmed in a sworn (notarized) statement. On duty observation must be corroborated and documented in writing that an employee is unable to satisfactorily perform his or her job duties due to the use of controlled substances or alcohol. Such inability to perform may include, but is not limited to, a drop in the employees' performance level or an indication of impaired judgment, reasoning, and level of attention, behavioral change, or decreased ability of the senses.

**Safety Sensitive Position** - means a job where an employee's use of drugs or alcohol could render the employee unfit to perform assigned duties and could create a safety hazard to the employee, other employees, citizens or damage to property. For these purposes, any employee who drives or operates a city vehicle or other motorized equipment shall be considered to be employed in a safety sensitive position.

**Substance Abuse** - is exemplified by, but not limited to, the following:

- (1) Ingestion, inhalation or injection of a controlled substance during work hours or when in a city vehicle or on city property.
- (2) Ingestion of alcohol during work hours or when in a city vehicle or on city property.
- (3) Ingestion, inhalation or injection of a controlled substance or alcohol during non-working hours which causes an employee to be unable to work in a safe manner during working hours.
- (4) Use of prescription or over-the-counter medication in a manner in which it was not intended.

**Tampering with a urine specimen** - includes, but is not limited to, diluting the specimen with water, adding any other substance to the specimen, or substituting urine. Possession of a urine sample when an employee or applicant reports to the laboratory, shall constitute tampering.

**Testing** - includes testing by urinalysis, hair testing, intoxilyzer or blood testing, or any other recognized testing method.

**Under the influence or impaired** - is defined as abnormal behavior during working hours which results from indulging, in any degree, in alcohol or in any controlled substance or other drug including prescription



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or over-the-counter medication which, to any degree, may limit an employee's ability to safely and efficiently perform his or her duties or poses a threat to the safety of the employee, other employees, citizens or property.

### 14-04. ADMINISTRATIVE AUTHORITY

The City Manager is authorized to develop, administer and modify testing procedures for drug and alcohol testing.

(a) The City will provide a copy of this policy (as part of this Manual) to each employee currently employed and subsequently hired or transferred into a position involving the driving of a city vehicle or motorized equipment. Each employee will be required to sign a statement certifying receipt of this policy.

(b) All Department Heads and supervisors are responsible for recognizing and documenting the reasonable suspicion of controlled substance or alcohol use by employees, which may be indicated by poor performance, and for carrying out the provisions of this policy. Failure of a Department Head to carry out the requirements of this policy may lead to disciplinary action, up to and including termination.

### 14-05. ALCOHOL AND CONTROLLED SUBSTANCE USE PROHIBITED

The use, sale, or personal possession of controlled substances or alcohol, at any time, while on duty or on city property is a dischargeable offense.

Employees taking prescription or non-prescription drugs must report this use to the Department Head, when the use of such drugs is likely to affect the worker's ability to perform assigned duties. It is the employee's responsibility to ascertain from his or her physician whether the prescription drug can or is likely to have adverse impact on the employee's performance of his or her duties. This policy is intended to protect the safety of each employee and his or her co-workers, property and the public. Employees failing to follow this policy may be subject to disciplinary action up to, and including, termination. Any information received from an employee under this policy will be kept confidential except to the extent it may be shared with individuals who are in a "need to know" position, such as the immediate supervisor, or as required by state or federal law.

Any use of controlled substances and alcohol abuse that has an adverse affect on the employee's performance or that could jeopardize the safety of others, city equipment or the city's relations with the public, will be a violation of this policy and the employee may be subject to disciplinary action, up to and including termination.

No employee who is required to drive any city vehicle or motorized equipment shall consume alcohol during the eight (8) hours before driving such vehicle or equipment. The employee may be subject to disciplinary action, up to and including termination, for violating this policy.

No employee shall report to work with the odor of alcohol on his or her breath. The employee may be

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subject to disciplinary action up to and including termination for violating this policy.

### 14-06. EMPLOYEE'S RESPONSIBILITIES

Employees in need of assistance, in relation to controlled substance or alcohol abuse, are encouraged to explore the use of leave time and medical benefits in obtaining assistance through public and private referral agencies specializing in chemical dependency before the problem affects their job.

Employees scheduled to be on call are expected to be fit for duty upon reporting to work. An employee scheduled to be on-call is subject to the provisions in this policy.

