

**THE STATE OF TEXAS §
COUNTY OF BRAZORIA §
CITY OF MANVEL §**

KEITH BONNER, COUNCIL PLACE 1
DAVID LANDS, COUNCIL PLACE 2
HARRY OPLIGER, COUNCIL PLACE 3
ED PERRY, COUNCIL PLACE 4
CRYSTAL SARMIENTO, COUNCIL PLACE 5
JEROME HUDSON, COUNCIL PLACE 6



DAN DAVIS, MAYOR
DAN JOHNSON, CITY MANAGER
TAMMY BELL, CITY SECRETARY

**NOTICE OF A CITY COUNCIL MEETING
OF THE CITY OF MANVEL
June 3, 2024**

**NOTICE IS HEREBY GIVEN
5:30 P.M. WORKSHOP – 6:00 P.M. REGULAR SESSION**

Pursuant to Chapter 551, Title 5 of the Texas Government Code, the Texas Open Meetings Act, notice is hereby given that the Manvel City Council will convene a regular meeting at the Manvel City Hall, located at **20031 Hwy 6, Manvel Tx 77578** for the purpose of discussing and if appropriate, take action with respect to the following items:

NOTE: The City Council of the City of Manvel reserves the right to discuss any items in Closed Session whenever authorized under the Texas Open Meetings Act, Chapter 551, of the Texas Government Code. The City Council may discuss the items on this agenda in any order.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpreter services must be made 48 hours prior to this meeting. Please contact the City Secretary at 281-489-0630 x6 for further information.

CITY OF MANVEL MISSION STATEMENT

The City of Manvel is a safe and responsible community, embracing the values of our past, present, and future citizens.

Workshop Session – 5:30 pm

Consideration and possible action to appoint a Councilmember to preside the 6/3/2024 Council Meeting.

EXECUTIVE SESSION

City Council will convene into Executive Session pursuant to Texas Government Code, Section 551.071: "Consultation with Attorney", to discuss the following:

*Litigation; settlement offer; of a matter in which the duty of the attorney requires it.
Danielle Bryan v City of Manvel, CAUSE NO. 126070-CV)*

WORKSHOP CONTINUED

Discussion on any topic as listed on the current agenda.

Regular Session – 6:00 pm

Call To Order

Invocation

Inspirational Reading - Councilmember Bonner

June 3, 2024 CITY COUNCIL MEETING AGENDA

Pledge

Pledge of Allegiance and Texas Pledge: "Honor the Texas flag; I pledge allegiance to thee Texas, one state under God, one and indivisible.

Presentations

Proclamation;

Juneteenth - June 19, 2024

Public Comments: "Comment Card" Required

o Members of the public with business before the board, NOT scheduled on the agenda as a public hearing (that have submitted a public comment card) may have three (3) minutes to address the board. o The board may not participate in any discussion and cannot vote on the subject you present unless it is listed on the agenda as an action item.

City Manager Update

Update on current events and city issues.

*June 8, 2024 - Waste Connections City Clean-up Day

*July 4, 2024 - Fourthfest @ AISD Freedom Field, Iowa Colony (Festivities 6:00 pm - Fireworks 9:15 pm)

*Status update on WeBUILT Community

Consent Agenda

1. Acceptance of the meeting minutes to date.
2. Acceptance of infrastructure improvements for Bridge, Paving, and Appurtenances to Serve **Kirby Drive for MUD 40** to begin the Two-Year Maintenance Period.
3. Acceptance of infrastructure improvements for Water, Sanitary Sewer, and Drainage Facilities and Paving and Appurtenances to Serve **Pomona Section 26 for MUD 40** to begin the Two-Year Maintenance Period.
4. Acceptance of Deed from Pomona Phase 2A, LLC;
BEING 3.308 ACRES LOCATED IN THE A.C.H.&B.R.R CO, SURVEY, SECTION 89 ABSTRACT 417, BRAZORIA COUNTY, TEXAS, BEING A PORTION OF LOT 29 OF SECTION 89 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS, A SUBDIVISION OF RECORD IN VOLUME 2, PAGE 98, OF THE PLAT OF RECORDS OF BRAZORIA COUNTY. SAID 3.08 ACRE TRACT ALSO BEING A PORTION OF A RESIDUE OF THAT CERTAIN CALLED 223.682 ACRE TRACT (DESCRIBED AS TRACT 5, PART 2) CONVEYED TO POMONA PHASE 2A, LLC.
5. Acceptance of Deed from Pomona Phase 2A, LLC;
BEING 1.225 ACRES LOCATED IN THE A.C.H.&B.R.R CO, SURVEY, SECTION 89 ABSTRACT 417, BRAZORIA COUNTY, TEXAS, BEING A PORTION OF LOT 24 OF SECTION 89 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS, A SUBDIVISION OF RECORD IN VOLUME 2, PAGE 98, OF THE PLAT OF RECORDS OF BRAZORIA COUNTY. SAID 1.225 ACRE TRACT ALSO BEING ALL OF THAT CERTAIN CALLED 1.225 ACRE TRACT (DESCRIBED AS TRACT 5, PART 6) CONVEYED TO POMONA PHASE 2A, LLC.

Items Removed from Consent Agenda

Regular Agenda

1. Consideration and possible action to approve the first of two readings of Ordinance 2024-O-22;
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, CHAPTER 65. "TAXATION," BY AMENDING ARTICLE II. *PROPERTY TAX*, TO ADOPT AN EXEMPTION FROM PROPERTY TAXES FOR RESIDENCE HOMESTEADS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR ADMINISTRATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY.

June 3, 2024 CITY COUNCIL MEETING AGENDA

2. Consideration and possible action to approve the first of two readings of Ordinance 2024-O-23;
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING SECTION 41-4 "SCHOOL ZONES" OF THE CODE OF ORDINANCES TO REVISE THE PROVISIONS PERTAINING TO TIMES AND PLACES FOR SCHOOL ZONES; AUTHORIZING THE ENFORCEMENT OF ALL STATE REGULATIONS; AUTHORIZING THE PLACEMENT OF SIGNS INDICATING THE SPEED LIMITS ON THE STREETS AND PORTIONS OF STREETS DESIGNATED HEREIN; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR CONFLICT HERewith; PROVIDING A PENALTY OF AN AMOUNT OF NOT LESS THAN ONE DOLLAR (\$1) OR MORE THAN TWO HUNDRED DOLLARS (\$200) FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.
3. Consideration and possible action to approve Resolution 2024-R-16;
A RESOLUTION ADOPTING AN AMENDED PERSONNEL POLICIES AND PROCEDURES HANDBOOK DATED MAY 20, 2024, FOR ALL CITY EMPLOYEES; PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE.
4. Consideration and possible action to approve the reappointment of Kim Bickham to the TIRZ 3 board, along with the appointment of Melody Hanson to fill the board's vacant seat.
5. Consideration and possible action to approve the reappointment of Kim Bickham to the SMDA (South Manvel Development Authority) board, along with the appointment of Melody Hanson and Dan Davis Jr. to fill the board's vacant seats.
6. Consideration and possible action to approve the settlement agreement in the *Danielle Bryan v City of Manvel, CAUSE NO. 126070-CV* case.
7. Consideration and possible action on the Facility Use Policy.

Mayor and Council Comments

Update on current events and city issues.

Additionally, pursuant to Texas Government Code § 551.0415, City Council Members and city staff may make a report about items of community interest during a meeting of the governing body without having given notice of the report.

Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutory recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Adjourn

CERTIFICATION

I, Tammy Bell, City Secretary for the City of Manvel, do hereby certify that the foregoing Agenda of the Manvel City Council is true and correct and that I posted such notice on the bulletin board at the Manvel City Hall; a place convenient and readily accessible to the public on May 31, 2024 in accordance with the Texas Open Meetings Act (Tex. Gov't. Code §551.001 et seq). Said notice remained posted for at least 72 hours preceding the scheduled time of the meeting.

TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS

THE STATE OF TEXAS §
COUNTY OF BRAZORIA §
CITY OF MANVEL §

KEITH BONNER, COUNCIL PLACE 1
DAVID LANDS, COUNCIL PLACE 2
HARRY OPLIGER, COUNCIL PLACE 3
ED PERRY, COUNCIL PLACE 4
CRYSTAL SARMIENTO, COUNCIL PLACE 5
JEROME HUDSON, COUNCIL PLACE 6



DAN DAVIS, MAYOR
DAN JOHNSON, CITY MANAGER
TAMMY BELL, CITY SECRETARY

MISSION STATEMENT:

"The City of Manvel is a safe and responsible community, embracing the values of our past, present, and future citizens."

MINUTES 5/20/2024

Workshop Session 5:00-5:30 P.M.

Mayor Davis called the workshop of the Manvel City Council to order at 5:00 p.m.
Those in attendance were:

Present: Mayor Dan Davis
City Councilmember Place 1 Keith Bonner
City Councilmember Place 2 David Lands
City Councilmember Place 3 Harry Opliger
City Councilmember Place 4 Ed Perry
City Councilmember Place 5 Crystal Sarmiento
City Councilmember Place 6 Jerome Hudson

Absent: None

Also Present: Dan Johnson, City Manager
Robert Gervais, City Attorney
Keith Traylor, Chief of Police
Tammy Bell, City Secretary
Rosa Donaire, Finance Director
Robbie Hall, Public Works Director
Chad Dumont, Personnel Director
Brooke Cyphers, Public Information Officer

Mayor Davis convened the meeting into Executive Session at 5:00 p.m.

EXECUTIVE SESSION

City Council will convene into Executive Session pursuant to Texas Government Code, Section 551.072: "Deliberation regarding real property", to discuss the following:
Deliberate the purchase, exchange, lease, or value of real property

WORKSHOP CONTINUED

Mayor Davis reconvened the meeting out of Executive Session at 5:27 p.m.
There was no action taken during Executive Session.

Discussion on any topic as listed on the current agenda.

Recognition / Reception 5:30 p.m. - 6:00 p.m.

Ceremonial Oaths;

Keith Bonner - Councilmember, Place 1

David Lands - Councilmember, Place 2

Mayor Davis officiated.

Recognize Larry Akery - Council Member 2018-2024

Regular Session - 6:00 p.m.

Call To Order

Mayor Davis called the meeting of the Manvel City Council to order at 6:00 p.m.
Those in attendance were:

Present: Mayor Dan Davis
City Councilmember Place 1 Keith Bonner
City Councilmember Place 2 David Lands
City Councilmember Place 3 Harry Opliger
City Councilmember Place 4 Ed Perry
City Councilmember Place 5 Crystal Sarmiento
City Councilmember Place 6 Jerome Hudson

Absent: None

Also Present: Dan Johnson, City Manager
Robert Gervais, City Attorney
Keith Traylor, Chief of Police
Tammy Bell, City Secretary
Rosa Donaire, Finance Director
Robbie Hall, Public Works Director
Chad Dumont, Personnel Director
Brooke Cyphers, Public Information Officer

Invocation

Inspirational Reading - Councilmember Sarmiento

Pledge

Presentations

Proclamation;

Flood Awareness Week - May 20-24, 2024

Public Comments: "Comment Card" Required

Melissa Charba - 6506 Jordan

Concerned about the trees being taken down in front of her property for the Clark/Jordan realignment

May 20, 2024 MANVEL CITY COUNCIL MEETING MINUTES

Public Comments Continued:

Katie Smith - Manvel Library

Spoke about the Summer Reading Program and Summer Reading Kick-off Party on June 1st.

City Manager Update

Clark Bridge alignment project has started. Staff is talking to TxDOT to see if there is anything that can be done to save the trees.

The water main break last week was bad but it could have been worse. Since we have a second water plant, only 1 subdivision was impacted without water, the rest of the areas still had water with low pressure.

Consent Agenda

1. Acceptance of the meeting minutes to date.
2. Consideration and possible action to approve Resolution 2024-R-17;
A RESOLUTION OF THE CITY OF MANVEL, TEXAS FINDING THAT CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC'S REQUESTED INCREASE TO ITS ELECTRIC TRANSMISSION AND DISTRIBUTION RATES AND CHARGES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND GCCC LEGAL COUNSEL.
3. Consideration and possible action to approve Resolution 2024-R-18;
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, APPROVING AS A PROJECT OF THE MANVEL ECONOMIC DEVELOPMENT CORPORATION CERTAIN PROJECT NUMBER 2023-02 – APPROVING AN EXPENDITURE OF UP TO \$12,500.00 FOR THE MAXFIT GYM BUSINESS SIGN PROJECT TO PROVIDE FOR A DISTINCTIVE BUSINESS SIGN TO FURTHER ECONOMIC DEVELOPMENT AND RETAIN JOBS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.
5. Final acceptance of infrastructure improvements for Meridiana Parkway Bridge Phase 5 and release of associated maintenance bonds.
6. Final acceptance of infrastructure improvements for Meridiana Parkway Bridge Phase 7 and release of associated maintenance bonds.

Mayor Davis made the motion to remove consent agenda item #4. Councilmember Sarmiento seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson, City Councilmember Place 1 Keith Bonner

No: None

Absent: None

Abstained: None

Councilmember Jerome Hudson made the motion to approve the Consent Agenda. Councilmember Ed Perry seconded the motion.

The motion carried with a vote: 7/0

May 20, 2024 MANVEL CITY COUNCIL MEETING MINUTES

Yes: Mayor Dan Davis, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson, City Councilmember Place 1 Keith Bonner

No: None

Absent: None

Abstained: None

Items Removed from Consent Agenda

4. Acceptance of the Capital Improvements Advisory Committee (CIAC) Report and recommendation to have the Impact Fee Study updated after 4 years instead of 5 years as recommended by the Capital Improvements Advisory Committee with a 5/0 vote.

Study update is ~\$150,000

CIAC recommended a reduction from 5 years to 4 years to the study.

Mayor Davis wants to look at including drainage and road impact fee studies included for new development.

Councilmember Opliger made the motion to approve. Councilmember Hudson seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

Regular Agenda

1. Consideration and possible action on the appointment of a Mayor Pro-Tem to serve for one year.

Mayor Davis made the motion to appoint Crystal Sarmiento as Mayor Pro-Tem. Councilmember Bonner seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

2. Consideration and possible action to approve Resolution 2024-R-16;
A RESOLUTION ADOPTING AN AMENDED PERSONNEL POLICIES AND PROCEDURES HANDBOOK DATED MAY 20, 2024, FOR ALL CITY EMPLOYEES; PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE.

Council would like staff to reevaluate the maternity/paternity leave to look at the possibility of allowing paid time off earlier than the one-year requirement that FMLA has in their guidelines. Update language in tattoo policy to reflect what the Police Department has in theirs, and include profane language.

Mayor Davis made the motion to table. Mayor Pro-Tem Sarmiento seconded the motion. **The motion carried with a vote: 7/0**

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember

May 20, 2024 MANVEL CITY COUNCIL MEETING MINUTES

Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None
Absent: None
Abstained: None

3. Consideration and possible action to approve Ordinance 2024-O-21;
AN ORDINANCE AMENDING ORDINANCE NO. 2023-O-32 AMENDING THE CITY FISCAL YEAR 2024 BUDGET ENDING SEPTEMBER 30, 2024, BY AMENDING THE CAPITAL FUND BUDGET TO RECOGNIZE GRANT REVENUE FOR FM1128 WATER/SEWER LINE EXTENSION AND SEWER IMPROVEMENTS, TO RECOGNIZE BOND PROCEEDS TO FUND WATER RECLAMATION FACILITY AND OTHER PROJECTS AND BY AMENDING THE GENERAL FUND BUDGET TO RECOGNIZE ADDITIONAL COURT FINES REVENUE AND FUND ADDITIONAL PROSECUTOR COSTS. DIRECTING THE BUDGET OFFICER TO FILE OR CAUSE TO BE FILED A COPY OF THE AMENDED BUDGET WITH THE CITY SECRETARY AND WITH THE OFFICE OF THE BRAZORIA COUNTY CLERK AND PROVIDING THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Councilmember Bonner made the motion to approve. Councilmember Hudson seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson
No: None
Absent: None
Abstained: None

4. Consideration and possible action to award the contract for the Masters Road Utility Improvements and McCoy Road Lift Station Consolidation Project for \$2,081,455 to Materials Tech and authorize the City Manager to execute the contract.

Dan Johnson -
Water from PD up to new Public Works
Sewer from Terra Estates up to PD and new Public Works

Mayor Pro-Tem Sarmiento wants to see these big contractors utilizing local businesses as their subcontractors. What would it take to make this a requirement in the RFQ/RFP process, like requiring a certain percentage of local businesses to be subcontractors for projects, granted they are vetted.

Councilmember Lands made the motion to approve. Councilmember Bonner seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson
No: None
Absent: None
Abstained: None

May 20, 2024 MANVEL CITY COUNCIL MEETING MINUTES

5. Consideration and possible action to award the contract for the Central Water Reclamation Facility Project for \$40,000,000 to CSA Construction, Inc. and authorize the City Manager to execute the contract.

Dan Johnson -

Wastewater treatment plant on Corporate that will utilize ultraviolet light and natural gas generator over chlorine and diesel generator.

Mayor asks staff to make sure we don't have any obligation to build right-of-way out. Project build out time is 30 months.

Councilmember Bonner asks if this will require new staff. Robbie Hall said yes, likely two, one of which they will be submitting in this year's budget.

Mayor Pro-Tem Sarmiento made the motion to approve. Councilmember Hudson seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None Abstained: None

6. Consideration and possible action to authorize the City Manager to pursue available CDBG Funds and execute the agreement between Brazoria County and the City.

Opportunity identified - looping two dead end waterlines on King and Bissell

Robert Gervais, City Attorney - low, but not no risk in accepting these funds. Feels confident in going for this particular grant.

Councilmember Bonner made the motion to approve. Councilmember Perry seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

7. Consideration and possible action to approve the reappointment of James McClain, Amanda Hoffpauir, and Jacob Duboise to the Animal Advisory Board along with the appointment of Chad Dumont to fill the board's vacant seat.

Mayor Davis made the motion to approve. Councilmember Lands seconded the motion. **The motion carried with a vote: 7/0**

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

May 20, 2024 MANVEL CITY COUNCIL MEETING MINUTES

8. Consideration and possible action to approve the reappointment of Aaron Bell, Martin Vela, Mark Pauley, and David Headley to the Building and Standards Commission.

Councilmember Opliger made the motion to approve. Councilmember Lands seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

9. Consideration and possible action to approve the reappointment of Paul Sofka, Ellen Naegeli, Leslie Calvert, and Brian Wilmer to the Croix Park Task Force, along with the appointment of Larry Akery to fill the board's vacant seat.

Councilmember Hudson made the motion to approve. Councilmember Bonner seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

10. Consideration and possible action to direct staff on a Homestead Exemption.

Rosa Donaire, Finance Director presented the item to Council.

2.5% is a savings of \$46.66 per household with a revenue loss for the city of \$238,073

5% is a savings of \$93.33 per household with a revenue loss for the city of \$476,147

10% is a savings of \$186.65 per household with a revenue loss for the city of \$952, 294.

The Mayor feels strongly that we should do something and suggests taking a phased approach to the exemption, starting with 5% then taking a two-year break before increasing it to allow the city to recoup.

Mayor Davis made the motion to direct staff to put together a Homestead Exemption ordinance at 5%. Councilmember Hudson seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

11. Consideration and possible action to direct staff on requirements for roofing inspections. (Requested by Councilmember Opliger and Councilmember Lands).

Councilmember Opliger does not see the value in permitting re-roofing, and the \$50 fee. Does not see anything about a re-roofing permit in the code of ordinances.

There is back and forth on reasons why a permit and inspection is necessary and protective to the

May 20, 2024 MANVEL CITY COUNCIL MEETING MINUTES

homeowner and neighbors.

Councilmember Opliger concedes that if it is going to be required, can we have something that outlines this in the code or online.

Dan Johnson will get with staff and do some research then send an email out.

No action taken.

12. Consideration and possible action to direct staff on the Facility Use Policy.

Robert Gervais, City Attorney -

Possibility of opening the City Council Chambers, conference room, back parking lot to people like non-profits or fundraisers

Would need staffing for after hours, and what would the rate of pay be? Would there be a fee?

Mayor Davis not in favor of allowing the conference room to be used.

Mayor directs staff to go over registration process, cost for cleanup, afterhours and weekends city employee/cost of their time.

Councilmember Bonner strongly suggests a fee. No action taken.

13. Consideration and possible action authorizing the City Manager to purchase a certain tract of land, not to exceed the purchase price directed by City Council, and provided there is an existing funding source in the current budget.

Mayor Davis made the motion to Authorize City Manager to purchase 7246 Masters Rd with option period of 45 days. Councilmember Lands seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

Mayor and Council Comments

Streets/Sidewalk repair list should be on the second meeting in June.

Mayor wants to discuss underground powerline requirements at a future date.

Adjourn

Mayor Davis made the motion to adjourn the meeting at 9:22 p.m. Councilmember Bonner seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento

No: None

Absent: None

Abstained: None

CERTIFICATION

TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS

DAN DAVIS, MAYOR
CITY OF MANVEL, TEXAS



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE:

TOPIC: Acceptance of infrastructure improvements for Bridge, Paving, and Appurtenances to Serve Kirby Drive for MUD 40 to begin the Two-Year Maintenance Period.

BACKGROUND: City Staff has approved the final walk through on this project for the civil site work. The applicant has submitted the Two-Year Maintenance Bond with the City Secretary's Office and the As-Built Construction Plans have been submitted to Development Services Department.

STAFF RECOMMENDATION: Staff recommends City Council accept the infrastructure improvements for this project to begin the Two-Year Maintenance Period.

ATTACHMENTS: N/A

FUNDING ISSUES

- ☒ Not applicable
- ☐ Not budgeted
- ☐ Full amount already budgeted
- ☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER
Robbie Hall

FINANCE DIRECTOR APPROVAL Yes

CITY MANAGER APPROVAL Yes



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE:

TOPIC: Acceptance of infrastructure improvements for Water, Sanitary Sewer and Drainage Facilities and Paving and Appurtenances to Serve Pomona Section 26 for Brazoria County Municipal Utility District No. 40 to begin the Two-Year Maintenance Period.

BACKGROUND: City Staff has approved the final walk through on this project for the civil site work. The applicant has submitted the Two-Year Maintenance Bond with the City Secretary's Office and the As-Built Construction Plans have been submitted to Development Services Department.

STAFF RECOMMENDATION: Staff recommends City Council accept the infrastructure improvements for this project to begin the Two-Year Maintenance Period.

ATTACHMENTS: N/A

FUNDING ISSUES

- ☒ Not applicable
☐ Not budgeted
☐ Full amount already budgeted
☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER
Robbie Hall

FINANCE DIRECTOR APPROVAL Yes

CITY MANAGER APPROVAL Yes

ORDINANCE NO. 2024-O-22

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, CHAPTER 65. "TAXATION," BY AMENDING ARTICLE II. *PROPERTY TAX*, TO ADOPT AN EXEMPTION FROM PROPERTY TAXES FOR RESIDENCE HOMESTEADS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR ADMINISTRATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the City Council deems it in the best interest of the taxpayers of the City to adopt a tax exemption for residential homesteads under the **Texas Tax Code** §11.13; and

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

Section 1. The Code of Ordinances of the City of Manvel, Texas is hereby amended by amending Chapter 65. "TAXATION," to read and provide as follows:

"Chapter 65 TAXATION

...

ARTICLE II. - PROPERTY TAX

Sec. 65-39. - Homestead exemptions established.

(a) Over-65 exemption.

(1) Upon compliance with all requirements of this section and all other applicable laws and resolutions, [~~\$10,000.00~~] **\$90,000** of the assessed value of a residence homestead of a person who is disabled or who is 65 years of age or older shall be exempt from ad valorem taxes levied by the city.

(2) [~~(b)~~] Such exemptions shall be effective as to such residence homesteads as may qualify hereunder from and after January 1, 2009. Eligibility for [~~such~~] an exemption shall be determined each year as of January 1 of such year.

(b) Residence homestead exemption.

(1) The City Council adopts the tax exemption for residence homesteads under Texas Tax Code § 11.13. Accordingly, an individual shall be entitled to an exemption from taxation by the City of Manvel of **five percent (5%)** of the appraised value of that individual's residence homestead.

(2) Such exemption shall be effective as to such residence homesteads as may qualify hereunder beginning with tax year **2024**. Eligibility for such exemption shall be determined each year as of January 1 of such year.

(3) If the percentage stated above produces an exemption in a tax year of less than \$5,000 when applied to a particular residence homestead, the individual is entitled to an exemption of \$5,000 of the appraised value.

(4) The exemption adopted shall be administered, defined, enforced, and either combined or not, all as provided by Texas Tax Code § 11.13 and all applicable laws, as may be amended from time to time.

Sec. 65-40. - Limitation.

The exemptions authorized in section 65-39(a) shall extend only to the residence homestead, as defined by state law. ~~[Such]~~ An exemption shall be allowed only if the property in question is, in fact, the residence homestead of the applicant, and if such person qualifies as disabled or has attained the age of 65 years on January 1 of the taxable year in question. The exemption shall be granted if one spouse has attained the age of 65 years on such applicable date, even though the other spouse has not attained such age.

Sec. 65-41. - Installment payments.

Taxes may be paid in installments by the method of payment of one-half of the taxes imposed on or before November 30 of the year in which assessment is made. If one-half of the taxes are paid on or before November 30, the other one-half of the taxes may be paid any time until and including the succeeding June 30 without being delinquent or incurring penalty or interest. If, after paying one-half of the taxes on or before November 30, a taxpayer shall fail to pay on or before June 30, next succeeding, the unpaid one-half of such taxes shall become delinquent and a penalty of 12 percent shall be incurred.

Sec. 65-42. - Additional penalty for collection costs.

(a) Ad valorem taxes levied by the city that remain delinquent on July 1 of the year in which they become delinquent shall incur an additional penalty of 15 percent of the amount of taxes, penalty and interest due.

(b) A tax lien shall attach to the property on which the tax is imposed to secure payment of the penalty provided for in subsection (a).

(c) The tax collector for the city shall deliver a notice of delinquency and of the penalty provided for in subsection (a) to the property owner at least 30 and not more than 60 days before July 1 of the year in which the taxes become delinquent.”

Section 2. **Repealer.** All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

Section 3. **Severability.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first reading this _____ day of _____,
2024.

PASSED, APPROVED, AND ADOPTED on second and final reading this
_____, 2024.

Dan Davis, Mayor

Attest:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney

TAX CODE

TITLE 1. PROPERTY TAX CODE

SUBTITLE C. TAXABLE PROPERTY AND EXEMPTIONS

Sec. 11.13. RESIDENCE HOMESTEAD. (a) A family or single adult is entitled to an exemption from taxation for the county purposes authorized in Article VIII, Section 1-a, of the Texas Constitution of \$3,000 of the assessed value of his residence homestead.

(b) An adult is entitled to exemption from taxation by a school district of \$100,000 of the appraised value of the adult's residence homestead, except that only \$5,000 of the exemption applies to an entity operating under former Chapter 17, 18, 25, 26, 27, or 28, Education Code, as those chapters existed on May 1, 1995, as permitted by Section 11.301, Education Code.

(c) In addition to the exemption provided by Subsection (b) of this section, an adult who is disabled or is 65 or older is entitled to an exemption from taxation by a school district of \$10,000 of the appraised value of his residence homestead.

(d) In addition to the exemptions provided by Subsections (b) and (c) of this section, an individual who is disabled or is 65 or older is entitled to an exemption from taxation by a taxing unit of a portion (the amount of which is fixed as provided by Subsection (e) of this section) of the appraised value of his residence homestead if the exemption is adopted either:

(1) by the governing body of the taxing unit; or

(2) by a favorable vote of a majority of the qualified voters of the taxing unit at an election called by the governing body of a taxing unit, and the governing body shall call the election on the petition of at least 20 percent of the number of qualified voters who voted in the preceding election of the taxing unit.

(e) The amount of an exemption adopted as provided by Subsection (d) of this section is \$3,000 of the appraised value of the residence homestead unless a larger amount is specified by:

(1) the governing body authorizing the exemption if the exemption is authorized as provided by Subdivision (1) of Subsection (d) of this section; or

(2) the petition for the election if the exemption is authorized as provided by Subdivision (2) of Subsection (d) of this section.

(f) Once authorized, an exemption adopted as provided by Subsection (d) of this section may be repealed or decreased or increased in amount by the governing body of the taxing unit or by the procedure authorized by Subdivision (2) of Subsection (d) of this section. In the case of a decrease, the amount of the exemption may not be reduced to less than \$3,000 of the market value.

(g) If the residence homestead exemption provided by Subsection (d) of this section is adopted by a county that levies a tax for the county purposes authorized by Article VIII, Section 1-a, of the Texas Constitution, the residence homestead exemptions provided by Subsections (a) and (d) of this section may not be aggregated for the county tax purposes. An individual who is eligible for both exemptions is entitled to take only the exemption authorized as provided by Subsection (d) of this section for purposes of that county tax.