An employee not scheduled to be on call that is called out and is under the influence of legally prescribed drugs or who is impaired by alcohol must so advise his or her supervisor and will not be required to report to work. An employee, who is called out and who reports to work, but fails to notify his or her supervisor that he or she is under the influence or impaired may be subject to disciplinary action, up to and including termination.

An employee shall not consume any alcohol for at least eight (8) hours following any accident or until he or she undergoes post-accident testing. An employee who consumes any alcohol prior to eight (8) hours following this accident or until a post-accident test has been administered may be subject to disciplinary action, up to and including termination, if such person tests above the allowable alcohol limits.

### 14-07. CONDITIONS APPLICABLE TO ALL TESTING

The Department Head or Personnel Office will arrange for drug screenings with a certified laboratory.

A urine sample will normally be given to test for the presence of controlled substances or alcohol. However, breathe testing for alcohol may also be used. Also, other acceptable testing methods (e.g., blood samples) determined by the City Manager may be ordered.

Any person who tampers with, or attempts to tamper with, a urine/blood specimen or breathe test in any manner shall be disqualified from employment with the city and shall be barred from any future consideration for employment with the city or, if currently employed by the city, shall be subject to disciplinary action, up to and including termination.

Prescription or over-the-counter drugs taken by the person to be tested will not be considered if the drug affects the testing, unless the use of such drugs, in the judgment of a qualified medical person, would be potentially harmful to the safety of the person being tested, or others.

All positive urine samples will be confirmed by the use of the gas chromatography/mass spectrometry (GC/MS) method. The additional testing (GC/MS) will be at the city's expense. Any question relating to alcohol and drug testing will be referred to the City Manager.

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### 43-08. PRE-EMPLOYMENT TESTING

All persons offered positions with the city may be required to submit to a drug and/or alcohol test.

Prior to the test, all applicants shall be required to sign a written consent form authorizing a urine or breath test for the presence of controlled substances and alcohol. A job applicant refusing to sign a requested consent form will not be considered for employment.

Test results shall be sent marked "Personal and Confidential" to the city manager or his or her designee, and shall be treated in a highly confidential manner. An applicant shall not be placed on the city payroll or otherwise allowed to report for work until negative test results have been received by the city manager.

In the case of positive test results, disclosure of the results shall be made to the applicant by the city manager. The applicant shall be told by the city manager that he or she is disqualified for employment with the city for an one-year period, and to be reconsidered, must submit evidence of successful completion of a rehabilitation program.

### 434-08.09. POST ACCIDENT TESTING

Drug/alcohol testing may be required of employees following motor vehicle or motorized equipment accidents involving city owned vehicles or equipment in any of the following circumstances:

- (1) When a city vehicle or motorized equipment or other city property is involved;
- (2) when a city driver, while operating a city vehicle or motorized equipment, receives a citation under state or local law for a moving traffic violation arising from an accident;
- (3) Alcohol testing must administered within two (2) hours of the accident and in no event more than eight (8) hours after the accident. Drug tests must be administered within eight (8) hours after the accident and in no event more than thirty-two (32) hours after the accident. If this deadline for alcohol or drug tests cannot be administered, such test shall not then be conducted.
- (4) The supervisor or a designated person not involved in the accident shall take the employee off the worksite and drive him or her to the city-approved laboratory for the alcohol and drug test. Under no circumstances will the employee be allowed to drive to the testing facility. (If an employee is seriously injured or unconscious he or she will be taken to a hospital for treatment. The first consideration will be the health and welfare of the employee. In such case, a urine or blood test will be given at the hospital laboratory, if possible.)
- (5) If the employee, in the judgment of the treating physician, exhibits physical and/or emotional

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impairments such that his or her safety or the safety of others could be in jeopardy if the employee returned to work, the employee shall not be allowed to return to work. In that situation, after being tested, the employee will be driven home by the supervisor or other designated person. The employee shall not be allowed to drive home.

(6) Refusal to submit to a post-accident drug or alcohol test will be grounds for disciplinary action, up to and including termination.

(7) After a finding of reasonable suspicion, an employee tested for controlled substances or alcohol under the post-accident testing provision may be placed on leave with pay until the results of the test are received.

(8) An investigation surrounding the circumstances of the accident leading to a drug or alcohol test will automatically be conducted by the Department Head and/or City Manager.

### 14-09. RANDOM TESTING

All current employees who drive a city vehicle or motorized equipment shall be selected for testing on an unannounced, random basis using a valid random selection generated by an approved laboratory. Also, the city may require all other current employees to be subject to random testing. At a minimum, at least 25% of the drivers must be selected annually on a random basis for alcohol testing and at least 50% for drug testing.

Employees selected for testing shall report to the lab as soon as possible but not later than eight (8) hours after the employee is notified to appear, unless extenuating circumstances exist. If such circumstances exist beyond the employee's control, and it is not possible for him or her to appear for testing within the time allowed, the City Manager shall immediately be advised and the employee's inability to appear.

If the name of an employee who is not on duty, or who is unable to report for testing the name of that employee shall be retained by the City Manager in a confidential manner until the employee can be notified immediately upon his or her return to duty to report to the lab as soon as possible, but not later than eight (8) hours after return to duty.

### 14-10. REASONABLE SUSPICION TESTING

All employees suspected of controlled substance use or alcohol abuse will be required to provide a urine or blood sample for testing or to submit to a breath test if only alcohol use is suspected.

The Department Head and/or the supervisors will document the exact reasons why he or she suspects that a certain employee has violated the controlled substances and alcohol abuse policy, including the symptoms exhibited by the employee, the actions of the employee, statements from other employees or third parties, and other evidence which tends to establish a reasonable suspicion of controlled substance

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use or alcohol abuse.

When it has been determined that reasonable suspicion exists and the employee should be tested, that decision must be approved by the City Manager. In the event that these individuals are inaccessible within a reasonable period of time, the City Manager is authorized to require the employee to submit to a drug or alcohol test.

Prior to such testing, the employee will be required to sign a form consenting to testing. Failure or refusal to sign the consent form or to submit to testing may result in disciplinary action, up to and including termination.

The Supervisor or a designated person will drive the employee to the testing facility and shall stay with the employee being tested and shall drive him or her back to work or home.

An employee tested for controlled substances or alcohol under the reasonable suspicion standard will be placed on leave of absence with pay until the results of the test are received.

All Department Heads and supervisors will prepare statements to be filed with the City Manager describing the circumstances and conditions used as a basis for the required testing. These documents shall be placed in the employee's personnel file.

### 14-11. CITY APPROVED LABORATORY

The city will select a certified laboratory which follows chain of custody procedures in conducting and preserving the tests required under this policy. The laboratory will report each test result to the City Manager or his or her designee of the results.

An employee who does not pass the drug or alcohol test may request that the original urine or blood sample be analyzed again. An employee requesting a retest must submit a written request within two days of the employee's notification of the test result.

An employee making a request for a retest will be required to pay the cost of the additional analysis and all costs associated with the transfer of the specimen to another certified, qualified laboratory, including shipping and handling. If the request results in the employee passing the drug or alcohol test, the city will reimburse the employee for laboratory expenses.

### 14-12. CONFIDENTIALITY OF INFORMATION

The following procedures will be used to assure that records relating to the drug and alcohol testing process are kept confidential.

- (a) Test results and other written materials concerning a particular drug test will be sealed and

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kept in the employee's official personnel file.

(b) No test results may be released except to the City Manager, state, federal and law enforcement agencies as required by law.

(c) Personnel staff who is authorized to have access to drug test results will maintain complete confidentiality. Breach of confidentiality relating to drug test results, or any other personnel related matter, will subject the employee to disciplinary action, up to and including termination.

### 14-13. REHABILITATION AND EMPLOYEE ASSISTANCE PROGRAM

Employees who test positive for controlled substances, drugs, or alcohol may be permitted an opportunity to enter a rehabilitation program at the sole discretion of the city. If the city decides to continue the employment of the employee, the city may require the employee to participate in a rehabilitation program as a condition of continued employment.

(Any employee who has completed a rehabilitation program must remain alcohol and drug free. Any relapse by an employee will be a violation of this policy and the employee may be subject to disciplinary action, up to and including termination.

Employees who are involved in rehabilitation and are able to report for work may do so under the following conditions:

(1) An employee may resume regular duties only after the employee tests negative for a drug or alcohol test and can provide a release to return to work from an appropriate substance abuse treatment facility or confirmation of continued and on-going participation in a recognized substance abuse assistance program.

(2) An employee will be required to submit to unannounced drug and alcohol testing up to sixty (60) months after resuming duties.

### 14-14. SPECIAL EXEMPTIONS

Any police officer who is required to be in possession of alcohol, controlled substances or drugs in the course and scope of their employment will be exempt from the provisions of this policy pertaining to possession of alcohol and/or drugs. Specific guidelines will be established by Police Department internal operating procedures.