(h) Joint, community, or successive owners may not each receive the same exemption provided by or pursuant to this section for the same residence homestead in the same year. An eligible disabled person who is 65 or older may not receive both a disabled and an elderly residence homestead exemption from the same taxing unit in the same year but may choose either if a taxing unit has adopted both. An eligible disabled person who is 65 or older may receive both a disabled and an elderly residence homestead exemption in the same year if the person receives the exemptions with respect to taxes levied by different taxing units. A person may not receive an exemption under this section for more than one residence homestead in the same year. An heir property owner who qualifies heir property as the owner's residence homestead under this chapter is considered the sole recipient of any exemption granted to the owner for the residence homestead by or pursuant to this section.

(i) The assessor and collector for a taxing unit may disregard the exemptions authorized by Subsection (b), (c), (d), or (n) of this section and assess and collect a tax pledged for payment of debt without deducting the amount of the exemption if:

- (1) prior to adoption of the exemption, the unit pledged the taxes for the payment of a debt; and
- (2) granting the exemption would impair the obligation of the contract creating the debt.

(j) For purposes of this section:

(1) "Residence homestead" means a structure (including a mobile home) or a separately secured and occupied portion of a structure (together with the land, not to exceed 20 acres, and improvements used

in the residential occupancy of the structure, if the structure and the land and improvements have identical ownership) that:

- (A) is owned by one or more individuals, either directly or through a beneficial interest in a qualifying trust;
- (B) is designed or adapted for human residence;
- (C) is used as a residence; and
- (D) is occupied as the individual's principal residence by an owner, by an owner's surviving spouse who has a life estate in the property, or, for property owned through a beneficial interest in a qualifying trust, by a trustor or beneficiary of the trust who qualifies for the exemption.

(2) "Trustor" means a person who transfers an interest in real or personal property to a qualifying trust, whether during the person's lifetime or at death, or the person's spouse.

(3) "Qualifying trust" means a trust:

(A) in which the agreement, will, or court order creating the trust, an instrument transferring property to the trust, or any other agreement that is binding on the trustee provides that the trustor of the trust or a beneficiary of the trust has the right to use and occupy as the trustor's or beneficiary's principal residence residential property rent free and without charge except for taxes and other costs and expenses specified in the instrument or court order:

- (i) for life;
- (ii) for the lesser of life or a term of years; or
- (iii) until the date the trust is revoked or terminated by an instrument or court order that describes the property with sufficient certainty to identify it and is recorded in the real property records of the county in which the property is located; and

(B) that acquires the property in an instrument of title or under a court order that:

- (i) describes the property with sufficient certainty to identify it and the interest acquired; and
- (ii) is recorded in the real property records of the county in which the property is located.

(k) A qualified residential structure does not lose its character as a residence homestead if a portion of the structure is rented to another or is used primarily for other purposes that are incompatible with the owner's residential use of the structure. However, the amount of any residence homestead exemption

does not apply to the value of that portion of the structure that is used primarily for purposes that are incompatible with the owner's residential use.

(l) A qualified residential structure does not lose its character as a residence homestead when the owner who qualifies for the exemption temporarily stops occupying it as a principal residence if that owner does not establish a different principal residence and the absence is:

(1) for a period of less than two years and the owner intends to return and occupy the structure as the owner's principal residence; or

(2) caused by the owner's:

(A) military service inside or outside of the United States as a member of the armed forces of the United States or of this state; or

(B) residency in a facility that provides services related to health, infirmity, or aging.

(m) In this section:

(1) "Disabled" means under a disability for purposes of payment of disability insurance benefits under Federal Old-Age, Survivors, and Disability Insurance.

(2) "School district" means a political subdivision organized to provide general elementary and secondary public education. "School district" does not include a junior college district or a political subdivision organized to provide special education services.

(n) In addition to any other exemptions provided by this section, an individual is entitled to an exemption from taxation by a taxing unit of a percentage of the appraised value of his residence homestead if the exemption is adopted by the governing body of the taxing unit before July 1 in the manner provided by law for official action by the body. If the percentage set by the taxing unit produces an exemption in a tax year of less than \$5,000 when applied to a particular residence homestead, the individual is entitled to an exemption of \$5,000 of the appraised value. The percentage adopted by the taxing unit may not exceed 20 percent.

(n-1) The governing body of a school district, municipality, or county that adopted an exemption under Subsection (n) for the 2022 tax year may not reduce the amount of or repeal the exemption. This subsection expires December 31, 2027.

(o) For purposes of this section, a residence homestead also may consist of an interest in real property created through ownership of stock in a corporation incorporated under the Cooperative Association Act (Article 1396-50.01, Vernon's Texas Civil Statutes) to provide dwelling places to its stockholders if:

- (1) the interests of the stockholders of the corporation are appraised separately as provided by Section 23.19 of this code in the tax year to which the exemption applies;
- (2) ownership of the stock entitles the owner to occupy a dwelling place owned by the corporation;
- (3) the dwelling place is a structure or a separately secured and occupied portion of a structure; and
- (4) the dwelling place is occupied as his principal residence by a stockholder who qualifies for the exemption.

(p) Exemption under this section for a homestead described by Subsection (o) of this section extends only to the dwelling place occupied as a residence homestead and to a portion of the total common area used in the residential occupancy that is equal to the percentage of the total amount of the stock issued by the corporation that is owned by the homestead claimant. The size of a residence homestead under Subsection (o) of this section, including any relevant portion of common area, may not exceed 20 acres.

(q) The surviving spouse of an individual who qualifies for an exemption under Subsection (d) for the residence homestead of a person 65 or older is entitled to an exemption for the same property from the same taxing unit in an amount equal to that of the exemption for which the deceased spouse qualified if:

- (1) the deceased spouse died in a year in which the deceased spouse qualified for the exemption;
- (2) the surviving spouse was 55 or older when the deceased spouse died; and
- (3) the property was the residence homestead of the surviving spouse when the deceased spouse died and remains the residence homestead of the surviving spouse.

(r) An individual who receives an exemption under Subsection (d) is not entitled to an exemption under Subsection (q).

Acts 1979, 66th Leg., p. 2234, ch. 841, Sec. 1, eff. Jan. 1, 1980. Amended by Acts 1981, 67th Leg., 1st C.S., p. 127, ch. 13, Sec. 31, eff. Jan. 1, 1982; Acts 1983, 68th Leg., p. 4822, ch. 851, Sec. 6, eff. Aug. 29, 1983; Acts 1985, 69th Leg., ch. 301, Sec. 1, eff. June 7, 1985; Acts 1987, 70th Leg., ch. 547, Sec. 1, eff. Jan. 1, 1988; Acts 1991, 72nd Leg., ch. 20, Sec. 18, eff. Aug. 26, 1991; Acts 1991, 72nd Leg., ch. 20, Sec. 19(a), eff. Jan. 1, 1992; Acts 1991, 72nd Leg., ch. 391, Sec. 14; Acts 1993, 73rd Leg., ch. 347, Sec. 4.08, eff. May 31, 1993; Acts 1993, 73rd Leg., ch. 854, Sec. 1, eff. Jan. 1, 1994; Acts 1995, 74th Leg., ch. 76, Sec. 15.01, eff. Sept. 1, 1995; Acts 1995, 74th Leg., ch. 610, Sec. 1, eff. Jan. 1, 1996; Acts 1997, 75th Leg., ch. 194, Sec. 1, eff. Jan. 1, 1998; Acts 1997, 75th Leg., ch. 592, Sec. 2.01; Acts 1997, 75th Leg., ch. 1039, Sec. 6, eff. Jan. 1, 1998; Acts 1997, 75th Leg., ch. 1059, Sec. 2, eff. June 19, 1997; Acts 1997, 75th Leg.,

ch. 1071, Sec. 28, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1199, Sec. 1, eff. June 18, 1999; Acts 1999, 76th Leg., ch. 1481, Sec. 1, eff. Jan. 1, 2000; Acts 2003, 78th Leg., ch. 240, Sec. 1, eff. June 18, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 159 (H.B. 3240), Sec. 1, eff. January 1, 2006.

Acts 2013, 83rd Leg., R.S., Ch. 699 (H.B. 2913), Sec. 6, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 391 (H.B. 1022), Sec. 1, eff. January 1, 2016.

Acts 2015, 84th Leg., R.S., Ch. 465 (S.B. 1), Sec. 1, eff. November 3, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1169 (S.B. 833), Sec. 1, eff. June 19, 2015.

Acts 2019, 86th Leg., R.S., Ch. 457 (H.B. 2441), Sec. 1, eff. January 1, 2020.

Acts 2019, 86th Leg., R.S., Ch. 663 (S.B. 1943), Sec. 3, eff. September 1, 2019.

Acts 2021, 87th Leg., 3rd C.S., Ch. 4 (S.B. 1), Sec. 1, eff. May 7, 2022.

Acts 2023, 88th Leg., 2nd C.S., Ch. 1 (S.B. 2), Sec. 3.01, eff. November 7, 2023.

Sec. 11.131. RESIDENCE HOMESTEAD OF 100 PERCENT OR TOTALLY DISABLED VETERAN. (a) In this section:

(1) "Disabled veteran" has the meaning assigned by Section 11.22.

(2) "Residence homestead" has the meaning assigned by Section 11.13.

(3) "Surviving spouse" means the individual who was married to a disabled veteran at the time of the veteran's death.

(b) A disabled veteran who has been awarded by the United States Department of Veterans Affairs or its successor 100 percent disability compensation due to a service-connected disability and a rating of 100 percent disabled or of individual unemployability is entitled to an exemption from taxation of the total appraised value of the veteran's residence homestead.

(c) The surviving spouse of a disabled veteran who qualified for an exemption under Subsection (b) when the disabled veteran died, or of a disabled veteran who would have qualified for an exemption under that subsection if that subsection had been in effect on the date the disabled veteran died, is entitled to an exemption from taxation of the total appraised value of the same property to which the disabled veteran's

exemption applied, or to which the disabled veteran's exemption would have applied if the exemption had been authorized on the date the disabled veteran died, if:

(1) the surviving spouse has not remarried since the death of the disabled veteran; and

(2) the property:

(A) was the residence homestead of the surviving spouse when the disabled veteran died; and

(B) remains the residence homestead of the surviving spouse.

(d) If a surviving spouse who qualifies for an exemption under Subsection (c) subsequently qualifies a different property as the surviving spouse's residence homestead, the surviving spouse is entitled to an exemption from taxation of the subsequently qualified homestead in an amount equal to the dollar amount of the exemption from taxation of the former homestead under Subsection (c) in the last year in which the surviving spouse received an exemption under that subsection for that homestead if the surviving spouse has not remarried since the death of the disabled veteran. The surviving spouse is entitled to receive from the chief appraiser of the appraisal district in which the former residence homestead was located a written certificate providing the information necessary to determine the amount of the exemption to which the surviving spouse is entitled on the subsequently qualified homestead.

Added by Acts 2009, 81st Leg., R.S., Ch. 1405 (H.B. 3613), Sec. 1(a), eff. June 19, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1222 (S.B. 516), Sec. 1, eff. January 1, 2012.

Acts 2011, 82nd Leg., R.S., Ch. 1222 (S.B. 516), Sec. 2, eff. January 1, 2012.

Acts 2015, 84th Leg., R.S., Ch. 702 (H.B. 992), Sec. 1, eff. January 1, 2016.

Acts 2021, 87th Leg., R.S., Ch. 853 (S.B. 794), Sec. 1, eff. January 1, 2022.



CITY COUNCIL DATA SHEET

MEETING DATE:

**Agenda: Regular
Consent**

TOPIC:

BACKGROUND:

RECOMMENDATION:

ATTACHMENTS:

FUNDING ISSUES

- ☐ Not applicable
- ☐ Not budgeted
- ☐ Full amount already budgeted
- ☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER

FINANCE DIRECTOR APPROVAL

CITY MANAGER APPROVAL:

ORDINANCE NO. 2024-O-23

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING SECTION 41-4 “SCHOOL ZONES” OF THE CODE OF ORDINANCES TO REVISE THE PROVISIONS PERTAINING TO TIMES AND PLACES FOR SCHOOL ZONES; AUTHORIZING THE ENFORCEMENT OF ALL STATE REGULATIONS; AUTHORIZING THE PLACEMENT OF SIGNS INDICATING THE SPEED LIMITS ON THE STREETS AND PORTIONS OF STREETS DESIGNATED HEREIN; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR CONFLICT HERewith; PROVIDING A PENALTY OF AN AMOUNT OF NOT LESS THAN ONE DOLLAR (\$1) OR MORE THAN TWO HUNDRED DOLLARS (\$200) FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the Texas Transportation Code § 545.356, provides that, upon the basis of an engineering and traffic investigation, the governing body of a City may determine and declare a reasonable and safe prima facie speed limit thereat or thereon by the passage of an Ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street of highway; and

WHEREAS, the Texas Transportation Code § 545.357, provides that, the governing body of a municipality hereby determines that the prima facie speed limits for school zones, hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof; and

WHEREAS, consistent with the above-cited authority, the City of Manvel has established prima facie speed limits for school zones and adopted Sec.41-4 of The City Code to govern speeds in school zones in the City of Manvel; and

WHEREAS, based on engineering and traffic discussions and analysis between the city engineer, chief of police and AISD representatives, it is recommended that certain times for

school zones in section 41-4 be adjusted and the ordinance amended, in the interest of health, safety and welfare; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:

Section 1. The facts and matters contained in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The Code of Ordinances of the City of Manvel, Chapter 41. "Traffic and Motor Vehicles," Section 41-4 "School Zones" Texas is hereby amended to read and provide as follows:

"Chapter 41 - TRAFFIC AND MOTOR VEHICLES

. . .

Sec. 41-4. School Zones.

(a) No person shall operate a vehicle at a speed greater than 20 miles per hour on any day that school is in session between 6:45 a.m. and 9:00 a.m. and between 2:30 p.m. and 5:00 p.m. when passing through the following properly marked school zone in the city:

Large Road 125 feet east, from the centerline of Masters Road to a point 170 feet east of School Road.

School Road 170 feet south of Large Road north to the intersection of Lewis Lane.

Lewis Lane from Masters Road approximately 1,000 feet east of the centerline of its intersection of School Road.

Lewis Lane from McCoy to Masters Road.

McCoy Road from its intersection with Morris Avenue, north to its intersection with Charlotte Street.

Meridiana Parkway from the centerline of Morris Avenue south approximately 250 feet.

(b) No person shall operate a vehicle at a speed greater than 20 miles per hour on any day that school is in session between 7:15 a.m. and 9:00 a.m. and between 2:30 p.m. and 5:00 p.m. when passing through the following properly marked school zone in the city:

Along Palm Desert Drive from 120 feet west of its intersection with Garden Ridge Court, to County Road 48.

North Inspiration Way at its centerline of Seagrass Drive approximately 393 feet Northwest and southeast to the intersection of Meridiana Parkway.

Seagrass Drive from its centerline of North Inspiration Way approximately 40 feet.

- (c) No person shall operate a vehicle at a speed greater than 25 miles per hour when passing through the following properly marked school zone in the city, between the hours of 6:45 a.m. to 8:45 a.m. and 2:30 p.m. to 4:30 p.m. when school zone sign is flashing:

Along Masters Road from a point 200 feet north of the centerline of Large Road to the point 232 feet to the south of the centerline of Cedar Street, a distance of approximately 0.421 miles.

- (d) No person shall operate a vehicle at a speed greater than 35 miles per hour when passing through the following properly marked school zone in the city, between the hours of 6:45 a.m. to 8:45 a.m. and 2:30 p.m. to 3:30 p.m. when school zone sign is flashing:

Morris Avenue a distance of 1,830 feet from Wilson Road to a point 1,150 feet west of McCoy Road.

- (e) No person shall operate a vehicle at a speed greater than 20 miles per hour on any day that school is in session between 7:15 a.m. and 9:00 a.m. and between 2:30 p.m. and 5:00 p.m. when passing through the following properly marked school zones in the city:

County Road 58 from a point on the west side of County Road 48 to a point 1,000 feet east of County Road 48.

County Road 48 from the centerline of County Road 58 to a point 1,000 feet north of County Road 58.

County Road 48 from a point of the center line of County Road 58 south 2,000 feet.

(f) No person shall operate a vehicle at a speed greater than 35 miles per hour on any day that school is in session between 7:15 a.m. and 9:00 a.m. and between 2:30 p.m. and 5:00 p.m. when passing through the following properly marked school zone in the city:

County Road 48 from 1,000 feet north of the centerline of County Road 58 to a point 800 feet north.

County Road 48 from 2,000 feet south of the centerline of County Road 58 to a point 1,700 feet south.

(g) No person shall operate a vehicle at a speed greater than 20 miles per hour on any day that school is in session between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 5:00 p.m. when passing through the following properly marked school zones in the city:

Pursley Boulevard from its intersection of Meridiana Parkway approximately 2,250 feet north.

(h) No person shall operate a vehicle at a speed greater than 25 miles per hour on any day that school is in session between 7:00 a.m. and 9:00 a.m. and between ~~4:00~~ 2:30 p.m. and 5:00 p.m. when passing through the following properly marked school zones in the city:

Meridiana Parkway at its Centerline of Pursley Boulevard approximately 235 feet east and approximately 235 feet west.

Meridiana Parkway at its Centerline of North Inspiration Way approximately 200 feet to the North and approximately 200 feet to the south.

All state regulations prohibiting the use of wireless communication devices on the streets and portions of streets properly designated herein, and during the hours designated herein, and property marked shall be strictly enforced.”

Section 3. The City Manager, or his designated representative, is hereby authorized and directed to place or cause to be placed appropriate traffic control devices to effectuate the establishment of the school zone speed limit and other speed limit.

Section 4. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 5. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount of not less than one dollar (\$1) or more than Two Hundred Dollars (\$200), or higher amount as permitted by law.

Section 6. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first reading this _____ day of _____, 2024.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____, day of _____, 2024.

Dan Davis, Mayor

Attest:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: 6/3/2024

TOPIC Adoption of Resolution 2024-R-16;

A RESOLUTION ADOPTING AN AMENDED PERSONNEL POLICIES AND PROCEDURES HANDBOOK DATED JUNE 3, 2024 FOR ALL CITY EMPLOYEES; PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE.

BACKGROUND

City Council discussed the proposed amended Personnel Policies and Procedures Handbook during the 5/6/2024 council meeting and 5/20/2024 council meeting, after which the direction to staff was to reevaluate the maternity/paternity leave to look at the possibility of allowing paid time off earlier than the one-year requirement that FMLA has in their guidelines and update language in the tattoo policy to reflect what the Police Department has in their departmental policies, to include profane language. Also, on 5/30 the Personnel Director met with TML on the city benefits package and was able to get information on adding retiree coverage to our future benefits package. Staff is requesting this be included in the Personnel Policy Manual.

The new updates are reflected in the attached amended Personnel Policies and Procedures Handbook as well as shown below;

(Page 35)

The following are inappropriate:

visible tattoos which could be deemed offensive; ~~examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, nudity, profanity, or other obscene material~~

(Page 48)

Parental Leave of Absence: ~~An employee may be granted leave of absence to care for the employee's child upon birth or in connection with a child's placement with the employee for adoption or foster care.~~

In cases of leave related to the birth or adoption of a child, a parent shall be granted up to 4 weeks of paid leave for maternity or 2 weeks of paid leave for paternity. At the request of the employee, additional time may be granted for up to 12 weeks per FMLA guidelines. The employee will be required to use sick time or vacation time during these additional weeks. Paternity leave must be taken within six months of the birth or adoption of a child. The employee ~~must have worked~~ should work for the city for ~~at least nine (9)~~12 consecutive months before becoming eligible for a Parental Leave of Absence.

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13.06 Retirement

The City participates in the Texas Municipal Retirement System, which provides retirement benefits to eligible employees. Employees covered under TMRS are required to contribute 7% of the employee's pay to be deposited into the member's account. The City of Manvel currently contributes matching funds pursuant to actuarial assumptions. Participation by every full-time regular employee is a condition of employment. All amendments and additions to such system enacted by the City Council are continued in full force and effect, and are incorporated herein by reference. Employees are provided retirement benefits upon meeting TMRS eligibility and plan requirements. Specific TMRS plan requirements and provisions can be obtained from Human Resources or TMRS.

The City participates in the Federal Social Security and Medicare Programs which provide benefits upon retirement. A deduction from the employee's salary is matched with the required IRS rates for employers by the City for this benefit. Participation by every employee is a condition of employment.

Employees that retire from the City of Manvel are eligible for continued insurance coverage for themselves and dependents until the employee reaches the age of 65, provided:

EITHER:

1. The employee worked for the City of Manvel for at least 10 years prior to retirement, and
2. The employee is at least 60 years old at retirement.

OR

1. The employee worked for the City of Manvel for at least 20 years prior to retirement, and
2. The employee is at least 58 years old at retirement.

RECOMMENDATION - Motion to approve

ATTACHMENTS - Resolution and Policy Exhibit

FUNDING ISSUES

☐ Not applicable

SUBMITTING STAFF MEMBER
Personnel Director

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____

RESOLUTION NO. 2024-R-16

A RESOLUTION ADOPTING AN AMENDED PERSONNEL POLICIES AND PROCEDURES HANDBOOK DATED JUNE 3, 2024 FOR ALL CITY EMPLOYEES; PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE.

WHEREAS, the City desires to have a formal personnel policy to set forth the policies, procedures, guidelines and practices of the City concerning employment relationship between each employee and the City; and

WHEREAS, adopting a formal Employee Personnel Policies and Procedures Handbook is intended to help employees read, understand and comply with all policies, procedures, guidelines and practices of the City; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:

SECTION 1: That the “Employee Personnel Policies and Procedures Handbook” dated June 3, 2024, attached hereto as Exhibit A, is hereby adopted for all employees of the City of Manvel. The City Manager is authorized and directed to implement all personnel policy matters contained therein, consistent with the City Charter and City Code.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this _____, day of _____, 2024.

Dan Davis, Mayor
City of Manvel, Texas

ATTEST:

APPROVED AS TO FORM:

Tammy Bell
City Secretary

Robert Gervais
City Attorney

Employee Personnel Policies and Procedures Handbook of the City of Manvel, Texas

Adopted:
May 29, 2012

Amended:
October 9, 2012
June 10, 2013
April 27, 2015
September 14, 2015
March 14, 2016
September 3, 2019
April 6, 2020
February 7, 2022
August 22, 2023
June 3, 2024

*The City of Manvel is a safe and responsible community,
embracing the values of our past, present, and future citizens.*

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Acknowledgment Form Policy

June 3, 2024

I have received a copy of the City of Manvel Personnel Policies and Procedures Handbook and I understand that they govern the terms of my employment. I understand that I can direct any questions that I may have regarding these Personnel Regulations to my supervisor.

THIS HANDBOOK IS INTENDED AS A GUIDE AND ITS PROVISIONS DO NOT ALTER THE AT-WILL EMPLOYMENT RELATIONSHIP OR CONSTITUTE AN EMPLOYMENT AGREEMENT, A CONTRACT, OR A GUARANTEE OF CONTINUED EMPLOYMENT.

THE CITY OF MANVEL RESERVES THE RIGHT TO CHANGE THE PROVISIONS OF THIS HANDBOOK AT ANY TIME AND WITHOUT PRIOR NOTICE. THE PROVISIONS CONTAINED IN THIS POLICY HANDBOOK ARE APPLICABLE TO ALL CITY OF MANVEL EMPLOYEES.

ANY PROMISES THAT CONFLICT WITH PROVISIONS IN THIS HANDBOOK ARE EFFECTIVE ONLY IF IN WRITING, SIGNED BY THE CITY MANAGER, AND APPROVED BY CITY COUNCIL AS REFLECTED BY ITS OFFICIAL MINUTES.

Signature of Employee

Printed Name of Employee

Date

I. INTRODUCTION

The City of Manvel welcomes you to our staff. We want to make your first days on the job as pleasant and comfortable as possible. As a new employee you may have questions about City policies, procedures, and expectations of you as an employee. This handbook will answer most of those questions.

The information in this handbook is to provide a consistent guide to you on policies and other personnel matters. It is not intended to give specific guidelines for every conceivable personnel interaction. These guidelines are sufficiently broad to provide the latitude of discretion, which may be needed in individual situations. This policy should be referred to regularly when making decisions affecting you and City personnel. It will help ensure that decisions are fair, consistent, and in accordance with the desires of City Management. It is your responsibility to ask questions if you do not understand any policy or procedure. The more you know about Manvel, the easier it will be for you to understand your role in relation to other positions.

The City retains the right to change, modify, suspend, interpret, add to or cancel any of the benefits, policies and procedures at any time and at its sole discretion. Any employee who continues to work after a policy has been revised and implemented is deemed to have accepted the change in policy. This handbook is subject to the City Charter as well as the constitution and laws of the State of Texas and the United States. The City of Manvel is an At-Will employer (see Section 2.01). This handbook does not create, reflect or imply any contractual, legal, or vested rights. Either you or the City may terminate this relationship at any time with or without cause.

References to benefits, insurance coverage, leave accruals and holiday pay are applicable to regular full-time employees and may be applicable to part-time employees on a pro-rated basis.

The City Manager or his/her designee is authorized and directed to administer this handbook, including the right to establish whatever detailed regulations and procedures may be necessary to further explain and clarify the provisions of this handbook, except with respect to those employees appointed directly by the City Council, unless further delegated to do so by the City Council.

In addition to the policies outlined in this manual, it is the prerogative of each department director to develop and implement standard operating procedures, guidelines or general orders, which are separate from or in addition to the policies contained in this handbook. Department procedures must be consistent with City policies and in no case will departmental policies supersede those contained in this handbook. The City Manager or his/her designee will resolve any conflicts between department policies and citywide policies.

Many of the policies and descriptions in this handbook are summarized from laws, rules, plans, insurance policies and other official documents which actually control specific matters. These official documents take precedence over this handbook, although the handbook may be more restrictive. The Human Resource representative is responsible for providing access to the official documents during normal business hours.

It is your responsibility as an employee to read, understand and comply with all policies, procedures, guidelines and practices of both the City and individual departments.

This version of the City of Manvel Employee Personnel Policies and Procedures Handbook supersedes all prior versions issued by the City. This handbook was first approved by the City of Manvel City Council on May 29, 2012.

1.01 Purpose and Objectives

The purpose of this Handbook is to provide you with a better understanding of the City of Manvel, what we stand for, and what we expect of our employees. This Handbook cannot cover every situation that may arise during your employment, but is designed to be a general guide to key policies. Flexibility is crucial to meeting the changing needs of our City and, if appropriate, the City may depart from the policies and procedures contained in this Handbook. The City Manager may, with approval of the City Council, unilaterally change, rescind, supplement, or supersede these rules at any time without notice. The provisions of these rules shall control over any contradictory statements made by any City supervisor.

The objectives of the personnel policies are as follows:

- (A) To promote good and uniform personnel practices and administration in the management of the City's human resources;
- (B) To develop sound practices of recruitment, advancement and tenure, that will make municipal employment attractive as a career and encourage each employee to render the employee's best services to the residents of the City;
- (C) To ensure that compensation is based upon individual merit and the relative duties and responsibilities of positions in the service of the City;
- (D) To promote high morale by the consistent administration of these policies; and
- (E) To provide that tenure of employees covered by these policies shall be subject to good conduct, satisfactory performance, necessity for the position, and availability of funds.

1.02 Application of Policies

The Handbook policies shall apply to all City employees, provided that the provisions may be varied in the case of an employee with a written employment agreement approved by the City Council. All employees must become familiar with and abide by these policies. The City reserves the right to revise or rescind any policy at any time. The City also reserves the right to make final decisions as to the interpretation and intent of all information contained in this employee handbook.

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

1.03 Management Authority

General and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by State law or the City Charter.

Management Authority. The City may modify, revoke, suspend, interpret, terminate, or change any or all of its policies and procedures, in whole or in part, at any time. The issuance of these policies and procedures does not constitute a contract between the City and its employees for any duration of employment. There is no specified length of employment, and either the City or the employee can terminate the employment relationship at any time, for any reason.

Policy administration rests with City management and City management reserves sole authority to administer City operations.

Departmental Policy and Procedural Requirements. Individual City departments may develop policies and procedures that are consistent with City policies and procedures. Department policies and procedures that are operational and that do not relate to those in this handbook, or other approved operational manuals, do not need to be reviewed and approved by the ~~Director of Human Resources~~Personnel Director or other appropriate departments. All others, however, are subject to approval by the appropriate City department. All employment related department policies must be reviewed by the ~~Director of Human Resources~~Personnel Director. Department Directors are responsible for obtaining the necessary review and approval prior to issuing such departmental policies and procedures. Departmental policies and procedures will not become effective unless they have been reviewed and approved in accordance with this policy.

Miscellaneous. Policies and procedures apply to all employees of the City, both on and off duty where applicable, unless otherwise indicated, restricted by proper authority, or prohibited by State and/or Federal law.

Only the City Manager or City Council has the authority to enter into an employment agreement, promise, or commitment contrary to these policies and procedures, and all such agreements, promises, and/or commitments entered into by the City Manager must be contained in an express written employment contract signed by both the City Manager and the affected employee.

Any statement in a policy and/or procedure found to be illegal, incorrect, and/or not applicable will not affect the validity and intent of the remaining content of such policy or procedure.

Titles utilized do not govern, limit, modify, or affect the scope of meaning or intent of any provision.

Any conflicts, questions, or ambiguities in City or departmental policies and procedures will be decided by the City Manager.

The City Manager may delegate rights and powers granted under these policies and procedures to the department head or to others as deemed appropriate in the City Manager's sole discretion.

1.04 Amendment of Policies

This handbook has been approved by the City Council of the City of Manvel, Texas. The City Manager is responsible for the implementation of the personnel policies.

Amendments of substance require approval by the City Council. Minor amendments (formatting, updating per changes in federal or state law, changes due to re-organization, etc.) may be done by the City Manager, but must be reported to City Council.

General and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by state law or the City Charter.

Authority may be delegated to appropriate staff members to act in the City Manager's behalf in the administration of this handbook; however, the final authority on personnel decisions shall be reserved to the City Manager. Operational changes to any policy, practice, or process will require approval by the City Manager.

No City of Manvel, Texas supervisor is authorized to modify this handbook for any employee or to enter into any agreement, oral or written.

II. DEFINITIONS

2.01 At-will employment. Employment with the City is for no fixed or definite term. All employment by the City has been and continues to be at-will, except for those positions that may have a written contract approved by the City Council. That means that both the employee and/or the City have the right to terminate employment at any time, with or without notice, and with or without cause. This Employee Handbook does not constitute a contract of employment. Nothing in this handbook is intended to alter the continuing at-will status of employment with the City.

Although adherence to these policies is considered a condition of continued employment, nothing in these policies alters an employee's status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time for any or no reason, and the City retains the right to terminate any employee at any time, for any or no reason.

2.02 City Manager. City Manager shall include the City Manager and his/her designee.

2.03 Controlled Substance. A controlled substance is a substance, including a drug or an immediate precursor, listed in Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act, TEXAS HEALTH AND SAFETY CODE ch. 481.

2.04 ~~Director of Human Resources~~ Personnel Director. ~~Director of Human Resources~~ Personnel Director shall include the actual position, or, if there is no such designated employee, then the City Manager or his/her designee.

2.05 Director. The individual in charge of a department of the City, or the person authorized to act on his or her behalf.

2.06 Drug. A drug is any chemical substance that produces physical, mental, emotional or behavioral change in the user.

2.07 Illegal Drug. An illegal drug is any drug or derivative thereof which the use, possession, sale, transfer, attempted sale or transfer, manufacture or storage of is illegal; as well as any other drug, including (but not limited to) a prescription drug, used for any reason other than a legitimate medical reason and inhalants used illegally.

2.08 Regular employee. An employee whose position has a required work week equal to or exceeding the full-time established work week and budgeted for more than 1,000 hours work in a 12-month period.

2.09 Under the influence. For alcohol, a blood alcohol content (BAC) of .04 or above. A BAC of 0.04 means that 0.04% (four hundredths of one percent) of a person's blood, by volume, is alcohol. For illegal drugs, any detectable amount. For legal drugs taken according to a prescription or consistent with over -the -counter instructions, under the influence shall mean the state of not having the normal use of mental and physical faculties.

III. EMPLOYMENT STATUS

3.01 Employment Status

The City classifies City employees for the purpose of employment status and benefit eligibility as follows:

A. **Orientation Period Employee.** The status of a full-time or part-time employee during the performance orientation period of initial employment, promotion, or transfer. Newly hired employees are not subject to progressive levels of discipline and are not eligible to use the City's employee appeals policy during the Orientation Period.

B. **Regular full-time.** An employee in a budgeted position with an officially scheduled work week of 40 hours or more each workweek (except for certain Police shift personnel who have different work cycles) who has successfully completed the initial orientation period. Generally, regular full-time employees are eligible for the City's full benefits package, subject to the terms, conditions, and waiting periods of each benefit program. Regular full-time employees are required to participate in the Texas Municipal Retirement System (TMRS).

C. **Regular part-time.** An employee in a budgeted position with an officially scheduled work week of 20 or more hours but less than 40 hours who has successfully completed 6 months of active service with the City. Regular part-time employees who regularly work more than 20 hours per week accrue certain benefits on a pro rata basis and, who work at least 1,000 hours in a year, are eligible to participate in Texas Municipal Retirement System.

D. **Temporary/Seasonal.** An employee who is employed for only a specific time period, for a special assignment, or as an interim replacement. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary and seasonal employees retain that status unless and until notified of a change in writing by the ~~Director of Human Resources~~Personnel Director. Temporary and seasonal employees receive all legally mandated benefits (such as workers' compensation insurance coverage), but are not eligible for the City's other employment benefits.

E. **Volunteers.** Volunteers are not employed by the City in any capacity. Volunteers elect to donate their time and services as a volunteer for the City without any expectation of compensation. Volunteers are generally not paid, are not entitled to any benefits, and are not covered by worker's compensation.

~~E.F.~~ **Police Reserves.** See TLGC 141.007 and 142.003.

3.02 Exempt/Non-Exempt status

In addition to being in one of the above categories, each employee is also designated as either exempt or nonexempt from federal and state wage and hour laws. Employees are informed of their status as exempt or nonexempt at the time of their initial employment, or subsequently if their classification changes for any reason. An employee's exempt or nonexempt classification may be changed only upon written notification by the ~~Director of Human Resources~~Personnel Director.

IV. EQUAL EMPLOYMENT OPPORTUNITY AND COMPLIANCE WITH LAWS

4.01 Equal Employment Opportunity Policy

The City is an equal opportunity employer. Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, testing and training, awards, compensation and benefits, disciplinary measures or any other aspect of employment because of age, race, religion, sex, national origin, citizenship, disability, genetics, veteran's status or other unlawful basis, is prohibited.

See Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq.; Texas Commission on Human Rights Act, TEXAS LABOR CODE ch. 21.

4.02 ADA Policy

To ensure compliance with the Americans with Disabilities Act and Americans with Disabilities Act as Amended (ADAAA), the City offers equal employment opportunity to qualified individuals and strictly prohibits discrimination against qualified individuals on the basis of disability. Any employee seeking a reasonable accommodation for a disability that affects the employee's ability to perform the essential functions of the position shall make a written application on a form provided by Human Resources.

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

4.03 Job Descriptions

Job descriptions will be established for all positions.

4.04 Dissemination

The ~~Director of Human Resources~~Personnel Director shall inform all employees of the existence of these rules and each department shall keep a copy available for reference by its employees. Upon employment, The ~~Director of Human Resources~~Personnel Director shall give each new employee a copy of these rules.

The ~~Director of Human Resources~~Personnel Director shall place at City Hall, Public Works, and the Police Department bulletin boards for communications that Texas Law, federal law or these rules require, or that the Director approves. Postings on these boards should include this Handbook, notice of job vacancies, Age Discrimination Act notices (29 U.S.C. § 627), Disability § Act notices (42 U.S.C. § 12115), Civil Rights Act notices (42 U.S.C. § 2000e-10a), Family Leave and Medical Act notices (29 U.S.C. § 2619), as well as Workers Compensation Act notices (TEXAS LABOR CODE § 406.005), Whistleblower Act notices (TEXAS GOVERNMENT CODE § 554.009), hazardous chemical notices (TEXAS HEALTH & SAFETY CODE ch. 502),

Unemployment Act notices (TEXAS LABOR CODE § 208.001(a)) and Fair Labor Standard Act notices (29 U.S.C. § 211(c)).

4.05 Employee Safety

The City is interested in all employees' safety and well-being. Accordingly, the City has developed safety rules and regulations. Each and every employee is required to obey safety rules and to exercise caution in all work activities. From ~~time to time~~time-to-time employees will be updated and reviewed on safety procedures in an effort to increase awareness of the importance of safety on the job. Employees can prevent accidents and injuries by obeying the safety rules of your job, by remaining alert, and by THINKING SAFETY at all times. If an employee sees something that the employee believes is an unsafe act or an unsafe condition, the employee shall immediately:

- 1 Stop the activity/behavior.
- 2 Notify the person in charge (supervisor) to address the issue.
- 3 Involve the right people (discuss concerns/correct the issue)
- 4 Resume work
- 5 Share lessons learned (i.e. potentially impacted employees & contractors)
~~report it to a supervisor or to management at once.~~

The following safety rules apply at all times, and some specific job descriptions may contain additional operational safety guidelines. Each employee must be familiar with such rules, and apply them at all times.

- Use prescribed protective equipment such as eye protection, hearing protection, hard hats, safety shoes, gloves, shields, etc. when those items are appropriate to the task being performed.
- Smoke only during designated times in authorized outside areas.
- Walk, do not run. Wipe spills and pick up fallen objects and debris. Keep floor surfaces clear of hazards and other obstacles, electric cords, etc. For your comfort and safety, wear shoes with non-slip soles, in good condition and with enclosed toes. Do not wear sandals, sneakers, moccasins or tennis shoes on any job site where feet could be injured.
- To avoid back injuries, use correct lifting methods. Get someone to help you with heavy (or difficult to handle) items.
- Be aware of sharp tools. Use safety devises where provided, and do not alter or remove them in any way. Report hazards to management immediately.
- Material Safety Data Sheets (MSDS-~~Sheets~~) - You will be shown the location of the City's Material Safety Data Sheets. MSDS ~~sheets~~ provide valuable information about various chemicals and other agents that you may encounter in your work. They will explain possible reactions to exposure, and steps you should take if it occurs. Review this information from time to time.

- Fire - Be alert for causes and report smoke, heat or unusual odors immediately. Alert other people in the area to the possibility of danger in order to evacuate, if necessary. Try to verify the location and call the Fire Department or 911. Use proper portable extinguishers for small fires.
- Do not put fingers, hands, feet or clothing in moving machinery.
- Do not carry items in a manner that obscures your vision.
- Do not block access to fire extinguishers.
- Do not touch open or loose electrical circuits.
- Report unusual vibrations, smells, or noises coming from equipment.
- Do not wear rings or jewelry while operating machinery.
- Do not perform maintenance or repairs on running equipment.
- Do not remove or alter warning tags or safety devices.
- Never leave nails or spikes protruding from planks or boards.
- Perform routine maintenance at all scheduled intervals.
- Do not use compressed air for cleaning clothing or floors.

4.06 Accident Reporting

All accidents and injuries, however slight or seemingly inconsequential, **must immediately be reported** to the appropriate supervisor or the ~~Director of Human Resources~~Personnel Director. Failure to report any accident or injury within 24 hours of its occurrence may lead to disciplinary action, up to and including termination of employment. Such reports are necessary so that the City can remain in compliance with applicable laws and begin workers' compensation benefit procedures where appropriate.

Employees who violate safety standards, who cause or exacerbate hazardous or dangerous situations, or who fail to report or, where appropriate, correct such situations, may be subject to disciplinary action, up to and including termination of employment.

4.07 Accident Involving City Equipment or Vehicles

Any employee involved in an accident while operating City equipment or City vehicle, whether during business hours or after hours, shall report the accident immediately to the supervisor and to the proper law enforcement agency. The employee must immediately complete an accident report, no matter how minor the damage is to the vehicle, and submit to the supervisor and to the ~~Human~~

~~Resources Director~~Personnel Director. The employee may be subject to a post-accident drug screen, as provided for by law and in this handbook.

Drivers must obey all traffic rules and regulations prescribed by law and use every reasonable safety measure to prevent accidents. No one under the age of 18 may operate a City vehicle. The wearing of seat belts for the driver and all passengers is mandatory.

Any traffic fines imposed upon a City employee while operating a City vehicle will be the personal responsibility of the employee and not the City. Any employee involved in any type of accident involving City equipment may be disciplined if, upon investigation, it is determined that the employee was negligent or through carelessness or recklessness contributed to the cause of the accident.

V. CODE OF CONDUCT

5.01 Weapons Control and Violence Prevention Policy

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

(a) **Zero Tolerance.** Harassment, intimidation, threats, threatening behavior, violent behavior or acts of violence between employees or such action between an employee and another person that arises from or is in any manner connected to the employee's employment with the City, whether the conduct occurs on duty or off duty, is prohibited.

(b) **Weapons Control.** Unless specifically authorized by the City Manager, no employee, other than a City licensed peace officer or other person expressly authorized by law (judge, prosecutor, etc), shall carry or possess a firearm or other weapon on City property.

Notwithstanding the above, ~~An~~ employee who is licensed by State of Texas to carry a concealed weapon (LTC) may possess a weapon on city property ~~only upon the express authorization of the City Manager~~ under the following guidelines:

Qualifiers:

- ~~1. The employee must have completed an authorized course of instruction as required by the State of Texas.~~
- ~~2. The employee must hold a current Texas License to Carry (LTC).~~
- ~~3. The employee must have completed an annual instructional course administered by the Manvel Police Department and have shown proficiency by passing a course of fire designed and conducted by the Manvel Police Department.~~

Process:

- ~~1. An employee who has completed the requirements stated in this policy may submit a request in writing to the City Manager who will review such request and approve or deny the request.~~
- ~~2. An employee who has received approval to carry a firearm on city property may do so under the following guidelines.~~

Guidelines:

1. Firearms shall be concealed at all times while conducting city business.
2. Firearms will be kept secure or hidden at all times. Secured is defined as within a locked/secure vehicle, in a secure lockbox in the employee's office or work area, or concealed on the employee's person.
3. Firearms will not be openly displayed to the public for any reason unless it is in defense of the employee or other employees.

- ~~4. All weapons that will be carried by an employee shall be registered with the Police Department. This will be considered the approved weapon. If an employee chooses to change weapon(s) that he/she carries, the employee must follow the guidelines for the qualification process.~~
- ~~5. Only employees who work in an office environment shall be permitted to carry while working as an employee of the City of Manvel.~~

~~Employees who do not work in an office environment may have a firearm on city property if they have been licensed by the State of Texas to carry a firearm, and only in the City parking lot if it is locked in the employee's vehicle.~~

Employees are also prohibited from carrying a prohibited weapon while on duty or at any time while engaging in City-related business. Prohibited weapons are defined in the Texas Penal Code under Sec. 46.05 Prohibited Weapons, which include the following:

- an explosive weapon,
- a Machine Gun, or
- a short-barrel firearm
- Armor Piercing ammunition
- A chemical dispensing device
- A zip gun
- Tire deflation device; or
- An improved explosive device

(A firearm which is considered a curio firearm manufactured before 1899; or a replica of an antique or curio firearm is not considered a prohibited weapon. ~~include firearms, clubs, explosive devices,~~

- location restricted knives (with blades exceeding 5 ½ inches),
- ~~[switchblades,] etc.~~

Employees do not have an expectation of privacy and by continued employment an employee consents to any search for firearms or other weapons on City property by the City and/or law enforcement officials.

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

(d) **Protective Orders.** Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas must immediately provide to the ~~Director of Human Resources~~Personnel Director and the City's Police Department a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. City employees must immediately advise their Department Director and the ~~Director of Human Resources~~Personnel Director of any protective or restraining order issued against them.

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

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

(g) **Documentation.** All threats and incidents of violence will be documented. Documentation will be maintained by the ~~Director of Human Resources~~Personnel Director and/or the Police Department.

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

5.02 Sexual and Workplace Harassment Policy

All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens, and vendors. City employees are also prohibited from harassing citizens, vendors, and all other third parties.

(a) **Sexual Harassment.** One form of unlawful discrimination is sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Conduct prohibited by this policy includes, but is not limited to sexual advances; requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, sexual preference, sexual

experiences, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.

(b) Other Prohibited Harassment. In addition to the City's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by state or federal law is also prohibited.

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

This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, cell phone or other electronic devices, social media, and/or the Internet. Harassment of any nature, when based on race, religion, color, sex, national origin, age or disability, genetics, veteran status, citizenship or any other characteristic protected by law is prohibited and will not be tolerated.

(c) Applicability. This policy applies to City employees, citizens, vendors, and other visitors to the workplace.

(d) Mandatory Reporting.

(i) Employees. The City requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that harassment has occurred or has been subjected to conduct prohibited by this policy must report it immediately in writing, or through a complaint form available from the ~~Director of Human Resources~~Personnel Director, to:

- the ~~Director of Human Resources~~Personnel Director; or
- the City Manager.

(ii) Supervisors. Any supervisor, manager, or Department Director who becomes aware of possible conduct prohibited by this policy must immediately advise the Department Director and /or the ~~Director of Human Resources~~Personnel Director in writing, or through a complaint form available from the ~~Director of Human Resources~~Personnel Director.

(iii) Under this policy, an employee or ~~lower-level~~ supervisor may report to and/or contact the City Manager directly, without regard to the employee's normal chain of command.

(e) **Investigation.** All reports of prohibited conduct will be investigated promptly and in as confidential a manner as possible. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation and to maintain confidentiality.

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

(g) **Responsive Action.** Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action may be imposed in situations where employees are untruthful during an investigation.

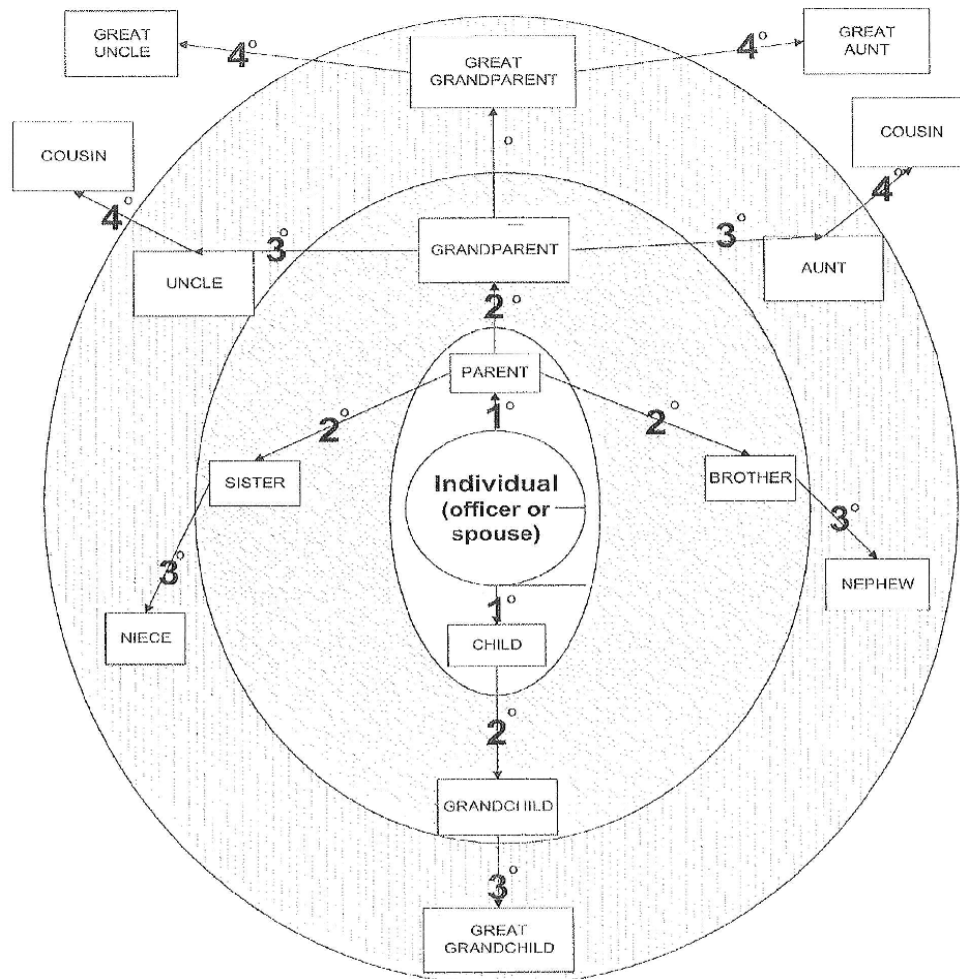
5.03 Nepotism

An employee's relationship must not create a conflict between the employee's and the City's interests. In order to prevent conflicts of interest, to avoid accusations and perceptions of biased conduct, and to maintain the confidentiality of restricted information, it is the policy of the City to restrict the employment of certain applicants, based on their degree of relationship to current employees. This policy applies to all full-time employees of the City.

Applicants

- The City Manager may not employ an applicant related to the City Manager by blood or marriage within the second degree according to common law. (City Code, Sec. 2-121(a))
- An applicant related by blood or marriage within the second degree according to common law to any member of the City Council shall not be employed by the City.
- An applicant related to another city employee by blood or marriage within the second degree by affinity or within the third degree by consanguinity to the person may be employed by the City, except that under no circumstances will the applicant be employed in a department in which the employee would directly or indirectly supervise, or be supervised by, a person related to that employee by blood or marriage, within the second degree. City Code, Sec. 2-121(b))
- In the event of a promotion, reorganization, a marriage between two city existing employees, or any other situation giving rise to a relationship prohibited by this policy, one or both of the affected employees must immediately seek a transfer to another available position within the city for which ~~he or she~~ the employee is qualified and that meets the requirements of this policy. If a suitable transfer cannot be made, within 30 calendar days of the event giving rise to a relationship prohibited by this policy, one or both of the affected employees will be required to resign from employment. An exception to this section is provided for existing supervisory relationships of full-time employees who are employed as of the effective date of this ordinance, except that nothing herein is intended to modify the employment-at-will relationship in any way. City Code, Sec. 2- 121(b))

This policy shall be applied by using the common law relationship chart as follows:



Degrees of Relationship Chart

When determining the degree of relationship by consanguinity, the individual in the center is the officer. For relationships by affinity, the officer's spouse is the individual in the center.

Public Officers: Traps for the Unwary • Office of the Attorney General

Periodic Review

Periodically, the City Manager (or designee) will review the job descriptions and interrelationship between the affected jobs and determine whether they meet the requirements set out in this policy.

5.04 Political Activity

City employees will not be appointed or retained on the basis of their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. City employees may not:

- Publicly endorse or campaign in any manner for any person seeking a City public office while in city uniform or on duty with the City.
- Use the employee's position or office to coerce political support from employees or citizens.
- Use the employee's official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.
- Make, solicit, or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Council or take any part in the management, affairs, or political campaign of any such candidate; provided nothing herein shall infringe upon the constitutional rights of an employee to express his or her opinions and to cast his or her vote.
- Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.
- Contribute money, labor, time or other valuable thing to any person for City election purposes.
- For police officers, if there is any discrepancy between these rules and Texas Local Gov't Code Chapter 150, then Chapter 150 shall control.

Candidacy

No employee of the city shall be a candidate for a city elective office. If any employee of the city becomes a candidate for election to any public office of the city, he/she that employee shall, immediately upon becoming a candidate, forfeit the employment held with the city.

Additionally, city employees may not hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, e.g. Alvin ISD and Brazoria County. Upon becoming a candidate or otherwise deciding to seek or assume such an office, an employee must immediately resign or will be dismissed upon failure to do so.

VI. VACANCIES; EMPLOYMENT

6.01 Announcement of Vacancies; Job Postings

(a) **Vacancies in general.** The City Manager, or a Director with notice to the City Manager, may limit the selection process to qualified City employees, and City employees may be given preference in application and/or consideration.

Directors may designate and appoint employees to serve temporarily in vacant positions of higher classifications; provided, that if such appointment extends over a period more than ninety (90) days, and in absence of extenuating circumstances, it will be the general policy to promote such employees to the advanced position. Step-up pay is at the discretion of the City Manager. Promotions, demotions and employee reassignments shall be made on the basis of skills, abilities and demonstrated performance.

The City hires employees based on their knowledge, skills and abilities, experience, and other qualifications as they relate to the duties and responsibilities of a position without regard to race, national origin, religion, color, sex, age, citizenship, political affiliation, disability, genetics, veteran's status, or any other characteristic protected by law. City residents shall be given preference for employment, if all other considerations are equal. It is the desire and intent of management to provide promotional opportunities for employees of the City by offering assistance to interested employees in developing career plans and making applicable training and educational opportunities available.

(b) **Recruitment Requirements.** The recruitment process is initiated by a Department Director submitting a request of staffing to the ~~Director of Human Resources~~Personnel Director. Job vacancies will normally be posted internally for the benefit of any qualified employee. External recruitment may also be conducted during an internal posting.

After making a decision to hire, the hiring department must submit the appropriate paperwork to the ~~Director of Human Resources~~Personnel Director, along with the applicable form. Offers for City employment will be communicated by the ~~Director of Human Resources~~Personnel Director [if applicable] upon receipt of the hiring recommendation and all related paperwork.

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

(c) **Applications.** Anyone seeking employment, promotion, transfer, or reemployment with the City must complete and submit an official City application for the position desired. All information set forth on an application is subject to verification. Applications will normally be considered active until the vacancy is filled. Applications for employment will be considered by the ~~Director of Human Resources~~Personnel Director.

(d) **Hiring Process.** Applicants for employment shall be required to submit to an oral interview and may be required to submit to a post-offer physical examination, drug and alcohol examination, and may be required to submit to pre-employment testing and investigation.

(e) **Disqualification.** Applicants will be disqualified from consideration for one or more of the following:

- Failure to meet the minimum qualifications necessary for performance of the duties for the position;
- If they previously worked for the City and are not eligible for rehire, or resigned in lieu of termination;
- If employment will result in a violation of the City's Nepotism Policy;
- Failure to meet minimum age requirement of 16;
- False statements or material omissions on the application form or during the application process;
- Failing any of the City's background and employment requirements including, but not limited to, drug testing;
- The applicant commits or attempts to commit a fraudulent act at any stage of the selection process;
- The applicant is not legally permitted to work in the United States;
- The applicant is unable to perform the essential functions of the job applied for with or without a reasonable accommodation; or
- Any other reason deemed to be in the best interests of the City

6.02 General Requirements

All employment with the City shall be based on merit, ability and fitness for duty, as evidenced by:

- 1) training and experience as reflected by the application form plus other documentary evidence as to certification registration, etc. if required;
- 2) mental examination or performance test, if required; and
- 3) physical examination, if required.

Along with the required physical examination, all prospective employees will be required to undergo testing to be screened for substance abuse. The prospective employee will not be considered for employment should the test prove positive for controlled substances.

Background investigations may be conducted by the ~~Director of Human Resources~~Personnel Director and/or the Director concerned. The applicant will not be considered for employment for a position for which ~~he or she~~ the applicant is determined to be unsuitable based upon the background information.

6.03 Application Process

All persons seeking employment or promotion will be required to complete, sign, and file an application with the ~~Director of Human Resources~~Personnel Director. Supplies of application forms will be furnished by the City Hall to other departments upon request and are available for the use of individuals interested in applying for employment. The application shall include a release permitting the City free inquiry regarding the employee's background, and all information in the application shall be subject to verification.

In order to comply with the Immigration Reform and Control Act of 1986, all individuals selected for employment after November 6, 1986, must complete a Form I-9. (4 U.S.C. § 1324a.)

6.04 Physical Standards; Medical Examinations

(a) **Exam.** Except as hereinafter provided, all applicants for employment with a conditional offer of employment may be required to undergo a medical and physical examination by one or more physicians designated by the City. The purpose of the examination will be the determination and certification of physical fitness and ability to perform the duties of the position to which appointment is being considered. Such examinations are to be done after a conditional offer of employment but prior to employment.

The ~~Director of Human Resources~~Personnel Director shall make the appointments and arrangements for the examination, and matters concerning the initiating and completing of the requirements should be taken up with the ~~Director of Human Resources~~Personnel Director. All medical and physical examinations required by the City shall be performed at the expense of the City.

The ~~Director of Human Resources~~Personnel Director will advise the examining medical official regarding any special or unusual requirements of this nature. The examining medical official will complete and forward to the ~~Director of Human Resources~~Personnel Director a complete report on the prescribed form indicating his or her specific recommendation as to the suitability of the person for the employment in the position indicated.

The City endeavors to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of the position, either with or without reasonable accommodation.

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

(c) **Medical Exams for Current Employees-Fitness for Duty.** The ~~Director of Human Resources~~Personnel Director, or an employee's Department Director (with the prior written approval of the ~~Director of Human Resources~~Personnel Director) may require a current employee to undergo a medical and/or psychological examination to determine fitness for continued employment, as may be necessary in order for the City to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with applicable laws. The employee may be placed on administrative leave with pay pending the medical examination results.

Time Off From Work. Time away from work undergoing a City mandated fitness for duty examination will normally be coded to paid administrative leave, but may be retroactively changed to sick leave, and/or other leave as circumstances warrant as determined by the City Manager or designee.

Return to Work. Before returning to work following a medical and/or psychological examination under this policy, the employee must coordinate the return to work through the ~~Director of Human Resources~~Personnel Director. *Americans with Disabilities Act, 42 U.S.C. § 12132.*

6.05 Valid Driver's License

The City requires that every employee who operates a City owned [or leased] vehicle, or who drives a privately owned vehicle while carrying out job duties, must maintain a current valid Texas driver's license and an acceptable driving record as determined by the City.