### 14-15. EMPLOYEE DRUG CONVICTIONS

Any employee convicted of a violation of a criminal drug statute must notify the city of such conviction within five (5) days of the conviction occurring. If an employee fails to report such conviction, the employee

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will be subject to disciplinary action, up to and including termination.

### 14-16. EMPLOYEE SEARCH POLICY

The city reserves the right to search for illegal drugs and alcohol, without employee consent, all areas and property in which the City maintains full control. All City vehicles and equipment are subject to search by appropriate management personnel. Warrants will be obtained should it become necessary to search areas beyond the City's immediate control. Managers and supervisors shall not physically search employees.

Managers and supervisors shall not confiscate drugs or medications from an employee who has a current, valid prescription in the employee's name.

### 14-17. FORMS AND RECORD KEEPING

All forms and retention requirements for records as promulgated by the Federal Highway Administration and the Department of Transportation pursuant to the Omnibus Transportation Employee Testing Act of 1991, 49 CFR Part 382, and 49 CFR Part 40 are hereby adopted and made a part hereof as if they had been fully set out at length herein.

### 15-23. PURCHASES

No purchases shall be made in the name of the city by any employee except by written authorization in the city purchase order system as approved by the City Manager.

### 15-24. SAFETY

Department Heads shall be responsible for preparing and promulgating safety procedures, regulations, and operational and operating under their control. Each employee is required to adhere to all safety regulations and rules for the state and federal agencies. It is the obligation of all employees to report any unsafe conditions to the appropriate Department Heads and to inform their supervisor of any injury or accident.

### 15-25. TELEPHONE USAGE

Department Heads shall be responsible for establishing logs of long distance telephone use, ensuring that they are only made for necessary city business. Telephone use shall be restricted to work-related matters. Personal calls shall be limited to or used to confer with city business.

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### CHAPTER 15

#### MISCELLANEOUS PROVISIONS

##### 15-01. PROPERTY CONTROL

Department Heads shall insure that property under their control is properly safeguarded, accounted for, and administered. The accounting clerk shall maintain or delegate the maintenance of an up-to-date inventory of all city property. All acquisitions, disposals, or transfers of property shall be reported to the accounting clerk or the designated representative.

Postage, stationery, office supplies, tools, vehicles, and equipment purchased and owned by the city are to be used only in the conduct of city business. No city employee shall use these items in the conduct of his or her personal affairs without prior approval.

Employees shall only utilize city reproduction copiers for city business unless making restitution for said use in accordance with established guidelines and procedures.

##### 15-02. UTILITIES

Departmental requests for new city electric, gas, and telephone utility installations or additional service must be approved in advance by the City Manager.

##### 15-03. PURCHASES

No purchases shall be made in the name of the city by any employee except by following the procedures outlined in the city purchase order system or as approved by the City Manager.

##### 15-04. SAFETY

Department Heads shall be responsible for preparing and promulgating safety procedures applicable to all personnel and operations under their control. Each employee is required to adhere to all safety procedures set forth by the city, the state, and federal agencies. It is the obligation of all employees to report any unsafe conditions to the appropriate Department Heads and to inform their supervisor of any on-the-job injury or accident.

##### 15-05. TELEPHONE USAGE

Department Heads shall be responsible for maintaining logs of long distance telephone calls and for assuring that they are only made for necessary city business. Telephones should be answered promptly and courteously. Personal calls shall be limited so as not to interfere with city business.

Comment [MPACohort73]: Recommend reviewing this policy and ensure procedures are current and reflect the city's processes accurately.



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### 15-06. NEWS RELEASES

All news releases will be made by the City Manager or his designated representative.

### 15-07. USE OF CITY EQUIPMENT AND FACILITIES FOR PRIVATE USE

The use of city equipment and facilities for private use are prohibited. Under no circumstances shall city equipment or facilities be loaned or rented.

### 15-08. PROFESSIONAL MEMBERSHIPS AND SUBSCRIPTIONS

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

### 15-09. UNAUTHORIZED OR IMPROPER USE OF OFFICIAL BADGE OR UNIFORM

No official or employee whose duties involve the use of a badge, card, uniform or clothing insignia as evidence of authority or for identification purposes shall permit such badge, card, uniform, or insignia to be used or worn by another person who is not authorized to use or wear same, nor permit same to be out of his or her possession without good cause or approval of the Department Head. Such badge, card, uniform or insignia shall be used only in the performance of the official duties of the position to which they relate or as may be otherwise approved by the Department Head.