Driving records will be checked prior to employment and periodically throughout the course of employment. Applicants and employees are required to provide the City with any authorizations necessary for the City to perform such a check. More than four (4) moving traffic violations in a twelve (12) month period is considered excessive and will result in failure to hire in the case of prospective employees, and will likely result in removal from driving responsibilities which could result in loss of job, and/or disciplinary action, up to and including termination, of an active employee. In certain instances, two (2) or fewer moving traffic violations in a six (6) month period may also be considered excessive. The Police Department may have stricter standards imposed.

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

6.06 Polygraphs

No City employee shall directly or indirectly request another City employee to take a polygraph examination; however, the City Manager may require or authorize a polygraph examination for:

- 1) an individual applying for employment, or employed by the City, in the design, installation, and/or maintenance of security systems, or uniformed or plain clothes police or security functions; or
- 2) an individual if there is reasonable suspicion that the individual was involved in an act involving economic loss or injury to the City, such as theft, embezzlement or sabotage.

This policy does not affect or limit the City Police Department's use of polygraphs in criminal investigations, including criminal investigations of City employees. *Employee Polygraph Protection Act, 29 U.S.C. § 2001.*

6.07 Minimum Age Requirements

Where an age limit is not otherwise specified by statutory requirements, the minimum age for initial employment may vary in accordance with the duties and responsibilities of the positions and conditions under which they are performed, subject to the following restrictions:

No person under eighteen (18) years of age shall be employed as a regular employee in a budgeted position.

No person under eighteen (18) years of age shall be employed as an employee in any position requiring the operation of a motorized vehicle owned by the City.

The City may employ a person sixteen (16) years of age in a temporary position involving only casual non-hazardous employment if the person and the person's parents furnish the City with appropriate releases.

The City may employ a lifeguard at least sixteen (16) years of age.

6.08 Processing New Employees; Bonds; Oaths of Office

At the time of employment, all new employees (or previous employees who are being re-employed) will report to the City Hall for necessary processing and instructions.

Within one (1) week of employment, an employee must sign the acknowledgement form indicating that the employee ~~he or she~~ has received this Handbook.

6.09 Confidentiality of Medical Information

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

Examples of information that may be provided to the City by an employee or the employee's health care provider, and maintained in the confidential medical file, include:

- a note to request an absence;
- a note to request a leave;
- a note to verify the employee's ability to return to work;
- medical records to support a claim for sick pay or disability benefits;
- insurance records;
- workers' compensation records; and
- medical history records

The City does not request genetic information from an applicant, employee, or health care provider. The City discourages health care providers from sending genetic information. Any genetic information inadvertently sent to the City will be placed in the employee's confidential medical file maintained by Human Resources.

It is important that employees understand that the records are confidential but that the confidentiality may be waived when the employee provides medical information to the supervisor or the ~~Director of Human Resources~~Personnel Director. When an employee provides information to the supervisor, the supervisor is expected to share the information only on an "as needed" basis with other members of management.

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their coworkers' medical information. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors or anything else that may constitute an invasion of a coworker's privacy or breach of confidence.

6.10 Insurance

The City shall furnish medical, dental, vision, life insurance, and accidental death and dismemberment for each full-time employee, to the extent permitted by the City budget as adopted by the City Council. Employees are eligible to participate in a Cafeteria Benefit Plan. For details of coverage, see the City's current Benefits Summary. This insurance is effective 30 days after the full-time, regular employee begins employment with the city and continues so long as the employee remains on the full-time payroll.

Additional dependent medical insurance coverage is available and can be provided by the City based on the seniority of full-time employees:

>3 years of service = 100% coverage
≥1 to <3 years of service = 50% coverage
New Hire to 1 year of service = 0% coverage

Additional supplemental insurance coverage for employees and members of their families, beyond those types (and amounts) provided by the City, shall be made available at the employee's expense.

The City also carries a workers' compensation insurance policy. In cases of job-related injuries, provisions and benefits available under workers' compensation are activated.

6.11 Orientation Period

(a) Except for Council appointees, all new employees or re-hires hired to fill regular full-time or part-time positions must satisfactorily complete an orientation period of twelve (12) continuous months. Additionally, all current employees who are transferred, promoted, demoted, or reclassified to a supervisory position must satisfactorily complete a performance orientation period of thirty (30) days. The orientation period assists the City in maintaining an effective, productive, and efficient workforce to provide quality services to the citizens. Only those employees who meet acceptable performance and other standards during their orientation period will be retained as employees. The orientation period may be extended for additional training as determined by the supervisor. Employees are considered in the orientation period until they have actually performed their regular job duties for at least twelve (12) continuous months to assure their ability to meet acceptable standards of work performance and behavior for the employee's position.

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

(b) Seasonal/Temporary Employees. Seasonal and temporary full and part-time employees do not serve a performance orientation period and have no right of appeal when terminated at any time.

(c) Change In Assignment of Employee serving in the Initial Orientation Period. Employees serving in the orientation period may not request or make application for reassignment, promotion, or voluntary transfer during the orientation period without written approval from the City Manager, or if requested by their Department Director. If the reassignment, promotion, or transfer is approved, the employee will serve a thirty (30) day performance orientation period in the new position beginning with the date of the position change.

(d) Absences During Performance Orientation Period. During the performance orientation period, an employee is eligible to use sick leave for qualifying absences, and may use personal leave for an absence due to illness or injury only if all sick leave has been exhausted. Compensatory time off or recognized holidays during the performance orientation period may be used as approved per established City/departmental policy or practice. Transferred or promoted employees serving in the orientation period retain eligibility for all types of leave established by City policy.

(e) Orientation Performance Evaluations. All employees serving in the orientation period shall be constantly evaluated and will receive a performance evaluation(s) in accordance with the "Performance Management Process" policy. These reviews are designed to evaluate each employee's performance and to communicate that performance to the employee. The written reviews include a supervisory recommendation to retain or terminate the employee. Newly hired employees who successfully complete their performance orientation period may receive a salary increase, if budgeted for that position.

(f) Extensions to Orientation Period. The performance orientation period may be extended under the following circumstances:

At the end of the twelve (12) month initial period, the performance orientation period may be extended for up to an additional thirty (30) days when an employee's performance has been marginal due to extenuating circumstances, additional training is warranted, or an employee's absence from work for an extended period of time did not permit an opportunity for adequate assessment of performance. The decision to extend or not to extend an employee's orientation period may not be appealed. If an extension is granted, the employee will be advised in writing and given the date on which the extended orientation period will be completed. Such extension will be at the sole discretion of the Department Director and the ~~Director of Human Resources~~Personnel Director.

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

(g) Successful Completion of Orientation Period - “Regular” Status Granted. An employee is granted “regular” status in the new position if the employee satisfactorily completes the performance orientation period.

(h) Failure of Orientation Period. An employee is considered to have failed the orientation period when it is determined that the employee’s fitness, job performance, quality or quantity of work, attendance, or combination thereof, does not meet minimum job performance standards and expectations for the position. Failure of orientation period may occur at any time within the orientation period. An employee who does not successfully complete the orientation period will normally be terminated from the City’s employment. If desirable and feasible, the employee may be administratively transferred to a more suitable position at the sole discretion of the City. A transferred or promoted employee who fails the orientation period may, at the sole discretion of the City, be reinstated to the former position provided there is a vacancy and if approved by the affected Department Director(s). Department Directors are responsible for ensuring the thorough written documentation of all cases of failure of the orientation period, including documentation of counseling, training, and other efforts to help employees during their orientation period. All such documentation must be reviewed by the ~~Director of Human Resources~~Personnel Director before an employee serving in the orientation period can be terminated.

(i) Termination of Employees Serving in the Orientation Period. Employees serving in the initial orientation period are at-will employees and may be terminated at any time during the orientation period, with or without notice or cause. An employee serving in the initial orientation period who is terminated has no right of appeal. These employees are not entitled to progressive levels of discipline. Employees serving in the initial orientation period are otherwise subject to all policies and procedures of the City.

(j) Sexual and Other Unlawful Harassment. Employees serving in the orientation period are subject in all respects to the City’s Sexual and Other Unlawful Harassment Policy. Employees serving in the orientation period have no right of appeal. If it is believed that unlawful harassment or discrimination has occurred, such conduct must immediately be reported as set out in City Policy.

6.12 Promotions

Open positions ~~shall~~may be filled with City employees currently on the payroll when possible. This shall not prohibit the City Manager or other supervisory personnel from filling positions with persons not employed by the City.

Promotions shall be made upon the recommendation of the Department Directors with the approval of the City Manager.

Promotions shall be based on qualifications, proven performance, merit, and the ability to perform the duties and responsibilities of the position.

A promotion should not be deemed completed until an orientation period of one (1) month shall have been successfully completed. Should a promoted employee not successfully complete the orientation period, the employee is eligible to return to the previous position held, if available. If no other position is available for which the employee is qualified, the employee will be terminated.

6.13 Searches

The City may conduct unannounced searches or inspections of the work site, including but not limited to City property used by employees such as lockers, file cabinets, desks, and offices, computer and electronic files, social media sites, cell phones, pagers, text messages, whether secured, unsecured or secured by a lock or password provided by the employee. No supervisor has the authority to deviate from City policy. If reasonable suspicion exists, the City may also conduct unannounced searches or inspections of the employee's personal property located on City premises, including vehicles parked on City parking lots.

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

6.14 Dress and Appearance

(a) **Appearance.** Employees must, at all times, dress appropriately and professionally and present a clean and neat appearance while at work and while representing the City or conducting City business. Department Directors and supervisors are responsible for enforcing this policy in their respective departments in order to maintain acceptable dress and appearance.

Professional business attire or a required uniform is to be worn when there is a need to present a more formal professional appearance for meetings or special events. ~~Suits, dress shirts and ties for men and suits or dresses for women are proper attire for personnel scheduled for agenda presentations (i.e. City Council meetings, receptions, etc.).~~ Employees must remember that they are professionals 100% of the time and are dressing for business, not for pleasure. Attire must always reflect a professional business attitude and presence. Police Department employees may be covered under Departmental policies regarding appropriate dress and appearance.

(b) Standards for Work Attire:

- ~~Ripped or torn~~ jeans, ~~pants shorter than ankle length, and athletic shoes~~ are not acceptable, unless a special day is declared or as specifically approved by the City Manager or appropriate Department Director as work assignments dictate.
- Sweat-shirts, sweat pants, or shorts of any type are not acceptable unless a special casual wear or festive occasion is declared by City management or shorts have been approved as part of the standard uniform.
- Flip-flop sandals and "Croc" type shoes are not acceptable.
- T-shirts are not acceptable.
- ~~Women: Blouses/tops must be tucked in or belted, unless designed as an over blouse.~~ Skirts and culottes shall be worn no shorter than 4 inches above the top of the knee.

Ankle length dress slacks are appropriate. Dress shoes or sandals with a professional length heel are required. Stirrup pants are permitted (as long as not form-fitting). Leggings are not acceptable. ~~No more than two (2) earrings in each ear may be worn provided the earrings are not unprofessional in appearance.~~

- ~~Men:~~ Knit shirts with collar, banded collar shirts, short sleeve or dress shirts without a tie are acceptable. All shirts are to be tucked in unless specifically designed to be worn outside trousers. ~~Men are not to wear earrings.~~

The following are inappropriate:

- provocative or revealing, low cut attire including body-hugging, see-through, or excessively tight fabrics;
- bare shoulders or tank tops;
- clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind;
- wrinkled, ripped and tattered clothing;
- visible tattoos which could be deemed offensive; examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, nudity, profanity, or other obscene material.
- ~~nose rings/studs, eyebrow rings/studs, tongue studs or similar type facial jewelry.~~

(c) **Hair.** Hair styles and hair colors must be appropriate to the employee's position and extremes of any type are unacceptable. For example, green hair, mohawk style haircuts, and severely spiked hair are not allowed. Hair, including facial hair, must be clean and neatly groomed at all times. ~~Sideburns may not extend below the ear lobe.~~

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

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

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

ID Cards. All employees must carry and wear a city issued ID card while on duty. Those employees who are required to wear city issued uniforms that include a name tag, must carry their city issued ID card with them while on duty. All city issued ID cards must be returned when an

employee ceases to work for the city and before a final payroll payment is made.

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

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

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

6.15 Residency Requirements

~~The City Council has adopted standards pursuant to Section 150.021 of the Texas Local Government Code (Resolution No. 2012-R-10 on May 14, 2012), employees who are likely to be called to work in cases of civil emergency may be required to reside within reasonable response commuting ranges of their places of work. For these purposes, the City Council has established these standards for employees hired after the adoption of such ordinance or resolution. A reasonable response time to a civil emergency is thirty (30) minutes. As a general rule, only those employees who reside within the City are potentially eligible for a City issued "take-home" vehicle. Employees who are likely to be called to work in cases of civil emergency may be required to reside within reasonable response commuting ranges of their places of work. A reasonable response time to a civil emergency is within one hour.~~

Subchapter B Residency Requirements

Sec 150.021 Residency Requirements for Municipal Employees:

- (a) A municipality may not require residency within the municipal limits as a condition of employment within the municipality. A municipality may require residency within the United States as a condition of employment.
- (b) The prohibition under subsection Subsection (a) does not apply to resident requirements for:
 - 1. candidates for or holders of a municipal office, including a position on the governing body of the municipality or
 - 2. municipal department heads appointed by the mayor or governing body of the municipality
- (c) The governing body of a municipality may prescribe reasonable standards with respect to the time within which municipal employees who reside outside the municipal limits must respond to a civil emergency. The standards may not be imposed retroactively on any person in the employment of the municipality at the time the standards are adopted.

VII. ELECTRONIC EQUIPMENT, MEDIA, AND SERVICES POLICY

7.01 Scope of Policy

This policy applies to the use of computers, e-mail, telephones, cellular phones, voicemail, fax machines, radios and wireless devices, wire services, on-line services, and the Internet that are City property, accessed using City computer equipment, accessed via City-paid access methods, and/or used in a manner that identifies the individual as an employee or officer of the City.

7.02 Proper Use of Services

City electronic equipment, media, and services must not be used for knowingly transmitting, retrieving, or storing any communications that are: (1) discriminatory or harassing; (2) derogatory toward any individual or group; (3) obscene; (4) defamatory or threatening; (5) “chain letters”; or (6) for any other purpose that is illegal or against City policy.

The use of City electronic equipment, media, and services is presumed to be work-related. No e-mail or other electronic communication may be sent that attempts to hide the identity of the sender or represent the sender as someone else.

7.03 No Expectation of Privacy; Consent

Employees have no expectation of privacy in their work-related conduct or the use of City- owned or City-provided equipment or supplies. Employees should not expect privacy in the use or content of City electronic equipment, media, and services.

To the extent allowed by law, City officials may monitor usage patterns for voice and data communications (*e.g.* website accessed, length, and times of day), including, but not limited to, cost analysis, cost allocation, and the management of the City’s gateway to the Internet.

To the extent allowed by law, City officials and others are permitted to review an employee’s electronic files, messages, and usage to ensure that the City’s electronic equipment, media, and services are being used in compliance with the law and this and other policies.

~~By your continued employment with the City you consent to work or~~To the extent allowed by law,
City officials consent to law enforcement -related searches involving city or city-related property, including physical property, and searches of content of City electronic equipment, media, and services.

7.04 Cell Phone Use in the Workplace

The City recognizes that many employees bring cell phones to work. Cell phones may belong to the employee or be provided for the employee's use by the City. The use of cell phones, including those with a camera, at work must not interfere with job duties or performance. Employees must not allow cell phone use, including calls and data usage, to become disruptive or interfere with their own or a co-worker's ability to do their jobs. Employees who use cell phones to violate City policy, including the City's Sexual and Other Unlawful Harassment Policy, will be subject to disciplinary action.

Employees with city-issued cell phones are allowed to use city cell phones for reasonable personal phone calls. At the determination of the City Manager, the city may withdraw the privilege of a city-issued cell phone for any employee and instead provide a flat rate per month as a cell phone allowance to an employee. The employee would be required to obtain and maintain a personal cell phone to be used for city-related business. Any additional expenses would be the responsibility of the employee. Employees acknowledge that information on a personal cell phone may be subject to the **Texas Public Information Act**.

Except in emergency circumstances, employees may 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. All employees must, when asked by the City, consent to a request to provide the City access to all cell phone and text message records. Employees using City-issued cell phones have no expectation of privacy in either cell phone calls, pictures, text messages, location, or other information contained or generated by these telephones.

7.05 Texas Public Information Act

Employees are advised that records related to calls and text messages made and received on City owned cellular telephones or business calls made on personal cell phones 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.

7.06 Monitoring of Cell Phone Calls

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

Inadvertent monitoring of private cellular conversations is possible. Caution should be used whenever confidential or sensitive information must be discussed on a City-provided cell phone.

By your continued employment with the City, you acknowledge you are aware of and you consent to monitoring of cell phone calls by the City.

7.07 Electronic Communications and Systems Access Use

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

Internet, Instant Message and E-mail Access. Users desiring Internet, instant messaging and/or email access must obtain written permission from their Department Director and provide it to the City Manager or his/her designee. Users must acknowledge an understanding of this policy and its guidelines as a condition of receiving an Internet, instant message and/or email access account. Failure to adhere to this policy and its guidelines may result in suspending or revoking the offender's privilege of access and/or other disciplinary action under City policies, up to and including termination of employment.

Acceptable Use. Acceptable uses of the City’s electronic communication systems are limited to those activities that support reference, research, internal/external communication and conducting City business in line with the user's job responsibilities. Network users are encouraged to develop uses which meet their individual needs and which take advantage of the City’s internal network function. The City prohibits connection to sites or forwarding of information that contain materials that may be offensive to others including, but not limited to, sites or information containing sexually explicit material.

Users must understand that use of any City-provided, publicly accessible computer network such as the Internet, instant messaging and email is a privilege. Minimal personal use of the Internet, instant messaging or email and other electronic communications systems is allowed under this policy as long as such use is not excessive and does not impede job performance or the performance of City business. The City is not responsible for personal communications sent on its electronic communications systems. Supervisors cannot alter the restrictions of this policy.

Unacceptable Uses of Electronic Communications Systems include:

- Using profanity, obscenity, or other language which may be offensive or harassing to other coworkers **or** third parties.
- Accessing, displaying, downloading, or distributing sexually explicit material.
- Accessing, displaying, downloading or distributing profane, obscene, harassing, offensive or unprofessional messages or content.
- Copying or downloading commercial software in violation of copyright law.
- Using the systems for financial gain or for any commercial activity unrelated to City business.

- Using the systems in such a manner as to create a security breach of the City network.
- Looking or applying for work or business opportunities other than for internal City postings.
- Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, genetics, color, sex, national origin, age, disability, age, physical attributes, or veteran status.
- Transmitting or sharing information regarding a coworker's health status without permission
- Expressing opinions or personal views that could be misconstrued as being those of the City.
- Expressing opinions or personal views regarding management of the City or other political views
- Using the electronic communication systems for any illegal purpose or in any way that violates City policy or is contrary to the City's best interest.
- Excessive use of bandwidth (such as by watching movies, downloads, etc) not for city business

Filtering. The City uses software to filter Internet and instant message content for all employees. These filters are designed to prevent the viewing, sending, or any of the following types of content:

- Violence/Profanity
- Full or partial nudity
- Sexual or deviant acts
- Satanic/Cult
- Militant/Extremist
- Illegal activities

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

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

No Right of Privacy/Monitoring. Users of City electronic communications systems may not assume they are provided any degree of anonymity and employees have no right to privacy with regard to such systems. Personal passwords are not an assurance of confidentiality. The Internet itself is not secure. To ensure proper use of its electronic communications systems, the City will monitor their use. Management staff has the ability and will, with or without advance notice, monitor and view usage, including but not limited to: employee email, voice mail and instant

messages, text messages, information and material transmitted, received or stored using City systems and user Internet access and usage patterns to assure that the City's Internet resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy. Misuse is subject to disciplinary action.

Copyright Restriction. Any software or other material, including music, downloaded onto a City computer may be used only in ways consistent with the licenses and copyrights of the vendor, author or owner of the material. Prior written authorization from the City Manager is required before introducing any software into the City's computer system. Employees may not download entertainment software, games or any other software unrelated to their work.

7.08 Social Networking

An employee's use of social media, both on and off duty must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the City or violate any City policy. The intent of these standards is to regulate the creation and distribution of information concerning the City, its employees and citizens through electronic media, including, but not limited to online forums, instant messaging and internet social media and blogging sites. Protecting the City's reputation and ensuring that an employee's communication with people outside the City, not only reflects positively on the employee as an individual, but also on the City.

Personal use of the Internet is a privilege and carries responsibilities requiring responsible and ethical use. The City may monitor an employee's access, use, and postings to the Internet, including from personal computers, to ensure compliance with internal policies, support the performance of internal investigations, assist management of information systems, and for all other lawful purposes. The City expects all employees to follow the Guidelines below when posting information on the Internet, regardless if done during or after work hours. This policy encompasses: wikis, tweets and twittering, Facebook, MySpace, LinkedIn, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media, as well as City-operated networks.

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

Employee Guidelines

- Any blogging or posting information on the Internet, must comply with the City's guidelines (as listed below), regardless of where the blogging or posting is done.
- Blogging, or posting information of a personal nature on the Internet, is prohibited during work hours. Employees are not permitted to engage in social networking while using any of the city's electronic resources.
- Never disclose any confidential information concerning another employee of the City in a blog or other posting to the Internet. Posting of confidential information may violate state law and subject the user to criminal penalty. All requests for City documents must be processed through the Public Information Act.
- Employees must abide by all federal and state law and policies of the City with regard to information sent through the Internet.
- If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.
- Employees must obtain written authorization from the City Manager or designee to update or post on behalf of the City and all content must be approved prior to posting. In which case the employee must disclose their relationship to the City in accordance with FTC guidelines. All of the employee's time spent updating or posting on behalf of the City and as part of the employee's job duties is compensable time that must be reported and counted in the calculation of overtime.
- No use of wikis, tweets and twittering, Facebook, MySpace, LinkedIn, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media, as well as City-operated networks is considered private or confidential even if password protected or otherwise restricted. The City reserves the right to access, intercept, monitor and review all information accessed, posted, sent, stored, printed or received through its communications systems or equipment at any time.
- Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media.
- Respect coworkers and the City. Do not put anything on your blog or post any information and /or pictures on the Internet that may defame, embarrass, insult, demean or damage the reputation of the City or any of its employees.
- Do not put anything in your blog or post any information and/or pictures that may constitute violation of the City's Harassment policy. Do not post any pornographic pictures of any type that could identify you as an employee of the City.
- Do not post pictures of yourself or others containing images of City uniforms or insignia, City logos, City equipment or City work sites, unless you are posting them on the City official website as part of your job duties.
- Do not post information on the Internet that could adversely impact the City and/or an employee of the City.
- Do not permit or fail to remove postings violating this policy, even when placed by others on the employee's blog. Recognize that postings, even if done off premises and while off duty could have an adverse effect on the City's legitimate business interests.
- Individual supervisors do not have the authority to make exceptions to these guidelines.

VIII. ATTENDANCE, ABSENCES & COMPENSATION

1.01 Accounting and Timekeeping;

(a) **Responsibility.** Directors are responsible for maintaining records relative to all forms of leave, attendance and absence of their employees due to any cause and whether with or without pay. Proper indications by the use of appropriate symbols, such as the cause of absence, will be made on department payroll and/or any other required records set up from time to time under special operating rules. Each department will be responsible for the designation of one or more capable employees who, as part of their regular duties, will keep and certify as to the accuracy of daily records covering all forms of attendance and absence of each of their employees. Such records constitute the basis for preparation of departmental payrolls (when the payroll form itself is not actually used as the basic record), and will be preserved by departments in accordance with the City's record retention policy.

Certification of records will be by means of signing or initialing individual time cards, departmental payrolls, or other such records. Directors must check attendance records and payrolls in order to ensure that salary and wage expenditures stay within budgetary limits.

The ~~Director of Human Resources~~Personnel Director is responsible for certifying as to the compliance of departments with the requirements and policies established by the officials as to the conformity with the established policies governing personal leave, sick leave, retirement, etc.

(b) **Attendance Records.** Employees are expected to be at their workstations and ready to work at their scheduled start time. Nonexempt employees are required to record the number of hours worked each day, as well as the time they arrived to work, the time they left for and returned from lunch, the time(s) they left for and returned from any unpaid break during the work day, and the time they leave work each day. Exempt employees are required to document hours worked each day as well as any time off. This documentation is for reporting purposes only and not for compensation.

(c) **Attendance and Punctuality.** To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the City and on co-workers. Either may lead to disciplinary action, up to and including termination of employment. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee must personally notify the supervisor as soon as possible in advance of the anticipated tardiness or absence in accordance with departmental procedures. The employee must disclose to the supervisor the date and time of anticipated return. The employee must personally notify the supervisor on each day of absence for absences of a day or more unless the supervisor expressly waives this requirement.

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

1.02 Wages and Hours

(a) **Pay Plan.** Wages, salaries and working schedules for various positions shall be in general accordance with the provisions of the official pay plan currently in effect including amendments thereto and within the limitations of the financial provisions of each department as approved by the City Manager for each fiscal year. Salary is based on a total number of regular hours worked per year.

The city's pay period is bi-weekly. Timesheets indicating hours worked or leave taken over the past two weeks are due no later than Monday. Payroll is issued on the Friday after the two week pay period. In the event that a payday falls on a city holiday or a weekend, payroll will be distributed on the previous workday.

(b) **Direct Deposit.** The City Manager will determine an appropriate date after this personnel policy has been adopted when all payments to employees, including, but not limited to payroll and expense reimbursement payments, will be made by electronic (ACH) direct deposit. Employees will be required to furnish account information to the City so that these electronic payments can be processed. After the use of direct deposit for payments has begun, no payments by paper check to employees will be produced unless approved by the City Manager.

(c) **Regular Work Hours.** Nonexempt employees of the City normally work 40 hours in a seven-day workweek. Exempt employees may be required to work in excess of 40 hours in certain weeks as necessary to properly perform the duties assigned. The salaries for exempt employees are determined and established in accordance with this assumption. Exempt employees are not eligible for overtime compensation. The work week begins at ~~12:01 a.m.~~ 12PM. on MondayFriday, and ends at ~~12:00 a.m.~~ 12PM. on MondayFriday. The regular workday normally begins at 8:00 a.m. and ends at 5:00 p.m., although employees in some departments may have different work hours, if approved by the City Manager. In times of disaster or emergency, working hours shall be determined by the City Manager.

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

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

(f) Non-Exempt Employees. When the City's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime, at the request of their supervisor. When possible, advance notification of mandatory overtime assignments will be provided. Overtime assignments will be distributed as equitably as practical to all non-exempt employees qualified to perform the required work. Refusal or other failure to work mandatory overtime may result in disciplinary action up to and including termination of employment. Overtime work is otherwise subject to the same attendance policies as straight time work.

All non-exempt employees must receive their supervisor's and Department Director's prior authorization before performing any overtime work. This means employees may not begin work prior to their scheduled work day, and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor. Similarly, employees may not work through their lunch break without prior authorization from the appropriate supervisor. On the employee's time sheet, the appropriate supervisor must also approve any overtime before the time sheet is submitted for processing and payment. Non-exempt employees shall not remain on the work premises without authorization unless they are on duty or are scheduled to begin work within a short period of time. Non-exempt employees who work overtime without receiving proper authorization will likely be subject to disciplinary action, up to and including possible termination of employment.

Generally, overtime pay for non-exempt employees is at the rate of 1-1/2 times the employee's regular hourly rate of pay for hours actually worked in excess of 40 in the City's workweek. ~~(The City's workweek begins at 12:01 a.m. on Monday and ends at 12:00 a.m. the following Monday.)~~ An employee's regular hourly rate includes all pay incentives, such as longevity, assignment pay, etc.

Time off on account of personal leave, paid holiday leave, sick leave, jury duty leave, witness duty leave, bereavement leave, or any other leave of absence is not considered time worked for purposes of performing overtime calculations.

Employees are required to report to the City Manager, or his designee, any time they are improperly required to work "off the clock" without pay.

(g) Compensatory Time. Non-exempt employees may accrue compensatory time in lieu of being paid overtime compensation. Public safety -- i.e., police officers are subject to a 480-hour cap on accrual of compensatory time. Other employees are subject to a cap of 240 hours. Overtime hours worked beyond the applicable cap must be paid or flexed, as described below. Compensatory time accrues at a rate of 1 1/2 hours for every hour of overtime worked by non-exempt employees. Comp time accruals are to be monitored at the department level and maximum hours accrued will be restricted based on the requirements of this policy. All compensatory time earned must be documented on the employee's compensatory time log.

An employee who has accrued compensatory time and requests use of such time must be permitted to use the time off within a "reasonable period" after making the request, if it does not "unduly disrupt" the work of the department. If use of requested comp time would be disruptive, the department may elect to pay the employee in lieu of approving the requested time off. The City may, at any time, elect to pay a non-exempt employee for any or all of the employee's accrued comp time. The City may also require employees to take time off in order to reduce their accrued comp time. Otherwise, compensatory time off may be used the same as leave time.

(h) Payment of Compensatory Time. All employees who are reclassified from a non-exempt position to an exempt position will be paid all accrued comp time upon approval of the reclassification and will cease to be eligible for any additional overtime and/or comp time. Likewise, an employee who is either promoted, transferred or demoted to another non-exempt position will be paid in full for any comp time accrued before the promotion or demotion becomes effective. Upon leaving employment with the City, a non-exempt employee will be paid for unused comp time at the employee's current base hourly rate.

NOTE: Exempt employees are not eligible to accrue compensatory time.

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

(j) Exempt Employees. Exempt employees are those who are not covered by the overtime requirements of the FLSA. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek. Exempt employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner.

"Docking" an exempt employee's pay for a partial day's absence will be permitted only as authorized by law and approved by the ~~Director of Human Resources~~Personnel Director.

Absent accrued paid leave time, an exempt employee need not be paid for any workweek in which no work was performed.

It is the policy of the City not to make improper deductions from an exempt employee's pay. Any exempt employee who believes an improper pay deduction has been made, must immediately notify the ~~Director of Human Resources~~Personnel Director. The City will promptly reimburse an exempt employee for any improper deduction(s) and will make a good faith commitment to comply in the future.

1.03 Longevity Compensation

The City will pay a regular full-time employee annually for each year of service, in addition to other money paid for services rendered, longevity pay in an amount budgeted by City Council. Longevity pay will be based upon the number of years the employee has worked for the City and will be paid the last pay period in November. An employee will be eligible to receive longevity pay upon completing one year of service. Longevity will not be prorated upon the termination of employment with the City, whether termination is voluntary or non-voluntary.

1.04 Authority for Absences

No City employee shall be absent from his or her regularly scheduled duties except by authority of the employee's Director or other responsible supervisor. An employee who is absent from work due to any reason beyond his/her control is responsible for reporting his/her absence and its reason to the Director or other responsible supervisor as soon as possible after the beginning of the employee's assigned shift or regular schedule of duties. Whenever possible, the City Manager must approve all absences for periods in excess of two weeks.

1.05 Family and Medical Leaves of Absence (Including Leaves Based on Military Service)

It is the policy of the City to grant employees extended leaves of absence under certain circumstances. Except under the limited circumstances expressly provided herein, employees will not receive compensation during a leave of absence:

1. The City will comply with the provisions of the Family and Medical Leave Act ("FMLA"), which provides eligible employees with up to twelve (12) weeks of leave in a single twelve-month period for various family and medical reasons and up to 26 weeks of leave in a single twelve-month period for leave to care for a seriously ill or injured military family member. The single twelve-month period is established as the calendar year beginning January 1 and ending December 31.
2. An employee is generally eligible for a leave of absence if the employee has completed at least twelve (12) months of service (which need not be consecutive months but generally must be within the past seven (7) years), and has worked 1,250 hours in the previous twelve-month period. Whether the City grants any leave, the length of any such leave, and the compensation received by the employee, if any, during the leave of absence, will be determined by the City in conjunction with applicable federal and state law.

Medical Leave of Absence: An employee who is unable to work because of a serious health condition, disability, or work-related injury may be granted a medical leave of absence. This type of leave covers disabilities caused by pregnancy, childbirth, or other related medical conditions. The City requires certification of an employee's need for medical leave, both before the leave begins and on a periodic basis thereafter, by the employee's health care provider.

Line of Duty or Injury Leave of Absence:

Reference Chapter 177A Local Government Code: A Police Officer as defined under chapter 1701, Occupations Code, and regularly serves in a professional law enforcement capacity in the Police Department of the city will receive a leave of absence for an illness or injury related to the officer's line of duty. The leave is with full pay for a period commensurate with the nature of the line of duty illness or injury. If necessary the city shall continue the leave for at least one year.

At the end of the leave of absence under this section the city may extend the leave of absence at full or reduced pay.

If the Police Officer is temporarily disabled by a line of duty injury or illness and the leave of absence and any extension granted by the city has expired, the officer may use accumulated sick leave, personal time, or other accrued benefits before the officer is placed on temporary leave.

If the leave of absence and any extension granted by the city has expired, the officer who requires additional leave shall be placed on temporary leave.

Light Duty; An officer may return to light duty while recovering from a temporary disability if medically necessary, the light duty assignment may continue for at least one year.

After the officer has recovered from the temporary disability the officer shall be reinstated at the same rank and seniority before going on temporary leave.

Parental Leave of Absence: ~~An employee may be granted leave of absence to care for the employee's child upon birth or in connection with a child's placement with the employee for adoption or foster care.~~
In cases of leave related to the birth or adoption of a child, a parent shall be granted up to 4 weeks of paid leave for maternity or 2 weeks of paid leave for paternity. At the request of the employee additional time may be granted for up to 12 weeks per FMLA guidelines. The employee will be required to use sick time or vacation time during these addition weeks. Paternity leave must be taken within six months of the birth or adoption of a child. The employee must have worked should work for the city for at least nine (9)12 consecutive months before becoming eligible for a Parental Leave of Absence.

Family Care Leave of Absence: An employee may be granted a family care leave of absence for the purpose of caring for the employee's child, spouse or parent who has a serious health condition. The City requires certification of the family member's serious health condition, both before the leave begins and on a periodic basis thereafter, by the family member's health care provider.

Leave to Care for a Seriously Ill or Injured Family Member in Military Service: An employee who is the spouse, child, parent, or next of kin of a covered service member may be granted up to 26 weeks of leave in a “single” twelve-month period to care for a service member who has a serious injury or illness incurred while on active duty. The City requires certification of the family member’s serious injury or illness, both before the leave begins and on a periodic basis thereafter, by the family member’s health care provider.

Leave for a Qualifying Exigency Arising Out of Active Duty or a Call to Active Duty: Employees may be granted a leave of absence because of a qualifying exigency arising out of the active duty or call to active -duty status_ of a parent, spouse, or child in the National Guard or Reserves in support of a contingency operation.

Any city employee who is a member of a reserve component of the armed forces who is called to active duty may be subject to any salary continuation as provided for under Section 173 of the Texas Local Gov’t Code.

Definition of Serious Health Condition: A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job or prevents the qualified family member from participating in school, work, or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

1. If intermittent leave is requested, please notify your supervisor as soon as possible regarding medical or exigency required scheduling changes.
- 4.2. Requests for a leave of absence or any extension of a leave ordinarily should be submitted in writing to the employee’s supervisor with a copy to the City at least thirty (30) days before the start of the leave or extension period. When the need for leave or an extension is not foreseeable, employees should give as much notice as is possible. The final decision concerning the request will be made by the City Manager. All employees on approved leave are expected to report to his or her supervisor any change of status in their need for a leave.
- 5.3. An employee who is on an approved leave of absence may not engage in any form of self-employment or perform work for any other employer during that leave, except when the leave is for military service and the employee’s reason for leave does not preclude the outside employment.

~~6.4.~~ An employee who is on a **Medical Leave, Family Care Leave, or Leave to Care for a Seriously Ill or Injured Family Member in the Military** will be required to use all accrued personal, vacation, and sick days while on leave. An employee on **Parental Leave or Leave for a Qualifying Exigency of a Family Member in the Military** shall use all accrued personal and vacation days while on leave. Employees must meet the procedural requirements of the paid leave policies to use the paid time off during an otherwise unpaid leave.

~~7.5.~~ The City will continue to pay its share of existing health insurance coverage and provide other benefits to employees on leave as required by law. Failure of the employee to pay his/her share of any such dependent health insurance premium may result in loss of coverage. While on Family and Medical Leave, the employee must also pay life insurance premiums plus the deferred compensation costs if the employee desires to retain such benefits during the leave period. Benefits that accrue according to length of service (such as paid vacation, holiday, personal, and sick days) do not accrue during periods of unpaid leave or during periods in which the employee receives workers' compensation or disability benefits.

~~8.6.~~ An employee who returns from a leave of absence will be reinstated to the employee's same job or to an equivalent job with equivalent status and pay, to the extent required by law. An employee who returns from a medical leave must provide certification of the employee's ability to perform the functions of the job.

~~9.7.~~ In the event that an employee elects not to return to work upon completion of an approved family and/or medical leave of absence, the City may recover from the employee the cost of any payments it incurred to maintain the employee's coverage, unless the failure to work was for reasons beyond the employee's control. Benefit entitlement based upon length of service will be calculated as of the last paid workday prior to the date of the unpaid leave of absence.

~~10.8.~~ If an employee fails to return to work at the conclusion of an approved leave of absence, including any extension of the leave, the employee will be considered to have voluntarily terminated employment.

~~11.9.~~ In the event of any conflict or inconsistency between these policies and the actual requirements of the FMLA, the actual requirements of the FMLA shall control.

1.06 Sick Leave

(a) **Notification.** Sick leave is paid time away from work due to a bona fide illness or injury that prevents the employee from working, for visits to the doctor or dentist, or to care for certain family members who are ill or injured. Employees who are unable to work due to illness or injury or other situations covered by this policy must immediately notify the appropriate supervisor in accordance with the procedures adopted by their Department.

(b) **Eligibility.** All full-time employees begin accruing paid sick leave upon employment. Part-time, temporary, and seasonal employees do not accrue sick leave. Full-time employees who are in their initial orientation period may use accrued sick leave only if approved by their supervisor and/or Department Director. An employee who is released for and offered light duty by the City, but who elects not to accept such assignment, will generally be ineligible for paid sick leave benefits.

(c) **Accrual Rate.** Sick leave for employees shall be computed on the basis of one (1) working day for each full month employed in a calendar year, so as to total twelve (12) working days to a full-time employee's credit each 12 months. Sick leave accrues only during pay-periods in which the employee works or is otherwise on an approved paid leave status for 80 hours.

(d) **Maximum Accrual.** The maximum sick leave time which may be accumulated by any employee shall be 480 hours.

(f) Authorized Use of Sick Leave.

For the employee. Accrued sick leave may be used for absences due to the employee's bona fide personal illness, accident, injury that prevents working, or birth of a child (if the employee physically gave birth; otherwise, use of sick leave for child birth falls under the section below).

For the employee's immediate family. Sick leave may also be used for absences when needed to care for a member of the employee's immediate family who is ill or injured. An employee can initially use up to 40 hours of accrued sick leave to care for immediate family members. If additional time is needed, employees must first use all accrued compensatory time, accrued holiday leave and then accrued personal leave before any remaining accrued sick leave can be used. For purposes of this policy, "immediate family" is defined as the employee's parent, current spouse, and children/stepchildren. In the event of a life-threatening illness or injury of the employee's family member who does not meet the definition of "immediate family," the Department Director (and in the case of Department Directors, the City Manager) may allow the employee to use up to 24 hours of accrued sick leave. Sick leave may also be used by employees for their own and /or their immediate family's scheduled doctor and dentist appointments.

Minimum Increments. Sick leave must be taken in minimum increments of one hour. Sick leave taken in increments of less than one hour should be made up within the same work week.

(g) Failure to Report Absence/Abuse of Sick Leave. Supervisors closely monitor use of sick leave. It is anticipated that employees using paid City sick time for their own illness/injury or that of a family member will use their sick leave time to recuperate or care for their family member. Trips to the doctor or hospital stays/visits, which take the employee away from the home, are acceptable, but other personal pursuits during paid sick leave will be considered an abuse of this policy. Abuse of sick leave, including use of sick leave for anything other than an illness, injury, or doctor/dentist appointment as provided for in this policy, may result in immediate disciplinary action, up to and including termination of employment, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness due to illness, injury, or doctor/dentist appointment may be disqualified from using sick leave for their absence.

(h) Use of Sick Leave Before/After a Holiday. If an employee takes sick leave immediately prior to or after a holiday:

- 1) A doctor's excuse for each day taken may be required or an employee may not be paid for the time off. This requirement will be at the discretion of the Division Director.
- 2) Should this practice become a habit for an employee, prompt termination or disciplinary action will take place.

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

(j) Use of Other Leave. If approved by the Department Director (and in the case of Department Directors, by the City Manager), employees who have successfully completed their initial orientation period may use accrued personal leave, compensatory time, other accrued paid leave, or leave of absence without pay, but only if an employee has no accrued sick leave time. Official holidays observed by the City while an employee is on approved paid sick leave will be treated as a paid holiday, rather than a day of sick leave, if the employee is eligible for the paid holiday. Under certain circumstances and with the approval of the Department Director/supervisor, the employee may flex the work schedule ("flex time") to attend to medical or dental appointments. This is acceptable provided that work time is accurately recorded on the time sheet for the week or work cycle in which flex time was approved. Under no circumstances can flex time to make up time missed extend beyond the affected workweek, or work cycle.

(k) Documentation. Employees requesting paid sick leave must complete a -form and submit it to their supervisor for approval. An employee must present satisfactory proof of illness/injury that prevents the employee from working whenever sick leave for 3 or more consecutive work days is used, and at any other time if requested by the City. An employee may also be required to present satisfactory proof of family relationship and/or satisfactory proof of a family member's illness, injury, and/or doctor/dentist appointment if the employee wishes to use accrued sick leave to care for a family member. If the employee fails to present such proof in a timely manner, use of sick leave will be disallowed and no other paid leave may be used for the absence. Abuse of sick leave may result in discipline up to and including termination of employment.

(l) Payment For Unused Sick Leave. No employee shall be entitled to payment in lieu of using sick leave time.

(m) Sick Leave at Separation. At the time of separation, the City will not pay any accrued sick time. The City will not restore sick leave in the event of rehire.

1.07 Sick Leave Donation Program

Purpose

To provide a method for the city manager to authorize voluntary donations of sick leave hours from employees who wish to donate additional paid sick leave hours to Regular Full-Time employees of the City of Manvel who have no sick leave on the books. This donation may only be authorized in the event of an extended absence where the employee is unable to work because of a serious health condition, or to care for an immediate family member (child, spouse, or parent) with a serious health condition.

Policy: The city manager is authorized to approve, on a case-~~by~~-case basis, specific voluntary donations of sick leave hours from employees who wish to donate additional paid sick leave hours to Regular Full-Time employees of the City of Manvel who have no sick leave on the books. The approval is discretionary with the city manager. Nothing herein shall preclude the city manager from making an employment decision based on a medical separation, or disciplinary action.

(a) General Guidelines

- 1) The Program and donated hours are strictly voluntary.
- 2) Absences due to a Workers Compensation injury are ineligible for the Program.

(b) Eligibility of Recipient

- 1) Recipients must be a full-time employee.
- 2) Recipients must be unable to work because of a serious health condition, or to care for an immediate family member (child, spouse, or parent) with a serious health condition.
- 3) Recipient shall conform to requirements of applicable policies, agreements, and statutes.
- 4) Recipients must exhaust all available accrued paid leave prior to utilizing donated time.
- 5) Recipients cannot receive more than 80 hours of donated leave per pay period.
- 6) Recipients cannot receive more than a total of ~~480~~500 hours per calendar year.

- 7) Recipients shall no longer be eligible for this Program if they are eligible for ~~long or short term~~long- or short-term disability.

(c) Eligibility of Donor

- 1) Donor must be a full-time employee.
- 2) Donor shall conform to requirements of applicable policies, agreements, and statutes.
- 3) Donor must maintain a minimum of ~~40~~ 80 hours of sick leave on the books.
- 4) Donor cannot donate more than 80 hours of sick leave per pay period.
- 5) ~~Donor cannot donate more than a total of 120 hours of sick leave per calendar year.~~

(d) Donation Parameters

- 1) Donations will involve accrued sick leave only, no other forms of leave may be donated.
- 2) Donations are considered donated sick leave, not accrued leave
- 3) Donations do not count as an absence for the purpose of performance evaluations.
- 4) Donations must be made in hour increments.
- 5) Donations will be taken from donors on a first come basis, up to the max 80 hours per pay period.
- 6) Assignment of donated hours to recipients shall be made in chronological order of the date and time stamp on the requests.

(e) Tax/IRS Issues

- 1) Payments to the recipients shall be made at their normal rate of pay.
- 2) Deductions included on a recipient's paycheck prior to the use of donated leave shall be continued on the donated leave.
- 3) Amounts paid by the City pursuant to the Sick Leave Donation Program are included in the gross income of the recipient as compensation and are considered wages for employment tax purposes.

(f) Separation

- 1) Recipients shall not be entitled to receive separation pay for unused donated hours at time of separation.

1.08 Personal Leave

(a) **Accruals.** Regular full-time employees accrue personal leave on a monthly basis. Personal leave accrues at the end of the first full month of employment at a rate as detailed below:

<u>Years of service</u>	<u>Accruals rate per month</u>	<u>Total number of days per year</u>
0 to 4 3 years	6.67 hours per month	10 days of personal time
3 to 5 years	8 hours per month	12 days of personal time
5 to 9 8 years	10 hours per month	15 days of personal time
10 to 19 years	13.3 hours per month	20 days of personal time
8 to 10 years	12 hours per month	18 days of personal time
10 to 15 years	13.3 hours per month	20 days of personal time
15 to 20 years	14.67 hours per month	22 days of personal time
20 or more	16.67 hours per month	25 days of personal time

~~An employee may not use any accrued personal leave until successfully completing the initial employment orientation period unless approved by the City Manager.~~ Employees may not “borrow” unearned personal leave; employees shall not receive payment of personal leave in lieu of taking time off, except as provided below.

Regular part-time, temporary, and seasonal employees do not earn personal leave.

Official City-observed holidays occurring while an employee is on approved paid leave are considered paid holidays and do not affect personal leave balances. Paid personal leave is not considered hours worked for purposes of performing overtime calculations. Only scheduled working days taken off shall be counted as personal days.

(b) **Use and Scheduling of Personal Leave.** Personal leave is an earned benefit intended to provide employees with paid time away from the work environment to pursue activities that will promote the well-being of the individual. Personal leave may also be used for purposes of attending to personal business, extension of sick leave when sick leave is exhausted, inability to get to work because of inclement weather, or for other purposes, and may be taken in four (4) hour increments. Employees must schedule their annual personal leave in accordance with their Department's guidelines governing employees scheduling and utilizing the personal leave form. Whenever possible, personal leave time will be scheduled at the convenience of employees. However, Department Directors must be certain that personal leave does not interfere with the normal functions and activities of department operations. Whenever possible, employees are encouraged to submit their preferred personal leave schedule to the appropriate supervisor as far in advance as possible to relieve any scheduling problems that may develop. To ensure proper payment of personal leave pay, employees must make sure they have an approved personal leave request on file before leaving on personal leave. No more than ten (10) consecutive days of personal leave time may be taken off, unless the City Manager grants an exception.

(c) **Maximum Accruals.** All employees, ~~after one (1) year of service~~, must take a minimum of ~~five (5) days (40 hours)~~ ½ of their accrual time of personal leave each year. The maximum number of personal leave days that may be accumulated is ~~two times the employee's current accrual rate~~ 500 hours. All days in excess of the maximum are lost on the employee's next anniversary date (except as otherwise provided for in this policy). Employees will not be paid for personal leave in excess of the maximum accrual or for personal leave that is "lost" on ~~their anniversary date~~ December 1st. If the needs of the City and/or Department preclude the taking of a scheduled personal leave, the Department Director may defer an employee's scheduled personal leave. In such cases, the Department Director shall grant the employee's deferred personal leave within thirty (30) days or payment will be made to the affected employee for the deferred personal leave hours. All personal leave carryover granted by Directors must be forwarded to Payroll before the employee's anniversary date.

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

Upon termination, retirement, resignation, or death, an employee in good standing shall be paid for accrued personal leave up to ~~a maximum of two times the employee's current accrual rate at~~ 500 hours the rate of pay the employee was receiving at the time of separation. For purposes of this policy, an employee is not in "Good Standing" if ~~he or she~~ the employee is under threat of disciplinary action due to a sustained violation of City policy or other illegal or improper activities that adversely affect the employee's ability to perform their job.

Only employees who have successfully completed their initial orientation period of employment with the City are entitled to this payout provision upon separation.

(e) **Definitions**

Compensable Hours - The hours worked or taken in a month must equal 160 for full-time employees.

Work Day – A "work day" is defined for personal leave as a ~~regularly scheduled~~ 8-hour, 9-hour, or 12-hour period for all employees.

1.09 Military Leave.

(a) **Laws.** The City complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. Any city employee who is a member of a reserve component of the armed forces who is called to active duty may be subject to any salary continuation as provided for under Section 173 of the Texas Local Gov't Code. Temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue indefinitely or for a significant period of time are generally ineligible for extended paid military leave in excess of 15 days, reemployment rights, or any other military leave benefits under this policy.

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

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

(c) **Paid and Unpaid Leave for Training and Duty.**

Full Pay For Up to 15 Days. Employees will be paid for military absences of up to a maximum of 15 work days per fiscal year. Shift employees will be transitioned to a 40-hour work week during military absences. This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or active military duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year.

Other Paid Leave. Employees who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., personal leave, holiday leave and compensatory time) to cover their absence from work.

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

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

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

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

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

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

(f) Returning from Leave.

Return to Work: A person returning from service must report back to work or apply for reemployment within the time constraints prescribed by USERRA. The City shall re-employ a returning veteran according to the provisions of USERRA. Civil service employees shall be required to meet additional requirements in Chapter 143 of the T.L.G.C. before being reinstated.

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

A) For service of less than 31 days, employees have 8 hours following their release from service to report for their next scheduled work period.

B) For service between 31 days and 180 days, employees have 14 days following their release from service to apply for reemployment.

C) For service of more than 180 days, employees have 90 days following their release from service to apply for reemployment.

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

Required Documentation. To qualify to return to work, an employee returning from leave must provide documentation of the length and character of his/her military service. Also, evidence of discharge or release under honorable conditions must be submitted to the City if the military leave lasted more than 31 calendar days.

8.10 Holiday Leave

The City provides paid holidays to employees serving in the initial orientation period and regular full-time. Every other employee is extended the official holiday, but without pay. The following official holidays will be observed:

New Year's Day (January 1)
Martin Luther King Day (third Monday in January)
Presidents' Day (third Monday in February)
Good Friday
Memorial Day (last Monday in May)
Juneteenth (June 19th)
Independence Day (July 4)
Labor Day (first Monday in September)
Columbus Day (second Monday in October)
Veterans' Day (November 11)
Thanksgiving Day (fourth Thursday in November)
Day after Thanksgiving (Friday after Thanksgiving)
Christmas Eve (December 24)
Christmas Day (December 25)

If one of the designated holidays occurs on Saturday, then the City shall observe the preceding Friday as such holiday. When any designated holiday occurs on Sunday, then the City shall observe the following Monday as such holiday

Holidays. A holiday is a period of 8 hours, 9 hours, or 12 hours, depending on the employee's regular schedule, and paid at the employee's regular rate.

Scheduling of Holiday. Holidays occurring on Saturday normally will be observed on the preceding Friday and holidays occurring on Sunday will normally be observed on the following Monday.

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

Employees required to work on a Holiday. Employees required to work on a holiday will be given an alternate day off with pay or will be paid 8 hours, 9 hours, or 12 hours, depending on the employee's regular schedule for the holiday at their regular rate of pay, in addition to the hours worked, at the employee's request.

The City Manager will permit as many employees as possible to observe each holiday, consistent with the maintenance of essential City functions. No employee shall work more than one regularly scheduled shift on a holiday without approval of the City Manager.

Employees Scheduled "Off Duty" on a Holiday. When a holiday and an employee's regularly scheduled day off occur on the same day, the employee will accrue 8 hours of holiday leave to be taken at a later date, but no later than the end of the fiscal year.

Nonexempt Emergency Personnel Called Back on a Holiday. Non-exempt employees called in on an emergency basis to work a holiday for which they are not scheduled to work will be paid for all hours worked on the holiday at the regular rate and will be given an alternate day off with pay or will be paid 8 hours for the holiday at the employee's request.

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

Holiday Occurring During Personal Leave. A holiday that falls within an employee's personal period will be counted as holiday in lieu of a day of personal leave.

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

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

Other Religious Holidays. Employees may request an approved absence to celebrate a religious holiday that is not a scheduled City holiday. If approved, the employee must charge the time to personal, compensatory time, or an excused absence without pay.

Holiday Pay During Workers' Compensation Leave. An employee on worker's compensation leave will not receive holiday pay.

8.11 Bereavement Leave

In addition to personal leave, the City provides employees serving their initial orientation period and regular full-time employees paid time off, up to a maximum of three (3) work days in the event of a death(s) in the family, for the purpose of attending the funeral. For the purpose of authorizing bereavement leave "family" is defined as ~~current spouse, child, parent,~~ brother, sister, grandparent, aunt, uncle, or grandchild, by blood or marriage. In the event of a death(s) within the employee's immediate family (spouse, child, or parent), the City provides employees up to five (5) work days for bereavement leave.

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

Employees who wish to take bereavement leave must notify their supervisor immediately. Employees may take additional time off as personal leave, comp time or, if no vacation or comp time is available, as authorized leave without pay upon approval of the Department Director. All bereavement leave time taken must be requested on the City's appropriate form.

Employees who wish to attend funerals for other than immediate family must use personal leave, compensatory time, or unpaid leave.

8.12 Job-Related Injury Leave

When an employee is injured on the job, the employee shall immediately report such injury to his or her supervisor, who shall take the steps that the supervisor and employee determine necessary to secure proper first aid or other treatment for the injured employee. The employee's supervisor shall also complete within forty-eight (48) hours an accident report and forward copies to the ~~Director of Human Resources~~ Personnel Director.

Injury leave is an absence from work arising from an ~~on-the-job~~ on-the-job accidental injury. An employee injured on the job and in the line of duty shall be granted up to five days injury leave with pay within any 12-month period. Any employee injured on the job shall also be covered by and entitled to all benefits accruing under the Texas Workers' Compensation Act. Additionally, the City will permit the employee to make up the difference between the benefit payments made under the Act and the employee's regular pay from the employee's accrued leave entitlement (sick leave, personal leave and compensatory time), if any, for up to 180 consecutive calendar days from the date of injury. Under no circumstances, however, will the employee receive more than full regular pay while on injury leave. A doctor's written statement that the employee is unable to return to work shall be required for an employee to receive injury leave.

An employee may be requested to provide a "fitness for duty" certification before returning to work after the employee's workplace illness or injury. An employee may return to the employee's former position, if it is available, and if the employee's medical restrictions, if any, permit the employee to perform the essential functions of the employee's former job, with or without reasonable accommodation. If the employee's job has been filled or if the employee's medical restrictions are inconsistent with the employee's former job, the employee will be considered for any open job for which ~~he or she~~ the employee is qualified. If there is no open job for which he or she is qualified, then the employee will remain on an unpaid leave of absence after all accrued leave is exhausted. During this time, the employee shall periodically report to his or her supervisor to determine if there are new openings for which they may qualify. Under the City's automatic termination policy, employment will end automatically after an absence of six consecutive months, regardless of the reason for the absence. After an employee is terminated under the automatic termination policy, he or she may later reapply for any open position for which ~~he or she~~ they are ~~is~~ qualified.

An employee shall forfeit all rights to any injury leave benefits if the employee works, either part-time or full-time, for pay for any other person, including self-employment, while on city injury leave; the employee resigns for any reason while receiving injury leave; the employee is discharged for any reason; the employee retires or dies; the employee fails or refuses to comply with or follow, or disregards or violates the treating physician's instructions regarding treatment and/or rehabilitation of the injury; the employee refuses to perform light, partial or part-time duty when offered by the Division Director and which does not require ~~him or her~~ the employee to perform activities that are restricted by ~~his or her~~ their treating physician; the employee falsifies or misrepresents ~~his or her~~ their physical condition or capacity; the employee refuses to return to duty on the working day that ~~he or she~~ employee is released to duty by the treating physician; the employee fails to submit an acceptable physician's statement when requested by ~~his or her~~ their supervisor; and/or the employee has been injured as a result of ~~his or her~~ their failure to observe safety policies, procedures, or instructions as determined by the employee's Division Director.

8.13 Jury Leave

The City provides paid leave to regular full-time and regular part-time employees required to serve on jury duty or requested to testify as a witness by the City in a City-related civil, criminal, legislative, or administrative proceeding. Court appearances for testimony, investigation, and court preparation as a result of official duties as a City employee (e.g., police, inspections, animal control, etc.) are compensated as actual hours worked and are not classified as paid leave. In all other cases, employees are required to schedule accrued personal, holiday or compensatory leave; otherwise, a nonexempt employee's time off to testify will be considered a leave without pay.

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

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

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

8.14 Voting Leave

Employees are encouraged to exercise their right to vote in elections. If the polls are not open on election day for voting for two consecutive hours outside of the employee's working hours, the employee will be permitted reasonable time to vote during the working hours.

Upon ten (10) days' notice to the supervisor, employees will be granted time off to attend a precinct convention or a county, district, or state convention to which the employee is a delegate. Time may be charged to personal leave, accrued compensatory time, or leave without pay for the period of time missed.

8.15 Catastrophic Leave

Upon the written recommendation of a Director, the City Manager may grant leave with pay to an employee when an illness or injury incapacitates the employee or his/her immediate family member and such incapacity requires that the employee take time off from work for an extended period of time. In no event shall any employee be entitled to more than 160 hours catastrophic leave for any one incident; further, in no event shall any employee be entitled to catastrophic leave for more than three separate incidents during their employment with the City.

8.16 Pandemic Event Leave Policy; Administrative Leave With or Without Pay

(a) Notwithstanding other provisions contained in this "Employee Personnel Policies and Procedures Handbook," when an emergency has been declared, or a potential emergency is imminent, due to a pandemic event, as declared by the City Manager, the "Pandemic Event Leave Policy," attached as Exhibit B, shall take effect. The goal of the "Pandemic Event Leave Policy" is to allow the City Manager the flexibility to adjust scheduling, pay, leave, working conditions, and telecommuting, in order to help sick employees recuperate from illness, allow employees to work from home for their safety, and allow employees to care for dependents or sick relatives, while maximizing the continuity and effectiveness of city government. The "Pandemic Event Leave Policy" shall remain in effect until the City Manager determines that the emergency or potential emergency is no longer a threat to the organization and the city employees, unless sooner terminated by the city council.

(b) Directors may grant special leaves of absence without pay for periods not exceeding two (2) weeks subject to approval by the City Manager. The City Manager may grant special leaves of absence with or without pay for periods not exceeding two (2) weeks, for extenuating circumstances. No leave will be granted under this policy, however, for the purpose of enabling

employees to accept outside employment. There shall be no accrual of benefits while on leave without pay.

(c) Police and Detention Officers – in accordance of the Local Government Code Chapter 180; the following policy will be followed as it relates to Police Officers and Detention Officers

Definitions:

(1) “Detention Officers” means an individual appointed or employed by for the care and custody of individuals incarcerated in a county or municipal jail.

(2) “Health Authority” has the meaning assigned be section 121.021, Health and Safety Code.

(3) “Peace Officer” mans an individual described by Article 2.12, Code of Criminal of Procedure, who is elected for, employed by, or appointed by a City.

Conditions.

The paid leave and benefits provided by this policy are only available to an employee who is ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty by his or her supervisor or the county health authority. Quarantine and isolation benefit periods shall follow the most current guidance from the Centers for Disease Control (CDC) or the county public health authority. The City reserves the right to require proof of such an order and deny paid leave or benefits if an employee fails to provide proof within a reasonable time.

If ordered to isolate or quarantine under this policy, the employee must remain in their home (isolation) or wear a mask (quarantine) as indicated by the CDC guidelines. Failure to follow those guidelines may result in disciplinary action, up to and including termination.

Benefits.

If an employee is ordered to quarantine or isolate under the conditions set above, the employee will receive all employment benefits and compensation for the duration of the leave, including paid leave accrual, pension benefits, and health benefit plan benefits that the employee would customarily be provided on paid leave.

Reimbursement for Expenses.

If an employee is ordered to quarantine under the conditions stated above, the employee may request reimbursement for reasonable costs related to the quarantine, including lodging, medical treatment and transportation, as outlined below by submitting a reimbursement request to the department director within three (3) days after returning from the leave ordered under this policy. The City may require that receipts or proof of payment be submitted with the request and reserves the right to deny any request that it deems unreasonable or unrelated to quarantine.

Allowed reimbursements are as follows:

1. Lodging at a motel within 10 miles of the city limits at a rate not to exceed \$75 per day for up to five days if ordered by the City to quarantine or isolate at a location other than the employee’s own residence.
2. Transportation to a medical or testing facility up to \$25 per appointment or mileage reimbursement at the IRS mileage reimbursement rate if ordered by the City to use transportation other than a city-owned vehicle and/or the employee’s own personal vehicle.

3. Medical treatment is covered by the City's insurance for eligible employees and therefore will not be reimbursed.

Effect on Paid Leave Balances.

The City will not reduce an eligible employee's sick leave, vacation leave, holiday, or other paid leave balance for quarantine under this policy.

8.17 Physical Incapacity

If the Department Director and the ~~Director of Human Resources~~Personnel Director, based on the assessment of a medical doctor licensed to practice in the State of Texas, determines that an employee is not able to perform the required physical duties or tasks of his or her present position with or without reasonable accommodation (regardless of whether the incapacity is due to on the job injuries, off the job injuries, or illness), then that employee will not be returned to his or her full duty with the City until a medical doctor states in writing that the employee is able to perform all the required and essential physical tasks or duties of the position with or without reasonable accommodation.

If a job vacancy exists during the 180 calendar days that the employee is qualified for and can physically perform, the City Manager shall offer the employee that position. The employee has the choice to either accept or decline the offered position.

- 1) If the offer is accepted, it is recognized and understood that the employee may have to take a reduction in salary.
- 2) Any employee so reassigned will be compensated at a pay rate in the pay range of the position to which the employee has been reassigned.

8.18 Modified Duty; Absence Rule; Reinstatements; COBRA

The City may modify duty assignments available to ill or injured employees who are unable to perform their regular job duties. The decision to offer an employee a modified duty assignment is made in the City's sole discretion. A modified duty assignment may be in the employee's own or another department in the City. Factors considered by the City in making its decision include, but are not limited to: the nature of the employee's illness or injury; the medical release provided in support of modified duty; the risk that a modified duty assignment may result in aggravation of the employee's injury or illness; the type of modified duty work available; the length of the employee's employment with the City; the employee's performance and disciplinary history; and whether the illness or injury occurred on or off duty. In making modified duty assignments, the City will normally give priority to employees whose injury or illness is work-related.

Employees who are released for and given a modified duty assignment may not perform work duties in violation of their medical release. An employee, who violates the terms of the medical release while on a modified duty assignment may lose the modified duty assignment and, in addition, may be disciplined up to and including termination of employment.

Modified duty will not normally extend beyond sixty (60) calendar days without an evaluation by the employee's treating physician and a recommendation from the Department ~~Director of Human Resources~~Personnel Director to the City Manager. Only the City Manager may approve an extension of a modified duty assignment. Employees still unable to return to regular duty within sixty (60) calendar days from the approval of modified duty must re-qualify for modified duty through evaluation by their treating physician or revert to workers' compensation indemnity payment, accumulated sick leave, administrative leave, or personal leave benefits, if available.

An employee who is released for and offered modified duty by the City, but who elects not to accept such an assignment, will be ineligible for paid sick leave benefits under the City's Sick Leave policy and salary continuation benefits under workers' compensation.

During a modified duty assignment, employees will typically work an 8-hour workday, Monday through Friday. This means that 24-hour shift employees, as well as other employees who work a non-traditional schedule, will usually be temporarily reassigned to an 8-hour workday, Monday through Friday, for the duration of their modified duty assignment. No employee on modified duty will work overtime.

An employee's salary during any modified duty assignment shall be at the same rate as the salary received prior to the injury.

All modified duty requests and assignments will be reviewed by and coordinated through the ~~Director of Human Resources~~Personnel Director. The ~~Director of Human Resources~~Personnel Director will work with the employee's department in making its decision whether modified duty work will be offered. Before returning to regular job duties following a modified duty assignment, the employee must provide a full release from the physician to return to work and coordinate the return through the ~~Director of Human Resources~~Personnel Director.

Absences. An employee who is unable to return to full duty status with or without a reasonable accommodation within 180 days may be separated for incapacity.

If an employee does not perform actual work for the City for a period of 180 calendar days, the employee shall be deemed to have forfeited his or her position unless such termination is contrary to applicable federal or state law (e.g., military leave). A person in this status may apply for positions with the City for which ~~he or she~~ they areis qualified and physically able to perform. An employee who is unable to return to work in full duty status within six months of an injury may be separated for incapacity.

Reinstatements. In the event a former employee is rehired within 180 calendar days after their date of termination, the employee will retain the seniority the employee had achieved for purposes of longevity pay and leave accruals. The rate of pay will be determined based on the pay scale classification for the new position.

COBRA. To the extent not otherwise required by state or federal law, once an employee has exhausted his or her accrued leave benefits, the employee shall no longer be paid a salary or wages by the City, and the employee shall no longer accumulate sick leave or annual leave. The employee may continue to receive ~~his or her~~ worker's compensation benefits and may retain the City's health insurance if he or she pays the rate as established by the City under the Consolidated Omnibus Budget Reconciliation Act (COBRA.). Such coverage shall be limited to the minimum lengths of time established by COBRA.

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

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

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

8.19 Breaks

The City allows rest breaks as authorized by an employee's immediate supervisor during the course of each work day to prevent undue fatigue and comply with applicable laws.

Rest Break Conditions. As authorized, an employee is allowed a paid rest break of up to fifteen (15) minutes for each four (4) hours of work that is not interrupted by a meal period. Time spent on rest breaks will be compensated as hours worked. An employee is expected to be punctual in starting and ending breaks and will be subject to disciplinary action for tardiness.

Meal Periods. Full-time employees (excluding most Police Department employees) are normally provided a one-hour unpaid meal break near the middle of the workday. Meal periods may be staggered by the Department Director in order to minimize departmental interruption. Supervisors will provide employees with the starting and ending times for their specific meal periods. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period. Employees are encouraged to take a meal break of at least 30 minutes every day.

Lactation Breaks. Non-exempt employees who are nursing are provided with reasonable break time to express breast milk for up to one year after the birth of a child as long as providing such break time does not unduly disrupt operations. Employees will not be retaliated against for exercising their rights under this policy.

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

Practices Not Permitted: The following practices are not permitted uses of rest or meal breaks:

- combining two daily breaks into one thirty (30) minute rest break;
- "banking" rest period time from day to day;
- saving rest period time to extend lunch periods or shorten the scheduled work day; or
- requesting compensatory time off or overtime pay for work performed during rest or meal ~~break period time.~~

8.20 Certification Pay

In addition to regular pay, certification pay is available to all certified police officers, dispatchers, and court staff as authorized by the City Council, as follows:

Certification

Annual Certification Pay

Intermediate	\$ 600.00 per year (\$25.00/paycheck for 24 pay periods)
Advanced	\$ 1200.00 per year (\$50.00/paycheck for 24 pay periods)
Masters	\$ 1800.00 per year (\$75.00/paycheck for 24 pay periods)

An eligible employee should be paid only for the highest level of certification held.

In addition to regular pay, certification pay is available to ~~utility~~ employees who accomplish classification levels based on certain testing requirements and qualifications as ~~follows:~~ approved by the Department Director and City Manager.

Wastewater Treatment		Collection Systems		Waterworks	
Class A	\$	Class I	\$	Class A	\$
Class B	\$	Class II	\$	Class B	\$
Class C	\$	Class III	\$	Class C	\$
Class D	\$			Class D	\$

Annual certification pay amounts will be divided by 26 and paid during normal pay periods.

8.21 On-Call/Call Back Compensation

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

Return to work provisions. After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back (via paging, phone, or radio) within designated guidelines set by their Department. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required. An employee is considered officially scheduled and designated as on-call only when approved by the supervisor in accordance with procedures established by the Department.

Compensation. On-call status is not considered time worked and is not compensable unless the employee actually responds to a call back. On-call employees called back to the workplace will be paid at their regular rate of pay for actual hours worked and guaranteed a minimum of two (2) hours pay for each call-back within the same 24 hours after their regularly scheduled working hours or on a regular day off. Time worked immediately after regularly scheduled working hours at the request or approval of the supervisor will not be considered call-back and is paid at the employee's regular rate of pay until overtime requirements are met. Continuing work on a call-back that extends beyond the 2-hour minimum and into a day off does not entitle the employee to additional premium pay. Travel time to and from a call-back is compensable under this policy, in accordance with departmental policy. On-call employees who do not return to the workplace but who handle a workplace issue by phone will be paid for actual time spent on the phone. In all cases, employees must report their actual hours worked on their time sheets.

Employees exempt from overtime are not eligible for compensation under the provisions of this policy.

Departmental Policies. Each Department has its own internal procedures for handling on-call services. Departments may establish guidelines for varying levels of response to call-back situations depending upon the nature and importance of the services to be completed.

8.22 Payroll Deductions

The following deductions are authorized for payroll deductions:

- (1) Social security contributions;
- (2) Income withholding taxes;
- (3) Medicare contributions
- (4) Contributions to the Texas Municipal Retirement System;
- (5) Presently authorized medical insurance premiums;
- (6) Presently authorized "other insurance" premiums;
- (7) United States savings bonds;
- (8) Contributions to an individual retirement annuity or deferred compensation plan;

- (9) Association or Union dues; and
- (10) Required child support payments

No other payroll deduction privileges are authorized at this time and no future payroll deduction privilege will be granted without the approval of the City Manager, except as otherwise provided by law. A reasonable administrative fee may be collected as authorized by law.

8.23 Performance Management Process

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

Schedule. Regular full and part-time employees hired are eligible for:

- A performance review after six (6) months of their initial orientation period; and
- Annual performance evaluation before the end of the fiscal year (September 30).

Newly transferred or promoted employees who are serving their initial orientation period shall also receive periodic evaluations during their orientation period.

Department Directors and Council appointees are not governed by the above schedule. The City Manager's office establishes a performance evaluation system for Director-level positions. The City Council establishes a performance evaluation system for Council appointees.

Supervisory Responsibilities. All performance evaluation information must be written where required and forwarded to the ~~Director of Human Resources~~Personnel Director for retention in the employee's official personnel file. An evaluation is considered complete at the time the employee signs and dates the evaluation document or the supervisor and/or Department Director has a witness acknowledge the employee's refusal to sign the evaluation document.

Supervisors will strive to clearly communicate all elements of job performance, key result areas, performance standards, measures, goals, strengths and areas of development needed by completing the Employee Development Area. Each employee will sign and date a copy of the Performance Evaluation when it is reviewed, and the supervisor will forward a copy to the ~~Director of Human Resources~~Personnel Director for filing in the employee's official personnel file and provide the employee a copy.

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

~~Director of Human Resources~~ Personnel Director Responsibilities. The ~~Director of Human Resources~~ Personnel Director will review all evaluation documents for obvious errors and return them to the Department Directors for any clarifications or procedural corrections. The ~~Director of Human Resources~~ Personnel Director is responsible for maintaining original evaluation documents in the official personnel files.

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

8.24 Telephone Contact

All supervisory personnel and service personnel must have a telephone number at which they can be reached during off-duty hours. This can be a cell phone or a land line telephone.

No reimbursement shall be made to the employee for the City's use of such employee's private telephone to contact the employee regarding work related matters.

All employees must immediately notify supervision of any change in phone number(s), and provide a phone number for a secondary contact, i.e., spouse, parent.

8.25 Police Officer 7(k) Exemption

Notwithstanding the foregoing, the City has adopted the "7(k) exemption" of the Fair Labor Standards Act (FLSA) and provides for a maximum ~~86-80~~ hour pay period for police officers. Any and all of the rules and regulations contained herein still apply where not in conflict with this section 8.23. If there is any conflict between this section and the general rules and regulation of this Handbook, this section 8.2~~53~~ shall prevail.

FLSA: The FLSA requires that all covered nonexempt employees be paid overtime pay at no less than time and one-half their regular rates of pay for all hours worked in excess of 40 in a workweek. Section 7(k) of the FLSA provides that employees engaged in law enforcement may be paid overtime on a "work period" basis. A "work period" may be from 7 consecutive days to 28 consecutive days in length. For work periods of at least 7 but less than 28 days, overtime pay

is required when the number of hours worked exceeds the number of hours that bears the same relationship to 171 (police) as the number of days in the work period bears to 28. For example, law enforcement personnel must receive overtime after 86 hours worked during a 14-day work period.

Work week: For most non-exempt employees, the City's work period is defined as the seven (7) days period beginning at 12:01 ~~a.m.~~ pm Monday Friday and ending at ~~midnight Sunday~~ 12:00 pm Friday. For non-exempt fulltime paid police officers, the work period shall be a 14-day period beginning Monday Friday at 12:01 ~~am~~ pm and ending at ~~midnight Sunday~~ 12:00 pm Friday. Overtime worked will be paid the next pay period after being earned. Police officers shall receive overtime after ~~86~~ 80 hours worked during a 14-day work period.

Holidays: Most non-exempt employees working on city holidays are compensated at straight time plus 8 hours, unless the employee has already worked 40 hours in that pay period. For purposes of administering the 14-day work period, police officers will be compensated for working city holidays at straight time, unless the hours worked result in more than ~~86~~ 80 total hours in the work period. Holiday compensation will be provided through an hourly holiday bank system.

Holiday bank system: For most non-exempt employees, holidays are accumulated on a monthly basis but for purposes of administering the 14-day work period, police officers will be provided "front loaded" holiday hours allocated in advance, which must be taken as follows:

This holiday leave must be taken as follows:

- 32 hours between January 1 to April 30
- 32 hours between May 1 to September 30
- 40 hours between October 1 to December 31

If an employee fails to take the holiday leave between the above scheduled times, the employee will lose the right to take the leave.

Employees will start to accrue holiday leave after their initial hire date. Holidays prior to the initial hire date will not be counted as leave.

Benefit time use will be hour for hour (Example: 24-hours taken off would require 24-hours of vacation/holiday to be used).

8.26 Mental Health Leave

PURPOSE

The purpose of this policy is to provide guidance in accordance with Texas Government Code Chapter 614, Section 614.015 regarding the use of Mental Health Leave for authorized peace officers employed by the City of Manvel.

DEFINITIONS

“Peace Officer” means police officers licensed by the Texas Commission on Law Enforcement and employed by the City of Manvel.

“Traumatic event” – an event which occurs in the peace officer(s) scope of employment when the officer is involved in the response to, or investigation of, an event that causes the officer to experience unusually strong emotional reactions or feelings which have the potential to interfere with their ability to function during or after the incident.

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

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

Requesting Mental Health Leave

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

A supervisor or coworker who becomes aware of behavioral changes in an officer directly involved in a traumatic event should suggest to the officer that ~~he or she~~ they seek mental health leave and the assistance of a mental health professional.

Confidentiality of request

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

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

Duration of Mental Health Leave

An officer directly involved in a traumatic event may request up to three (3) working days of mental health leave which is equivalent to 36 hours.

Extensions of mental health leave may be available under certain circumstances. Any request for an extension shall be accompanied by documentation from a mental health professional who is counseling the officer. The request may extend the leave by three (3) working days. Each officer may request no more than two extensions, each supported by sufficient documentation by the mental health professional. The Chief shall grant the extension(s) upon the receipt of sufficient documentation explain the need for the extension.

IX. EDUCATION INCENTIVES AND OTHER BENEFITS

9.01 Education Incentives

City employees who are interested in continuing their education in a job-related field may be eligible for tuition reimbursement payments in accordance with the following policies.

The employee must inform the City Manager, in advance, of the specific courses the employee will take and the specific school, college or university to be attended. Each “online” class must be expressly pre-approved.

It will be the employee's responsibility to register and successfully complete the course(s) with a grade of "B" or better on each course taken.

Tuition reimbursement payments for employees will be subject to the following limitations:

- 1) The City will not pay for more than ~~six~~ twelve (12) semester hours per semester per employee;
- 2) Payments will be limited to tuition only;
- 3) The City will not make payments for any fees (e.g. student lab, etc.), I.D. cards, books, parking permits, travel expenses unless specifically authorized in writing by the City Manager;
- 4) No employee may receive both City tuition payments and G.I. Bill benefits for the same schooling;
- 5) No employee may receive City tuition benefits for courses not directly related to a major approved by ~~the individual's Director and~~ the City Manager. The course must be for bona fide purpose of preparing the employee for advancement through upgrading the employee to a higher skill level and not directly related to the employee's current job;
- 6) The tuition reimbursement will be paid to the student after the completion of the course with documentation that the course was successfully completed with a grade of “B” or better. No tuition reimbursement payment will be made to the student if the course was not successfully completed or a grade lower than “B” was received for the course;
- 7) No payments will be made for courses enrolled in by an employee who has worked for the City less than six months at the time of enrollment unless an exception is approved in writing by the City Manager; and
- 8) Any employee who resigns or retires within ~~one year~~ two years of receiving tuition reimbursement for a course or courses at the City's expense will be liable for repayment of the City payment(s).

X. CONDUCT; RATIONALE FOR DISCIPLINE; GROUNDS FOR DISMISSAL

10.01 General Rules for Conduct

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

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

- oral warning
- letter of counseling
- written reprimand
- probation
- suspension (without pay)
- demotion
- last chance agreement
- discharge

Documentation: All forms of discipline, other than oral warnings, must be documented and will be placed in the employee's personnel file. In the event an employee is to be discharged, the supervisor shall forward a copy of the documentation to the ~~Director of Human Resources~~Personnel Director for review, who shall forward a copy of the dismissal to the City Manager. The Supervisor will also make a recommendation concerning the possible rehiring (or not rehiring) of the person in the future.

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

Review by ~~Director of Human Resources~~Personnel Director: Any proposed disciplinary action in excess of an oral warning must be reviewed by the ~~Director of Human Resources~~Personnel Director prior to being given to the employee. This applies to both employees serving in the initial orientation period and regular employees that have completed the initial orientation period.

Appeal Rights: Where a disciplinary action involves a suspension of 1 day (or 1 shift) or more, demotion and/or termination, the employee will normally be given an opportunity to respond to the allegations prior to disciplinary action being taken. (See Employee Grievance Policy). However, positions classified as Director level and above are employed at the will and pleasure of the City Manager, with the concurrence of the City Council, and have no right of appeal for any type of disciplinary action, including termination. Employees serving the initial orientation period have no right of appeal for disciplinary action taken against them.

Prohibited Activities: Disciplinary action will be imposed for violations of City or departmental policies and procedures, codes of conduct, rules and regulations, either written or verbal. In addition, acts which are not specifically addressed in policies and procedures, codes of conduct, and rules and regulations, yet may adversely affect the City or put the health and safety of fellow employees, citizens or other third parties, at risk, may also result in disciplinary action. It is impossible to list all the forms of behavior that are considered unacceptable in the workplace. The following are some examples of conduct that will likely result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or use of City property or other property not belonging to the employee
- Falsification of timekeeping or other records, including employment application
- Working under the influence of or a presence in the system of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City owned equipment
- Violation of City's policy regarding sexual or other unlawful harassment
- Interfering with work schedules or another employee's ability to work
- Misuse of City telephones, computers, mail systems, internet, etc.
- Excessive or unscheduled absenteeism, tardiness in reporting for work or returning from lunch and breaks or absence without notice and/or approval
- Breaks in excess of the allotted time allowed
- Violation of tobacco use policy
- Violation of safety or health rules and failure to immediately report an on-the-job injury/accident
- Profanity, abusive language, or racial slurs
- Unauthorized disclosure of confidential information
- Harmful, negative, disgraceful, malicious, or manipulative gossip
- Violation of any provision of the City Charter
- Violation of City or departmental policies, codes of conduct, rules and procedures
- Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials, or others
- Making or publishing false, vicious, or malicious statements about the City, or a City employee or citizen, or others
- Unsatisfactory performance or conduct
- Inefficiency, incompetence or neglect of duty
- Fighting, provoking or instigating a fight, or threatening violence

- Disruptive activity in the workplace
- Engaging in a work stoppage
- Conduct which results in waste or damage of a coworker's, City, or citizen-owned property
- Insubordination or other disrespectful or unprofessional conduct
- Discourteous treatment of the public
- Possession of weapons on City time, City premises, or while on City business (except for licensed peace officers required to carry a weapon as part of their job duties or employees with concealed handgun license with permitted weapon locked in their personal vehicle)
- Violation of local, state or federal law
- Conviction of a felony, including reasonable belief employee has committed a crime under Texas Penal Code or Class A or B misdemeanor involving moral turpitude, or repeated conviction of Class C misdemeanor charges, or any crime
- Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension
- Outside employment that conflicts or potentially conflicts with City interests
- Acceptance of payment of any kind for activities related to City Employment
- Failure or refusal to follow lawful orders
- Sleeping on the job
- Dishonesty, including misrepresentation during the hiring process
- An accumulation of minor infractions
- Surreptitious recording of a conversation of any other employee, unless authorized by the City Manager or Police Chief

Disciplinary Meeting: A disciplinary meeting will be scheduled prior to the imposition of a disciplinary suspension of 1 day (or 1 shift) or more, demotion or termination. The Department Director, the affected employee, the ~~Director of Human Resources~~Personnel Director and anyone else deemed necessary by the Department Director typically attend the disciplinary meeting. During the meeting, the affected employee will be given an opportunity to present an explanation of the conduct leading up to the proposed disciplinary action. Employees will be given advance notice of the meeting. Employees may, in the City's sole discretion, be placed on administrative leave prior to, during, or after the disciplinary meeting. The employee will be notified of the City's determination following the meeting.

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

10.02 Outside Employment

City employees may engage in outside or self-employment provided they receive prior written approval from the City Manager.

Employees may not accept outside or self-employment that conflicts with the effective performance of the employee while on duty with the City, or conflict in any way with the best interests of the City. Other outside activities, such as volunteer activities, that might similarly distract from an employee's ability to perform the job with the City are also prohibited.

By accepting and performing outside or self-employment, the employee waives all rights to sick leave, or any other time off, in the event such employee is unable to perform the duties as an employee of the City because of accident, injury, or illness resulting from travel to or from, or performance of another job. Further, an employee will not be covered by the City's workers' compensation insurance while working for another employer or while self-employed unless the employee is required to perform official City employment activities while engaged in such outside or self-employment.

Approval for outside or self-employment as set out in this policy does not authorize an employee on sick leave, disability leave, injury leave, workers' compensation leave, or an unpaid leave of absence, to engage in any outside or self-employment. Under no circumstances may an employee on sick leave, disability leave, injury leave, workers' compensation leave, or an unpaid leave of absence, engage in outside or self-employment, as defined in this policy, unless expressly authorized in writing by the Department Director and the ~~Director of Human Resources~~Personnel Director._____

For purposes of this policy, outside or self-employment includes a job, activity, or enterprise (including self-employment) which constitutes a form of employment or business outside the responsibilities of employment with the City. This policy is not intended to cover volunteer work with a non-profit organization, such as United Way, Girl Scouts, American Heart Association, faith-based activities or similar activities where compensation is neither expected nor paid in the ordinary course of operations.

10.03 Incident Reports

An employee shall immediately report to his or her supervisor any incident that involves either (1) personal injury to any person, or (2) any damage or loss to City property or the property of others.

The employee's supervisor shall notify the Division Director or City Manager immediately of any incident that involves personal injury to the employee or any other person.

An employee and the employee's supervisor shall reduce the above reports of personal injury or damage of property to writing within one (1) working day of the incidents and send the reports to the Division Director and the ~~Director of Human Resources~~Personnel Director.

10.04 Arrests, Confinements and Indictments

City employees are subject to disciplinary action and/or job restrictions for violations of law. This policy applies to acts prohibited by law that result in charges being filed, arrest, confinement, indictment, and/or conviction, as well as to acts prohibited by law not resulting in charges filed, arrest, confinement, or indictment.

Employee Detained by Law Enforcement Authorities: An employee that is questioned by law enforcement authorities and not free to leave is considered to be “detained.” A detained employee, who fails to report to work at the employee’s regularly scheduled time, and/or provide timely notification to the supervisor, will be subject to disciplinary action for unauthorized absence. Employees are to contact their immediate supervisor at the beginning of the next work shift after being detained by law enforcement authorities, including traffic stops, to report the detainment, arrest, confinement or indictment and reason. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations. If the employee is unable to report to the supervisor because of confinement, the employee must have someone contact the supervisor for the employee, no later than the beginning of the next scheduled work shift, to report why the employee is unable to report to work.

Violations of Law Discovered through Criminal History Check: The City may conduct criminal history checks on existing employees at any time during their employment, for any reason. Conduct constituting an offense, arrest or conviction that is discovered, and that adversely affects their ability to perform their job, may result in disciplinary action, up to and including termination.

Exempt Employees: Depending on the circumstances of the arrest, confinement, or indictment, the salary or the leave accruals of an exempt employee may be docked for absences of less than one (1) full work day.

Non-exempt Employees: If a non-exempt employee does not report to work as scheduled, the time missed will be recorded as unpaid leave.

Felonies and Misdemeanors: Employees must immediately notify their supervisor and/or Department Director within twenty-four (24) hours if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead nolo contendere to any misdemeanor or felony. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations. In most instances, the City will conduct its own investigation and take appropriate action. An employee arrested, charged, or indicted for a felony or misdemeanor, or accused by information of official misconduct or other serious criminal violation may be placed on administrative leave (with or without pay) until the charge, indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are completed and all related administrative matters are concluded. Such a determination will typically be made by the Department Director and the ~~Director of Human Resources~~Personnel Director. An employee on administrative leave may, in the City’s sole discretion, be reinstated to the position held before being placed on administrative leave (if available), if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.

Employee Status after Violation of Law: At the time the employee's department is made aware of an employee's arrest or conduct constituting an offense that may conflict with their ability to perform their job, the Department Director shall consult with Human Resources to determine available options which may include, but are not limited to:

- allowing the employee to return to regular duty with pay;
- allowing the employee to return to restricted duty with pay;
- placing the employee on paid administrative leave;
- placing the employee on unpaid administrative leave; or
- terminating the employee.

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

Other Policies: This policy should not be construed to limit disciplinary action that may be taken in accordance with other Personnel Policies and Procedures, department policies, or other city-wide policies.

10.05 Code of Conduct

A. Conflict of Interests - Without prior written approval by the City Manager no employee of the City may:

- i. Have any financial or other interest, directly or indirectly, in any proposed or existing contract, purchase, work, sale or service to, for, with or by the City and its related entities;
- ii. Use City employment, authority, or influence in any manner for personal betterment, financial or otherwise;
- iii. Have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or services;
- iv. Have discussions or participate in decisions of any City agency, board, commission or instrumentality if the employee has any personal economic interest or is employed, directly or indirectly, by the person or entity that is the subject of the discussion or decision;
- v. Accept other employment or engage in outside activities incompatible with the performance of duties and responsibilities as a City employee or that might impair independent judgment in the performance of duties to the City, or
- vi. Accept remuneration or provide services for compensation, directly or indirectly, to a person or organization requesting an approval, investigation, or determination from the City.

B. Bribery - No employee of the City may accept or agree to accept:

- i. Any benefit as consideration for a decision, opinion, recommendation, vote or other exercise of discretion as a city employee;
- ii. Any benefit as consideration for a decision, vote, recommendation or other exercise of official discretion in a judicial or administrative proceeding;
- iii. Any benefit as consideration for a violation of a duty imposed by law on a city employee; or
- iv. Any benefit that is a political contribution in violation of state law.

C. Acceptance of Gifts – No employee of the City may:

- i. solicit, accept, or agree to accept any benefit from a person the official or employee knows is subject to regulation, inspection or investigation by the official or the city.
- ii. solicit, accept, or agree to accept any benefit from a person with whom the official or employee knows litigation is pending or contemplated by the official or the city.
- iii. (for a city employee who exercises discretion in connection with contracts, purchases, payments, claims or other pecuniary transactions of government) solicit, accept, or agree to accept any benefit from a person the official knows is interested in or likely to become interested in any contract, purchase, payment, claim or transaction involving the exercise of his discretion.
- iv. (for a city official or employee who has judicial or administrative authority, is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of the tribunal's decision) solicit, accept, or agree to accept any benefit from a person the official or employee knows is interested in or likely to become interested in any matter before the official/employee or tribunal.
- v. The above does not apply to:

Fees prescribed by law to be received by the city employee or any other benefit to which the employee is lawfully entitled and for which he has given legitimate consideration;

Gifts or other benefits conferred on account of kinship or personal, professional or business relationships independent of the employee's status with the city;

Certain honorariums in consideration of legitimate services; or

Benefits consisting of food, lodging, transportation or entertainment accepted as a guest and reported as required by law;

D. Tampering with governmental records – No employee of the City may make a false entry in, or false alteration of, a governmental record, or to make, present or use any record, document or thing with knowledge of its falsity with the intent that it be taken as a genuine governmental record, or to intentionally destroy, conceal, remove or otherwise impair the verity, legibility or availability of a governmental record.

E. Misuse of official information - No employee of the City may:

- (i) in reliance on information to which an employee has access by virtue of their employment, and that has not been made public:
 - a. acquire or aid another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information;
 - b. speculate or aid another to speculate on the basis of the information; or
 - c. coerce another into suppressing or failing to report that information to a law enforcement agency.
- (ii) with intent to obtain a benefit or with intent to harm or defraud another, disclose or use information for a nongovernmental purpose that:
 - a. the employee has access to by means of his employment; and
 - b. has not been made public.

F. Official Oppression; Abuse of Official Capacity –

- (i) It shall be a violation for a city employee, acting under color of his employment, to intentionally subject another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment or lien that he knows is unlawful, to intentionally deny or impede another in the exercise or enjoyment of any right, privilege, power or immunity, knowing his conduct is unlawful, or to intentionally subject another to sexual harassment.
- (ii) It shall be a violation for a city employee, with intent to obtain a benefit or with intent to harm another, to intentionally or knowingly violate a law relating to his office or employment or to misuse government property, services, personnel, or anything of value belonging to the government that has come into his custody or possession by virtue of his office or employment.

G. Political contributions to city campaigns. City employees are prohibited from making any contribution to the campaign fund of any person seeking election to a city office or to any political party supporting a candidate to a city office.

H. Gift in favor of appointment. Persons seeking appointment to or promotion in the administrative service of the city are prohibited from directly or indirectly giving, rendering or paying any money, service or other valuable thing to another for or on account of or in connection with his appointment or promotion, or any examination conducted therefor.

Violations of this policy may result in disciplinary action. Employees should direct questions regarding the prohibitions imposed by this policy to your Department Director, the Director of Human Resources, or the City Manager's office.

XI. DRUG AND ALCOHOL POLICY; COMMERCIAL DRIVERS

11.01 Purpose and Scope of Drug and Alcohol Policy

It is the desire of the City to provide an alcohol and drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.

Tobacco and Vaping Use Prohibited. The use of all tobacco and vaping products (including smokeless) inside city-owned or leased buildings and city-owned or leased vehicles or equipment is prohibited. Additionally, smoking and vaping are prohibited within 25 feet outside entrances, exits, wheelchair ramps (serving any entrance or exit), operable windows, and ventilation systems of enclosed areas where tobacco and vaping use is prohibited, so as to ensure that smoke and vapors do not enter those areas.

Any employee who violates this policy is subject to discipline, up to and including termination.

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

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

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

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

Police Department Employees. Certain City Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy only when in possession of confiscated alcohol and/or drugs while carrying out their official duties. Additional guidelines may be established by Police Department operating procedures.

Mandatory Disclosure by Employees. Employees taking prescription medication and/or over-the-counter medication must report such use to either their Department Head or to the City Manager if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his or her job (or operate a vehicle, property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.

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

Mandatory Reporting of Convictions. Employees must notify their immediate supervisor and the Department Director, in writing, of any criminal drug conviction (including a plea of nolo contendere) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than five calendar days after the conviction.

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

Rehabilitation/Treatment.

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

two years following the employee's return to work following treatment;

E. The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the ~~Director of Human Resources~~Personnel Director. The employee must meet with the ~~Director of Human Resources~~Personnel Director to discuss the terms of continued employment and sign a formal agreement before returning to work.

Policy Violations. Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. The Police Department may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the ~~Director of Human Resources~~Personnel Director to receive assistance or referrals to appropriate resources in the community.

Testing

Types of Tests. Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, intoxilyzer, blood, or other generally-accepted testing procedures.

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

Testing of Employees.

1. Employees may be tested for alcohol and/or illegal and unauthorized drugs: (1) after a workplace injury or accident or "near miss," when reasonable suspicion exists; (2) where reasonable suspicion exists even where no accident or injury occurred; or (3) in connection with any required treatment or rehabilitation. The City may conduct random testing on employees holding safety-sensitive positions.

2. Police Department employees are also subject to any applicable Departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.

3. For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing

(e.g., the who, what, when, where of the employee's behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).

4. Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee's normal work time.
5. Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.
6. A positive test result is a violation of the City's Drug and Alcohol Policy and may result in disciplinary action up to and including termination of employment.
7. The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Please see the City's Drug and Alcohol Policy for Commercial Drivers for additional information.

Testing Procedures.

1. All testing must normally be authorized in advance by both the employee's Department Director and the ~~Director of Human Resources~~Personnel Director. If the Department Director is unavailable within a reasonable period of time, the ~~Director of Human Resources~~Personnel Director may, with sole discretion, authorize the testing of an employee. If the ~~Director of Human Resources~~Personnel Director is unavailable within a reasonable period of time, the Department Director may, with sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable factors which led the supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.
2. If an employee's conduct resulted in a work place accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put the employee on administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing.
3. All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.
4. Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the ~~Director of Human Resources~~Personnel Director; supervisors and managers on a need-to-know basis, including those who have a need to know about necessary restrictions on the work or

duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

11.02 Commercial Drivers

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

Employees covered by this policy are also required to comply with the City's Drug and Alcohol Policy. In other words, this DOT Drug and Alcohol Policy is in addition to, not in lieu of, the provisions of the City's general Drug and Alcohol Use Policy. DOT tests will be completely separate from non-DOT tests in all respects. DOT tests take priority and will be conducted and completed before a non-DOT test is begun.

All drug and alcohol testing performed under this DOT Policy will comply with applicable DOT procedures. If this policy conflicts with DOT or City regulations in any way, the more stringent regulations will govern.

An employee subject to the provisions of this policy may be a person employed by the City, a contractor or subcontractor engaged by the City or an employee of such contractor or subcontractor. Refer to the ~~Director of Human Resources~~Personnel Director for a listing of City positions currently subject to the testing provisions of this policy. The list of job titles may change as job responsibilities change or as new jobs are added to the City's work force. Employees required by DOT to hold a CDL, due to the type of equipment they operate, are subject to this policy whether or not this list is immediately updated to include their job titles. Employees who hold these jobs are required to carry their CDLs when they are at work or are operating City equipment.

Prohibited Alcohol Use.

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

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

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

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

Required Alcohol and Drug Tests. DOT requires the following testing for covered drivers: pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing. Before conducting any required DOT testing, the City will notify the driver that the alcohol or drug test is required by DOT regulations.

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

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

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

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

In post-accident situations, the City may substitute a blood or breath alcohol test for a urine drug test, so long as the test is performed by state or local law enforcement officials using procedures required by their jurisdictions, provided such test results are received

directly from the local jurisdiction or the driver. A positive post-accident test administered by law enforcement will result in the same action as a positive post-accident test performed at the City's behest.

a. Post-Accident Alcohol Testing. If alcohol testing cannot be administered within 2 hours of one of the above listed occurrences, a written statement explaining why the alcohol test was not promptly administered must be provided to the ~~Director of Human Resources~~Personnel Director by the appropriate supervisor. If alcohol testing cannot be administered within 8 hours after the occurrence, the City will cease attempts to administer an alcohol test and document the reasons the alcohol test was not administered. This report must be promptly forwarded to the ~~Director of Human Resources~~Personnel Director.

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

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

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

test was not administered; this report must be promptly forwarded to the ~~Director of Human Resources~~Personnel Director.

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

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

b. Reasonable Suspicion Drug Testing. A driver will be drug tested as soon as practicable but not later than 32 hours after the reasonable suspicion observation. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the ~~Director of Human Resources~~Personnel Director.

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

5. Return-to-duty and follow-up testing. Return-to-duty tests are conducted when a driver who has violated DOT's prohibited drug and alcohol standards returns to performing safety sensitive duties. Follow-up tests are unannounced, and at least 6 tests must be conducted in the first 12 months after a driver returns to duty; follow-up tests may be extended for up to 60 months following a driver's return to duty. Drug tests must be negative and alcohol tests must demonstrate a breath alcohol level of less than 0.02. The driver will pay all costs associated with return-to-duty testing. When applicable, the

City will follow all applicable DOT regulations in requiring return-to-duty and follow-up testing. The City is not, however, required to hire an applicant or continue the employment of a driver who has violated DOT drug and alcohol regulations or this policy and it is the policy of the City not to do so. Thus, return-to-duty and follow-up tests are generally applicable only for those seeking assistance as set out below and, based on individual circumstances, for those who may have had an alcohol concentration of 0.02 or greater, but less than 0.04.

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

Additional Information About Alcohol Testing.

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

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

Additional Information About Drug Testing.

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

Drugs Tested For. DOT requires testing for the following drugs:

- Marijuana (THC)
- Cocaine
- Amphetamines
- Opiates
- Phencyclidine (PCP)

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

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

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

Confidentiality. Test results may be released only to the driver, designated City officials, a substance abuse professional, laboratory officials or a medical review officer. Records will also be made available to a subsequent employer or other identified person upon the driver's specific written request. Test results will not be released to others except as required by law or expressly authorized in the applicable DOT regulations (e.g., the decision maker in a lawsuit, appeal or administrative proceeding initiated by or on behalf of the driver and arising from a positive DOT drug or alcohol test or refusal to test; this includes workers' compensation and unemployment proceedings.) All test results will be kept in a confidential file by the ~~Director of Human Resources~~Personnel Director. Management and supervisory personnel who are authorized to

have access to alcohol and drug testing results must maintain complete confidentiality regarding this information. City employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. Breach of confidentiality relating to test results, or any other related matters, will likely result in disciplinary action, up to and including termination of employment.

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

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

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

Employee Admission of Drug/Alcohol Use. An employee who admits to alcohol misuse or drug use must do so in accordance with the City's general Drug and Alcohol Use Policy; provided, however, the employee may not self-identify in order to avoid the testing requirements of this DOT policy. Further, the employee must make the admission prior to performing a safety sensitive function, i.e., prior to reporting for duty. The employee may not perform a safety sensitive function until the City is satisfied that the employee has been evaluated and has successfully completed educational or treatment requirements in accordance with the City's general Drug and Alcohol Use Policy. A drug and alcohol abuse evaluation expert, *i.e.*, an EAP professional, a substance abuse professional or a qualified drug and alcohol counselor, will determine successful completion. Prior to the employee performing safety sensitive functions, the employee must undergo a return to duty alcohol test with a result of less than 0.02 and/or a return to duty drug test with a negative test result.

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

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

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

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

XII. EMERGENCY OPERATIONS PROCEDURES

12.01 Emergency Operations

This policy will be in effect whenever the Mayor or the Mayor's designee declares that emergency conditions warrant either in preparation for or as a reaction to, a potentially disastrous event. Each emergency situation is unique and this policy is intended for overall guidance only. Upon declaration of an emergency, Directors are authorized to release employees in Tiers 2-3 from duty as outlined below.

12.02 Emergency Operations; Classification and Staffing

Directors are responsible for appointing individual classifications to each of their employees. Every City employee will have one of the following classifications. Any employee classification can be immediately or temporarily reclassified upward or downwards depending on the needs of the City.

“Tier 1” – ESSENTIAL – Employees with specific responsibilities who remain in the City on the job or at a designated location during an emergency and are authorized to remain during a mandatory evacuation.

“Tier 2” – RE-ENTRY ESSENTIAL – Employees who must return to supplement or relieve Tier 1 employees immediately upon roads becoming accessible.

“Tier 3” – NON-ESSENTIAL – Employees whose presence is not essential in carrying out the emergency plan, but who cannot leave their positions until released by their supervisor, and must return to work as usual under normal operations after emergency status has ended.

Employees not at work are responsible for remaining in contact with their supervisor regarding assignments, and to stay abreast of the situation by monitoring radio and television for instructions or by calling the Emergency Operations Center.

12.03 Emergency Preparation Phase

City property will be secured and protected and other actions will be taken as necessary in individual departments. Directors will reconsider and reschedule or cancel, if necessary, all personal leave requests of Tier 1 and Tier 2 employees who are on personal leave, or are scheduled for personal leave. When assigned tasks under the Preparation Phase are completed in accordance with the Departmental Emergency Plan, Tier 2 and Tier 3 employees released from duty may choose to evacuate. Tier 1 employees will be allowed to secure their property and make arrangements for their families as scheduled by the Director. Each employee of the City shall have a hurricane evacuation plan for his/her family well in advance of an approaching storm.

12.04 Essential Services Phase

This phase occurs during the emergency situation. Only those employees whose assigned functions are necessary for the benefit of the general public during the emergency situation will work during the Essential Service Phase. Tier 1 employees will not be authorized to evacuate.

Shifts during the Essential Services Phase will be established according to departmental needs. Employees who are assigned on call status must advise supervisors of locations where they can be contacted at all times. Employees released from work will follow instructions regarding evacuation and shelter, as applicable.

If additional days are needed by the employee after the declaration to return to duty, the employee may request personal leave time or compensatory time off for personal emergency recovery. However, that request may be denied if the situation warrants.

Employees who do not remain on, or return to, duty when so ordered are subject to disciplinary action up to and including termination.

12.05 Return to Duty Phase

By reporting to work on the return-to-duty date and/or time specified by the Mayor, each employee meets their responsibility to work with other City employees as a team in helping to restore the community to normal service levels following a disaster period. Employees who choose to evacuate will be expected to report to work at the start of their next normal shift on the return-to-work date.

12.06 Departmental Responsibilities

Directors shall:

- Review this Emergency Policy with their employees annually and identify each position in which employees in their department are required to work during an emergency. This list of positions and employees who occupy them must be maintained and posted on the department's official bulletin board or circulated to all their employees.
- Develop, post, communicate and circulate to all their employees the Standard Operating Procedures (SOPs) under each phase of an emergency, and annexes to the City's Emergency Plan pertinent to that department(s).
- Hold an annual meeting to reiterate to employees their individual responsibilities and to inform them of any changes in this policy or the SOP.
- Ensure that all job descriptions state the Emergency Classification of their positions.
- Complete the "Emergency Preparedness Employee Classification Form" for every employee.

Each employee must be provided with a copy of his or her Tier classification form. The original must be forwarded to the Human Resource Department.

12.07 Supervisor Duties

Supervisors shall:

- Assist with the responsibility of the consistent and fair implementations of this policy.
- Document and initiate any disciplinary action resulting from any violations of this policy.

12.08 Employee Duties

All City Employees shall know his/her responsibility under this policy because compliance with this policy is mandatory and be responsible for complying with waiver request procedures as outlined in this policy.

12.09 Waivers

If an employee has personal circumstances that would affect his or her ability to work during any phase of this Policy, then the employee must notify his or her Director upon employment or within 30 days of the onset of the extenuating circumstances. The requests will be reviewed and approved/disapproved by the City Manager. Documentation of qualifying circumstances shall accompany the request.

12.10 Inclement Weather/Emergency Closing

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

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

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

When weather or other conditions are such that the City Manager declares certain City offices/departments officially closed, or if a mandatory evacuation has been declared, all affected personnel, i.e., those non-essential employees who were scheduled to work during the time of closure, will be granted "administrative leave" for the time the office/department is closed. Essential personnel must report to work even when other City departments are officially closed due to weather or other type of extraordinary circumstances. Essential personnel required to be on the job regardless of adverse weather or other conditions are designated by the Department

Director and/or the City Manager. Essential personnel who fail to report to work may be subject to disciplinary action up to and including termination of employment. Employees are required to sign an acknowledgement form that they have received notice of their designation of essential or non-essential status and requirement to work during inclement weather at time of employment.

12.11 Compensation during Emergencies

Policy Summary

When an emergency impacts City employees' work schedules and status during emergency conditions and a "state of emergency" or "state of disaster" has been declared by the President, Governor, County Judge or Mayor, the City Manager may grant emergency administrative leave with pay immediately prior to and/or after the occurrence of a disaster, whether natural or man-made.

If it is determined that a civil emergency condition exists, including, but not limited to, riots, civil disorders, severe weather or hurricane conditions, other natural disasters, chemical incidents, or similar conditions, the Mayor and/or City Manager may suspend all provisions of the City of Manvel's Personnel Rules except for those sections concerning Safety and Wages and Discipline.

Scope

This policy applies to all non-exempt and exempt employees.

A. Declaration of Emergency

Notification of State of Emergency: When a state of emergency is imminent or has been declared, the Mayor and/or City Manager or **designee** will notify all employees through department directors or managers of such declaration.

B. Emergency Periods

Pre-Impact Period This is the time period prior to the impending disaster and includes emergency response activities and preventive measures by the City of Manvel's departments in preparing for the impending emergency. This period begins when the City Emergency Operations Center is activated because a "state of emergency" or "state of disaster" has been declared by the President, Governor, County Judge or Mayor, or for other good cause by the City's Emergency Management Coordinator or City Manager.

Emergency Period This is the time period during which emergency response activities and restoration of critical services are conducted to protect life and property, and most other regular City services are suspended. During this period, the City Manager may designate key essential personnel to take mandatory shelter in the City Emergency Response Operations Center. The Emergency Period begins when the City is closed for **normal** business and ends when the Mayor and/or City Manager declares it safe for all employees to return to work.

Post Impact/Recovery Period This is the time period during which activities are conducted to restore the City's infrastructure and services to pre-disaster conditions. This period begins when the Mayor and/or City Manager declares it safe for all employees to return to work, and ends when the Mayor and/or City Manager declares the period is over.

No one is excused from work until the Mayor and/or City Manager, through the department directors, authorizes employees to leave, even if a public announcement of office closures or suspension of services is issued. Employees must return to work as soon as an emergency is over to participate in the Post Impact/Recovery Period. Employees excused from work during an emergency will be on emergency paid administrative leave.

Emergency paid administrative leave will start when the employee is excused by his/her Department Director and will continue until the Mayor and/or City Manager declares it is safe for all employees to return to work. Employees are expected to return to work on their next scheduled day or shift following the Mayor and/or City Manager's declaration. If an employee fails to show up for work or cannot show up for other reasons then the time lost will be Leave of Absence Without Pay, unless other paid leave (vacation, sick, etc.) is approved.

The City of Manvel recognizes that employees have personal and family responsibilities that may conflict with the obligation to fulfill their job requirements during hazardous weather or state of local emergency. When evacuation of personal residences is required, Emergency Essential employees will be permitted and expected to make arrangements for their families like any other citizen, including the use of authorized shelters. The Emergency Essential Employees may be granted up to 4 hours of administrative leave for this purpose. Employees who are not able to return to work due to emergency conditions (for instance, they have evacuated the area and are unable to return, or they are unable to leave their residence to return to work at City facilities due to impassable roadways, etc.) must contact their department director **or designated supervisor** as soon as possible and utilize appropriate leave time.

During a state of emergency, any unauthorized absence from work or assignment may be considered sufficient cause for discharge.

C. Employee Status

Prior to a declaration of a civil emergency, Department Directors shall, designate "Emergency Essential" and "Emergency Non-Essential" personnel. All personnel shall be advised of their status as of **January 1st** each year. Individual employee status may change, as the needs of the City change during the civil emergency, or at the discretion of the Department director.

"Emergency Non-Essential" – After a needs assessment is made, some employees may be temporarily excused from work, concurrently or successively, as determined by the type of emergency event, those will be designated as "Emergency Non-Essential." They will be placed on Emergency Paid Administrative Leave pursuant to this policy.

“Emergency Essential” – Each department director is responsible for identifying those employees who will be required to remain or respond in the event of emergency conditions and those employees will be designated as “Emergency Essential.” “Emergency-Essential” employees may be required to be available immediately before (Pre-Impact), during (Emergency)—*e.g.*, those within the Emergency Operations Center—and/or after the disaster or emergency condition (Post-Impact/Recovery) to perform duties directly related to the emergency conditions, as determined by City.

“Post-Impact/Recovery Assigned” – Post-emergency, all City employees are considered Post-Impact/Recovery Assigned employees. All City employees are to return to work after the Mayor or City Manager declares it is safe. After the return to work, some employees may be further identified as “Essential Recovery,” while others may be temporarily excused from work. The City Manager and each department or function is responsible for identifying those employees who are essential to the quick restoration of critical services to the community. These employees designated as “Essential Recovery” employees are required to work during periods after the emergency when other employees may be dismissed on leave or furlough.

Emergency Duty Assignment: In the event of an emergency, the Mayor and/or City Manager may assign employees to any duty to the extent that the City is not in violation of any State or Federal Law. This includes employees of one department serving in an emergency capacity for any other department or function as assigned.

D. Compensation for Hours Worked During a Declared State of Emergency – Non-Public Safety / Non-Emergency Management Personnel

During declared emergency status, the exempt employees shall receive their regular salary except during the Emergency Period when key essential exempt employees are required to reside in the City Emergency Operations Center. *The exempt-status employee(s) base salary will be computed to arrive at an hourly rate; then the City shall pay the exempt-status employee(s) 1 times their hourly rate for each hour of mandatory residency in the City Emergency Operations Center (EOC).* Nothing herein shall be construed to affect the exempt status of such employees.

During the Emergency Period, employees (exempt and non-exempt) released from work or who are not required to report to work due to the emergency event shall receive pay for their normally scheduled workday. These hours shall **not** count as “time worked” for the purpose of computing overtime for non-exempt employees and shall be clearly noted on the time sheet with the appropriate emergency coding as designated by the Finance Department.

During the Emergency Period, non-exempt employees authorized to perform work for the benefit of the City shall be paid at a rate of one and one-half times (1.5x) base straight pay for all hours worked during the declared emergency conditions, when other employees are allowed administrative leave, until the Mayor or City Manager declares that it is safe for all employees to return to work. After such time, the employee will be paid according to the normal pay policy. During the period when essential employees are required to reside in the City’s Emergency Operations Center, they shall be paid one- and one-half times (1.5x) their normal rate of pay for all hours worked and one times (1x) their normal rate of pay for all non-

work hours. Mandatory residency in a City Emergency Operation Center may vary by department as determined by the Department Director and approved by the City Manager.

Employees who are out on prior-approved leave or who called in sick or took unscheduled leave during any of the three periods will continue to be charged for such leave and if they do not have sufficient accruals will be placed on Leave Without Pay.

All other policies concerning remuneration shall comply with the City of Manvel's Personnel Rules and the Fair Labor Standard Act.

At the director's discretion, previously approved leave, vacation, etc., for essential employees may be cancelled when a state of emergency is imminent or declared. Failure to return to work upon notice, either written or verbal, that leave has been cancelled will be deemed as an unauthorized absence from work or assignment which may be sufficient cause for termination.

E. Compensation for Hours Worked During a Declared State of Emergency – Public Safety / Emergency Management Personnel

When the Police Department or Emergency Management exempt personnel are ordered to reside, take shelter, in City Emergency Operation Centers during a declared emergency, they shall be paid for all hours while under mandatory residency requirement in excess of their normal work schedule. *The exempt-status employees' base salary will be computed to arrive at an hourly rate. The City shall pay the exempt-status employees 1 times (1x) their hourly rate for each hour while under the mandatory residency period.* Nothing herein shall be construed to affect the exempt status of such employees.

During the Emergency Period, employees (exempt and non-exempt) released from work or who are not required to report to work due to the emergency event shall receive pay for their normally scheduled workday. These hours shall **not** count as "time worked" for the purpose of computing overtime for non-exempt employees and shall be clearly noted on the time sheet with the appropriate emergency coding as designated by the Finance Department.

During the Emergency Period, non-exempt (hourly, overtime eligible) employees shall be paid at a rate of one-time (1x) base straight pay. When Public Safety / Emergency Management employees are under mandatory residency at the Emergency Operations Center, non-exempt employees shall be paid at a rate of one and one-half (1.5x) base rate for all hours worked and one times (1x) for all non-work hours. Mandatory residency in a City Emergency Operation Center may vary by department as determined by the Department Director and approved by the City Manager. After discontinuing mandatory residency in the Emergency Operations Center, the employee will be paid according to the City's normal pay policy.

Employees who are out on prior-approved leave or who called in sick or took unscheduled leave during any of the three periods will continue to be charged for such leave. If accrued leave is exhausted the employee will be placed on Leave Without Pay.

All other policies concerning remuneration shall comply with the City of Manvel's Personnel Rules and the Fair Labor Standard Act.

At the director's discretion, previously approved leave, vacation etc., for essential employees may be cancelled when a state of emergency is imminent or declared. Failure to return to work upon notice, either written or verbal, that leave has been cancelled will be deemed as an unauthorized absence from work or assignment which may be sufficient cause for termination.

F. Summary of Emergency Periods

<u>Pre-Impact Period</u>	<u>Emergency Period</u>	<u>Post Impact/Recovery Period</u>
This is the time period prior to the impending disaster. This period includes emergency response preparation activities and preventive measures by the City of Manvel departments in preparing for the impending emergency.	This is the time period during which emergency response activities and restoration of critical services are conducted to protect life and property, and most other regular City services are suspended.	This is the time period during which activities are conducted to restore the City's infrastructure and services to pre-disaster conditions, and some City services may be suspended.
Starts –City activates EOC or state of emergency or state of disaster is declared	Starts – City is closed for business	Starts – Mayor and/or City Manager declares all clear
Ends –City closes for business or emergency conditions pass and City resumes normal operations	Ends -- Mayor and/or City Manager declares all clear	Ends -- As determined by Dept. Directors with Mayor and/or City Manager approval. This may vary by department.

XIII. SEPARATIONS FROM SERVICE; REINSTATEMENTS

13.01 Separations

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

Resignation. An employee who intends to resign is requested to notify the supervisor and/or the ~~Director of Human Resources~~Personnel Director in writing at least 2 weeks prior to the last day of work. Employees who fail to give a two-week notice are typically not eligible for rehire. The supervisor is responsible for immediately notifying the ~~Director of Human Resources~~Personnel Director.

Retirement. An employee who intends to retire is requested to notify the Department Director, supervisor, and the ~~Director of Human Resources~~Personnel Director, in writing at least ~~2~~4 weeks prior to the date of retirement. The TMRS application for retirement must be in the TMRS office the day of intended retirement date to lock in the in-service-date.

Dismissal/Termination. The City may terminate an employee's employment consistent with this policy and state and federal law. City employees who are terminated, or who resign in lieu of termination, due to unsatisfactory performance, pending results of an investigation, or conduct and /or violation of City policies or procedures, are not eligible for rehire.

Dismissal may also occur for the following:

Job Abandonment. If an employee fails to properly notify the City of an absence from work or if an employee is absent without authorization and/or notification for three or more consecutive days, the City will normally consider the employee to have abandoned employment, and the employee will be terminated. Additionally, if an employee walks off the job without approval of their supervisor this will be considered job abandonment, and the employee will be terminated.

Long-Term Absence. Any employee who is absent from work for more than 180 days in a year, for whatever reason, will be terminated. Brief appearances at work during an overall absence of 180 days will not prevent the City from terminating an employee if determined to be in the City's best interest. Likewise, any employee who reports to work (e.g., in a modified duty capacity) but is unable to perform the essential functions, with or without reasonable accommodation, of the actual position after a period of 60 days will be returned to off duty status. The City may elect to end the employee's employment before the expiration of 180 days if it is unlikely that the employee will be able to return to full-time active duty at the end of the leave. An employee who has a paid leave balance remaining at the end of 180 days may, at the City's option, extend the leave using any available paid leave balance, or be terminated and paid for accrued leave balances. This policy will be administered consistently with the City's reasonable accommodation obligations under the Americans with Disabilities Act.

Reductions-in-Force/Reorganization. An employee may be separated from City service when it is deemed necessary by reason of shortage of funds or work, the abolition of the position, or

other material change in the duties of the organization, or for other reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee.

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

13.02 Layoffs/ Reorganizations

The City may layoff an employee, transfer an employee to another position, or demote an employee because of changes in duties or organization or lack of work or funds. The City will decide the order of layoff or reorganization among employees based on demonstrated job performance and efficiency and seniority. Layoffs, transfers and demotions resulting from reorganizations are not disciplinary actions.

13.03 Incapacity

An employee may be separated for incapacity or medical reasons when the employee no longer meets the standards of fitness required for the position.

13.04 Exit Interview; Return of City Property; Final Payments

The City usually provides separating employees with an exit interview prior to their last day of work. The purpose of the exit interview is to finalize all compensation due, return City equipment, provide explanation of any continuing benefits, review employment history, discuss the reason(s) for the separation, and solicit constructive feedback to improve the City. The ~~Director of Human Resources~~Personnel Director shall complete an Exit Interview Form, and the supervisor also completes a form. Exit interviews are conducted confidentially by the ~~Director of Human Resources~~Personnel Director. Information discussed during the exit interview may be shared with the City Manager's office and acted upon as deemed appropriate by the City. The Department Director (or designee) is responsible for promptly notifying the ~~Director of Human Resources~~Personnel Director of all separations, arranging for the exit interview and providing documentation of receipt of all departmental and/or City property from the exiting employee.

Final payment of compensation may be withheld pending return of City property (including city-issued ID cards), completion of necessary paperwork, and other requirements of separation.

13.05 Reinstatement

The City may recall to work a person whom it laid off. Employees who left City employment in good standing to enter duty with the armed forces of the United States shall be eligible for reinstatement according to applicable Texas and federal laws.

13.06 Retirement

The City participates in the Texas Municipal Retirement System, which provides retirement benefits to eligible employees. Employees covered under TMRS are required to contribute 7% of the employee's pay to be deposited into the member's account. The City of Manvel currently contributes matching funds pursuant to actuarial assumptions. Participation by every full-time regular employee is a condition of employment. All amendments and additions to such system enacted by the City Council are continued in full force and effect, and are incorporated herein by reference. Employees are provided retirement benefits upon meeting TMRS eligibility and plan requirements. Specific TMRS plan requirements and provisions can be obtained from Human Resources or TMRS.

The City participates in the Federal Social Security and Medicare Programs which provide benefits upon retirement. A deduction from the employee's salary is matched with the required IRS rates for employers by the City for this benefit. Participation by every employee is a condition of employment.

Employees that retire from the City of Manvel are eligible for continued insurance coverage for themselves and dependents until the employee reaches the age of 65, provided:

EITHER:

1. The employee worked for the City of Manvel for at least 10 years prior to retirement, and
2. The employee is at least 60 years old at retirement.

OR

1. The employee worked for the City of Manvel for at least 20 years prior to retirement, and
2. The employee is at least 58 years old at retirement.

XIV. DISCIPLINARY POLICIES

14.01 Disciplinary Guidelines

The following disciplinary guidelines are advisory and the City Manager may alter, combine, or bypass any or all of the listed procedures when the City Manager deems such action appropriate. The City Manager may use the methods described below to enforce and maintain proper standards of discipline and personal conduct among employees. The methods described below should be used in the manner deemed most effective for meeting the described management goals.

14.02 Disciplinary Process

Oral Reprimand or Warning. An oral reprimand or warning may be used by managers to identify violations and indicate needed improvement. A written record of this warning may be maintained within the employee's department.

Written Reprimand or Warning. A written reprimand, which is normally the second step in the disciplinary procedure, shall be signed by both the employee and the supervisor and may be maintained within the department. If an employee refuses to sign, the supervisor shall have a witness sign that a copy was given to the employee. The employee's signature indicates receipt of the document only, not acceptance of its contents. This document should include identification of the violation, indication of the necessary improvement, and information concerning further disciplinary action that may result.

Disciplinary Suspension. An employee may be suspended without pay. An employee who is suspended shall be given written notice of the reasons for the action. A copy shall be forwarded immediately to the Director of Personnel to be made a part of the employee's official personnel history record. Following completion of the suspension period, the employee will be automatically reinstated. However, an employee may be terminated without prior disciplinary action. Exempt employees may be issued disciplinary suspensions in accordance with the Fair Labor Standards Act and the appropriate regulations.

Administrative Suspension. During an investigation, hearing, or trial on any civil or criminal charge, an employee may be suspended upon recommendation by the Director with approval of the City Manager. The administrative suspension may be for the duration of the proceedings, or any appropriate portion thereof as would be in the best interest of the City. The employee may be administratively suspended with or without pay. The City may take further action including dismissal or reinstatement, at any point in the process, as determined by the City Manager.

XV. GRIEVANCE POLICY

15.01 Grievance Eligibility

Except for Council appointees, an employee of the City who has been employed by the City for more than six (6) months and has completed their probationary period and who feels that disciplinary action has been improperly taken against them shall have the right to file a grievance. Disciplinary action shall mean a demotion, suspension, or termination. Actions or results which occur that are beyond the control of the City, or that relate to policy matters (such job eliminations or reductions in force) shall not be considered grounds for a grievance.

15.02 Grievance Administrator

The ~~Director of Human Resources~~Personnel Director will serve as the administrator of grievances and perform work incidental to the grievance policy.

15.03 Non-Termination Grievance Procedure

Step A

- 1) The employee informally discusses the grievance with his or her supervisor.
- 2) The supervisor decides what action, if any, will be taken in regard to the grievance.
- 3) If Step A does not result in a resolution of the grievance, the employee may proceed to Step B. Step B must be initiated within three working days after the informal discussion with his or her supervisor.

Step B

- 1) The employee prepares and gives to his or her supervisor a written statement giving the details of the grievance and stating the specific remedial action requested.
- 2) The supervisor reviews the facts of the grievance, makes a written decision as to what action, if any, is to be taken to resolve the grievance. The supervisor then communicates the decision to the employee within five working days after having received the grievance.

Step C

- 1) If the employee is not satisfied with the decision in Step B, or, if the supervisor fails to respond within five working days, the employee may submit a written copy of the grievance to the Director along with a copy of the decision made by the supervisor, or, a statement that the supervisor failed to provide a decision within the five-day limit if such is the case.
- 2) The Director reviews the details of the grievance and, within five working days, provides the employee with a written statement of what action, if any, is to be taken to resolve the

grievance.

3) If the employee's immediate supervisor is the Director, Step C of the grievance procedure may be eliminated, and the employee may go immediately to Step D.

Step D

1) If the employee is not satisfied with the decision of the Director, or, if the Director fails to respond within five working days, the employee may within three working days after the expiration of the five days submit a copy of the grievance to the City Manager. Copies of any decisions made in Steps B and C, or statements of a failure of the supervisor or Director to respond where such is the case, are presented at this time.

2) The City Manager gathers any additional information that may be pertinent to the grievance and determines what action, if any, is to be taken to resolve the grievance. The City Manager's decision is final in any non-termination grievance.

15.04 Termination Grievance; City Manager Action

The City Manager may terminate an employee for one or more of the grounds contained in this Handbook or for other reasons deemed sufficient by the City Manager to warrant such action. If the City Manager discharges an employee, the City Manager shall, within five working days of the date of the termination, mail, deliver, or cause to be delivered, a written statement ("letter of termination") to the terminated employee

An employee who wishes to appeal the termination decision must appeal the decision in writing to the City Manager within five working days of receiving the letter of termination. The written appeal must include a short statement of the basis for the appeal. The City Manager may choose to meet with the appealing employee before rendering a decision on the appeal. The City Manager will respond to the employee in writing within five working days of the later of receipt of the appeal letter or the date of the meeting with the former employee. The City Manager's decision will state whether the termination is upheld, reversed, or modified. If the termination is reversed or modified, the City Manager will decide whether the employee is entitled to full back pay, partial back pay or no back pay. The City Manager will not hold any other type of hearing. The City Manager's decision is final in any termination grievance.

15.05 Stopping the Grievance Process

- a. Only the employee who has filed the grievance shall be able to stop the grievance procedure by either action or inaction.
- b. The grievance procedure shall be stopped if:
 - 1) The employee indicates ~~he or she~~ they are ~~is~~ satisfied with the action to resolve the grievance at any level of the grievance procedure; or
 - 2) The employee, for any reason, indicates that ~~he or she~~ they no longer wishes to continue the grievance procedure; or
 - 3) The employee fails to take action to continue with the next step of the procedure within three working days of completion of the prior step; or
 - 4) The employee has exhausted all available steps of the grievance procedure.

XVI. CITY PROPERTY

16.01 Issuance. The City attempts to provide employees with adequate tools, equipment, vehicles and facilities for the job being performed, and the City requires all employees to observe safe work practices and lawful, careful and courteous operation of vehicles and equipment. Any City-provided safety equipment must be used at all times.

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

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

16.02 Personal Use Prohibited. City property, materials, supplies, tools, equipment or vehicles may not be removed from the premises or used for personal business without prior written approval by the City Manager, or the Department Director.

16.03 Vehicle Allowance. An employee may be given a monthly allowance for consistently using such employee's own vehicle for City business if the use is deemed necessary by the City Manager. The amount of the allowance shall be determined by the City Manager.

16.04 Take Home Vehicles. A City vehicle may be assigned to a position or employee when it is more economical than payment of a car allowance or mileage reimbursement. To be eligible for assignment of a take-home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal work station. No personal use of a take-home vehicle is permitted except to commute to and from home or work. A City vehicle is not to be used for personal business such as going to the bank, grocery store, etc. or for any outside employment without prior written approval of the City Manager. No alcoholic beverages are allowed in City vehicles. No passengers may be transported in take-home vehicles except as required by official duties or with approval of the City Manager. No smoking in city vehicles is permitted.

If approved by the City Manager, use of a City owned vehicle may be included within a contract of employment and may be exempt from this policy, but will be regulated within the terms of the contract.

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

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

- Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
- Always observe all posted laws and speed limits.
- Always wear seat belts when the vehicle is in operation and ensure permitted passenger wear seatbelts.
- No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the City Manager.
- No personal use of City-provided vehicles is allowed without the prior, specific approval of the City Manager.
- All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor.
- Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
- All drivers must be eligible for coverage under the City's insurance policy.
- Drivers covered by Department of Transportation (DOT) regulations must comply with them at all times.
- At no time may an employee under the influence of alcohol or a presence in the system of illegal drugs drive a city vehicle or a personal vehicle while conducting city business.
- Employees involved in an accident while operating a city vehicle or while operating a personal vehicle on city business, must immediately notify the proper law enforcement agency (if applicable) and the appropriate supervisor, department director, and /or City Manager. Accident reports, along with any law enforcement report, must be filed by the employee with the Department Director and the ~~Director of Human Resources~~Personnel Director.

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

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

16.06 Personal Property. All employees shall be solely responsible for their personal property at all times. The City is not responsible for theft, loss, or damage to items of personal property.

XVII. TRAVEL

It is the City's policy to pay for, or reimburse, all reasonable and necessary expenses incurred by an employee when the employee travels on City-related business in accordance with this policy.

17.01 Transportation. The most efficient and economical mode of travel must be used. Air travel arrangements are to be made by each department. Air travel must be booked at the most discounted fare basis whenever possible. When authorized, an employee using a personal vehicle on City business shall be paid an amount per mile; equivalent to the current IRS rate at the time, or shall be paid the equivalent of a coach airline fare, whichever results in the lower cost to the City. In instances of approved private vehicle use, reimbursement will also be made for mileage tolls and parking fees. Receipts are required for toll and parking fees, as well as for taxi cabs, limos, and other modes of transportation. The City will pay for rental vehicles upon written approval of the City Manager (or designee).

17.02 Travel Approval and Cash Advances. All travel and cash advances must be approved in advance by the employee's Department Director (or designee), unless otherwise stated in this policy. In addition, any travel out of state must be approved by the City Manager as set out below.

17.03 Lodging. Expenses for lodging are to be at the single room rate, unless an employee is approved in advance for double occupancy. Extra charges for room service will not be paid by the City. An itemized hotel receipt must be provided, including an itemization for any room service charges to be paid/ reimbursed by the City.

17.04 Meal Allowance. The City shall pay actual necessary food expenses for an employee or City official traveling on City business. Expenses for meals shall either be reimbursed at actual cost as supported by receipts or by per diem allowance. In lieu of itemized receipts for meals for in state travel, a per diem allowance as outlined by the Texas Comptroller's office will be reimbursed. Even if supported by a receipt, reimbursement shall not exceed fifty (\$50) dollars for any one meal.

17.05 Long Distance Phone Calls. Reasonable and necessary long-distance business phone calls and computer related expenses for City business reasons only will be reimbursed.

17.06 Non-Allowable Expenses. Expenses or charges for the following will normally not be reimbursed and must be paid for by the employee:

- In-hotel pay television and movies
- Dry cleaning and laundry;
- Health club and spas;
- Expenses of a spouse;
- Alcoholic beverages;
- Personal long distance telephone calls; and
- Other items of a personal nature.

17.07 Request for Reimbursement and Return of Unexpended Funds. Upon return to the City, a complete accounting of all expenditures of City funds is to be filed within ten (10) days on the City's expense form. Receipts for all expenses, including hotel bills and registration fees, must be attached to the statement. All unexpended advance funds must be returned with the statement. Authorized expenses in excess of advance funds received will be reimbursed with proper approval.

17.08 Travel to Training. The current IRS rate mileage reimbursement will be paid to employees who must use their personal vehicles to travel to a training destination further than their designated work location or other City locations and/or facilities. Reimbursement will be made only for the difference in miles from the normal work location to the further training location. Actual mileage readings must be submitted for reimbursement.

17.09 Expenses Not Covered in Policy. The City Manager's approval must be obtained prior to any expenditure of funds for items or changes which are not specifically addressed in the travel policy.

17.10 Compliance. Abuse of this policy, including falsifying expense reports or submitting false claims, will result in disciplinary action, up to and including termination of employment.

APPENDIX A

Charter Positions

Appointive offices

In addition to the elected officers, the other officers of the city shall be the city manager, city secretary, municipal court judge, and city attorney, and such other officers as the council may from time to time establish. The council may abolish or consolidate such offices and positions as it may deem to be in the best interest of the city and may divide the administration of such offices or positions as it may deem advisable, create new offices and positions, and discontinue any office or position at its discretion, except the offices of city manager, city secretary, municipal court judge, and city attorney.

Removal of officers appointed by the city council shall be at the discretion of the council, by vote of the majority of the entire council.

At-will Positions

- a. The City Council appoints the City Manager, City Attorney, and the Judge of the Municipal Court to serve as at-will employees or officers of the City.
- b. The City Manager appoints, suspends, and/or removes all or one of the directors of the city departments, including the City Secretary, with the concurrence of the City Council. The City Manager appoints, suspends, and/or removes all other employees of the City.

Term Position

The City Council appoints the City Judge, who serves a three-year term to run concurrent with the term of the mayor and may be removed or replaced at any time at the discretion of the City Council.

Outside Employment

The City's Officers shall not engage in outside employment, including self-employment, where such employment would constitute a conflict of interest or adversely affect the person's job performance unless the Officer discloses the conflict in writing to the City Council prior to, or as soon as practicable, the existence of the conflict.

APPENDIX B

Pandemic Event Leave Policy

Policy Summary

During the occurrence of a pandemic event, the City of Manvel must balance a variety of objectives when determining how best to decrease the spread of the pandemic causative agent, protect the health of the employees and citizens of the community, and reduce the impact on the workplace and city operations.

For this to be accomplished the City will allow the City Manager the flexibility to adjust workplace schedules, grant paid administrative leave, allow for negative sick leave accruals, and permit telecommuting, under certain conditions.

Policy

Notwithstanding other provisions contained in this “Employee Personnel Policies and Procedures Handbook,” when an emergency has been declared, or a potential emergency is imminent, due to a pandemic event, as declared by the City Manager, the “Pandemic Event Leave Policy,” this Policy shall take effect.

The Policy will remain in effect until the City Manager determines that a pandemic or potential pandemic is no longer a threat to the organization or its employees. Employees who are found to be in violation of any part of the following policy may be subject to disciplinary action. No part of the policy will be effective to the extent it conflicts with (1) federal or state law or (2) other employment contracts.

I. ADMINISTRATIVE LEAVE AND FLEXIBLE SCHEDULING.

A. In the event of a pandemic, the City Manager is authorized to adjust normal policies regarding workplace schedules and administrative leave. Specifically, the City Manager may:

- (1) Allow employees flexibility in their work schedule for work performed at the office;
- (2) Allow employees to work from home, in whole or in part, subject to the telecommuting policy below;
- (3) Provide for a minimal “skeleton crew” at city hall and/or city facilities, alternating employees where possible, to maximize the best possible city operations with due regard to safety of the employees and citizens;

(4) Provide for paid administrative leave for those employees who are ready and able to work, but due to the necessity of a “skeleton crew” order, or the closure of city hall or city work facilities, are unable to come to work and are unable to telecommute;

(5) Allow employees to use sick leave to stay home when ill, to care for an ill family member and/or dependent, or to care for their children if their children’s schools or childcare programs close, as a result of the pandemic;

(6) Grant negative sick leave, for those employees with no available accrued leave to stay home when ill, to care for an ill family member and/or dependent, or to care for their children if their children’s schools or childcare programs close, as a result of the pandemic but subject to the policy outlines below; and

(7) Make other reasonable accommodations for those employees with disabilities, as defined under the Americans with Disabilities Act (ADA).

B. An employee who is not ill with the pandemic causative agent may not take leave, or refuse to work, simply to avoid possible exposure to the pandemic causative agent in the workplace.

C. No combination of time worked at the office, telecommuting work, and paid administrative leave shall serve to create “overtime” for any non-exempt employee, except where expressly approved by the employee’s supervisor.

D. Employees who may have a disability that creates an increased risk associated with exposure to pandemic causative agent are encouraged to notify the City Manager as soon as possible, in order to seek an accommodation under the City of Manvel’s disability policy or this policy.

II. NEGATIVE SICK LEAVE.

A. The City of Manvel, in the event of a pandemic, will permit eligible employees who have no available sick leave (or other relevant personal leave) to realize a negative sick leave accrual balance under certain conditions. The goal is to enable employees who have no available sick leave to stay home when ill, to care for an ill family member and/or dependent, or to care for their children if their children’s schools or childcare programs close, as a result of the pandemic.

B. The policy shall apply to all full-time employees (exempt and non-exempt), who work a minimum of forty (40) hours per week on a regular basis.

C. If the leave qualifies as FMLA protected leave, the City of Manvel will require the employee to use paid sick leave, vacation leave or personal leave pursuant to its general policy for FMLA leave. Notwithstanding the foregoing, for leave taken in connection with the **Families First Coronavirus Response Act of 2020**, or other federal law mandating paid sick leave in certain instances, the negative sick leave may be used to compensate the employee

during an initial startup period that is unpaid leave, if the employee has no other available paid leave. The 80-hour accrual maximum still applies.

D. Eligible employees will be permitted to accrue up to 80 hours of negative sick leave if a local pandemic event is determined by the City Manager or his/her designee. This negative sick leave balance will be considered a salary advance and require the employee to reimburse the city either through future accruals or cash payment.

E. Before an employee shall be allowed to enter a negative sick leave balance, they shall have exhausted all accrual balances of sick, vacation, floating holiday, and personal leave in addition to any compensatory time available to the employee. Donated time will not be allowed to be utilized to satisfy the negative accrual nor used in conjunction with negative sick leave accruals.

F. To obtain negative sick time accruals an employee must be eligible and request in writing or email to be allowed to accrue negative sick leave. Before negative sick leave accruals can be obtained the request must have the approval by the employee's supervisor and the City Manager.

G. After the employee's negative sick leave has accrued, payback shall be settled by applying all earned vacation, sick, floating holiday or personal leave accruals against the negative balance until the balance is satisfied.

H. If an employee's employment is terminated prior to satisfying the negative sick accrual, a deduction shall be made from the employee's final check to the extent allowed by law to cover the value remaining that was advanced to the employee or the employee shall make a cash payment to the City for the balance remaining. The signature of the employee evidencing receipt of this policy shall serve as permission for the City to make said deduction, without the need for a separate agreement.

I. During a pandemic the City of Manvel may suspend return to work and fitness for duty policies that require a doctor's note or certification from a health care provider before employees may return to work.

III. TELECOMMUTING.

A. Background.

(1) Telecommuting is intended to be one of the flexible conditions that will help employees accomplish their work effectively without disruption to City services especially leading up to, during and immediately after a pandemic event. Telecommuting may be appropriate for some employees and jobs but not for others.

(2) Telecommuting is not an entitlement, it is not a companywide benefit, and it in no way changes the terms and conditions of employment with the City of Manvel.

(3) The City of Manvel realizes a need to develop a formal process to implement telecommuting to during a pandemic, to preserve a safe work environment and for the well-being of the City of Manvel employees and citizens of the community.

B. Definitions.

(1) Telecommuting – an arrangement in which an employee regularly performs work at an alternate work site for a specified portion of the work week. Occasional work off-site, including work while traveling on City of Manvel business, does not constitute telecommuting and does not require the formal arrangement specified in this policy.

(2) Telecommuter – an employee who has an approved telecommuting work arrangement authorization on file and working from an approved alternate work site.

(3) Authorized Designee – a person who has been authorized by the City Manager to act in the City Manager capacity.

(4) Alternate Work Site – an employee will establish an appropriate work site within their home for work purposes. The City of Manvel will not be responsible for the costs associated with the initial setup of the employee's home office such as remodeling, furniture, etc.

C. Scope.

(1) Certain requirements for all telecommuting arrangements are set forth in this policy and are intended to ensure that such arrangements comply with all applicable laws, as well as to prevent losses and claims. Aside from these requirements, and with the caveat that careful consideration must be given to the issues presented in this policy, the intent is to allow telecommuting arrangements as an alternative to working at the employee's normal worksite in the event that there is a wide scale catastrophic event, in order to maintain the City's essential services, or at any other time determined by the City Manager or an authorized designee.

(2) A telecommuting arrangement is not an entitlement and in no way changes the terms and conditions of employment with the City of Manvel. Telecommuting is not a formal, universal employee benefit or a condition of employment, but rather an alternate method of meeting the needs of both the City and the employee. The City of Manvel considers telecommuting to be a viable work arrangement in certain cases where job characteristics are best suited to such an arrangement.

(3) The duties, responsibilities, and conditions of employment remain the same as if the employee were working at the normal work site. The employee will continue to comply with City of Manvel policies and procedures while working at the alternate work site.

(4) The Employee understands that telecommuting is a mutually agreed upon work alternative between the City and the Employee and the Employee will be required to obtain a written authorization from the City Manager, or designee. The City, with or without cause, can revoke or modify the Employee's participation as a telecommuter at any time.

(5) Telecommuting by one employee should not negatively affect the workload or productivity of others either by shifting burdens or creating delays and additional steps in the workflow. Telecommuting will not affect an employee's compensation, benefits, work status or work responsibilities. A telecommuting arrangement shall not result in any additional cost to the City of Manvel.

D. Procedures.

(1) Pandemic Event

In the event of a pandemic or potential pandemic that could impact our community, the City Manager, or an authorized designee, can declare the City in an emergency event status and activate the ability to utilize this policy. All employees must be ready to assist in managing the crisis and will be considered essential for the continuity of governmental operations.

(2) Eligibility

All telecommuting arrangements must be authorized by the City Manager or an authorized designee. Before entering into any telecommuting arrangement, the Employee, the Employee's immediate supervisor (if any), and the City Manager, will evaluate the suitability of such an arrangement, reviewing the following areas:

- Employee suitability. The employee, supervisor, and City Manager will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
- Job responsibilities. The employee, supervisor, and City Manager will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
- Equipment needs, workspace design considerations and scheduling issues. The employee, supervisor, and City Manager will review the physical workspace needs and the appropriate location for the telework.
- Tax and other legal implications. The employee must determine any tax or legal implications under IRS, state and local government laws, and restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

(3) An appropriate level of communication between the telecommuting employee and supervisor will be agreed upon as part of the discussion process and will be at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved. Once all details are agreed to the City Manager may send written authorization.

(4) Determining positions that are appropriate for telecommuting

In making decisions about which positions are appropriate to designate or approve for telecommuting, department heads will analyze the duties of positions and how the work is performed. Generally, the following types of positions may be appropriate for telecommuting:

- Require independent work
- Require little face-to-face interaction with staff
- Require concentration
- Result in specific, measurable work products
- Can be monitored by output

(5) Guidelines of employee qualities that are appropriate for telecommuting

In making decisions about which employees are designated or approved for telecommuting, department heads will review the work qualities of employees, in addition to ensuring that their positions are appropriate for telecommuting. Generally, employees who are successful in telecommuting:

- Are able to work productively on their own
- Are self-motivated and flexible
- Are knowledgeable about the job
- Have a low need for social interaction
- Are dependable and trustworthy
- Have above average performance records
- Are organized
- Have good communication skills

(6) Equipment

On a case-by-case basis, City of Manvel will determine, with information supplied by the Employee and the Supervisor, the appropriate equipment needs (including hardware, software, modems, phone and data lines and other office equipment) for each telecommuting arrangement. Equipment supplied by the organization will be maintained by the organization. Equipment supplied by the employee, if deemed appropriate by the organization, will be maintained by the employee. City of Manvel accepts no responsibility for damage or repairs to employee-owned equipment. City of Manvel reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the organization is to be used for business purposes only. The telecommuter may be required to sign an inventory of all City of Manvel property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all City property will be returned to the City unless other arrangements have been made.

City of Manvel will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary and will also reimburse the employee for business-related expenses, such as phone calls and shipping costs, that are reasonably incurred in carrying out the employee's job.

The employee will establish an appropriate work environment within their home for work purposes. City of Manvel will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

(7) Security

Consistent with the organization's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of all City information accessible from their home office. Steps may include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

(8) Safety

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by the City's workers' compensation policy. Telecommuting employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite.

(9) Time Worked; Overtime.

Telecommuting employees who are "non-exempt" (not exempt from the overtime requirements of the Fair Labor Standards Act) will be required to accurately record all hours worked using the City's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's Supervisor. Failure to comply with this requirement may result in the immediate termination of the Telecommuting work arrangement. No combination of time worked at the office, telecommuting work, and paid administrative leave shall serve to create "overtime" for any non-exempt employee, except where expressly approved by the employee's supervisor.

(10) Ad Hoc Arrangements

Nothing in the policy affects the normal temporary telecommuting arrangements that may be approved by the City Manager for circumstances such as inclement weather, special projects or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.

Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the organization and with the consent of the employee's health care provider, if appropriate.

All informal telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the organization.

IV. GENERAL

- A. Any employee who fails to follow the requirements of this policy and/or falsifies any information or documentation related to their own or another's potentially life-threatening, contagious illness will be subject to the City of Manvel disciplinary action in accordance with the City of Manvel policies and procedures up to and including termination.
- B. Employees who are found to be in violation of any part of the following policy may be subject to disciplinary action.
- C. No part of the policy will be effective to the extent it conflicts with (1) federal or state law or (2) other employment contracts.