

PLEASANTON



TEXAS

Employee Handbook

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**CITY OF PLEASANTON
EMPLOYEE HANDBOOK
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Chapter 1

Introduction

1-01 Objectives of Policies

The objective of these policies is to bring into City service a high degree of understanding, cooperation, efficiency, and unity. The goals of these policies are to promote and increase efficiency and effectiveness in the service of the City, offer equal opportunity to all qualified applicants, and to establish a high morale among City employees.

These goals and objectives will establish a good working environment, uniform personnel policies, and consideration for employee needs and desires as well as opportunities for career advancement.

1-02 Equal Opportunity

Every effort shall be made to ensure equal opportunity in City service. Discrimination against any person in job structuring, recruitment, examination, appointment, training, promotion, discipline, or any other aspect of personnel administration because of political or religious opinions or affiliations membership in employee organizations; or because of race, color, sex, religion, national origin, age, or other unlawful factors is prohibited. Consideration of age, sex or physical disability is prohibited except where specific age, sex or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration.

An employee will not engage in conduct at work that involves the use of racial, sexual, ethnic joking, or derogatory remarks. Reports of such conduct will be investigated, and disciplinary action will be taken, if appropriate. Pleasanton is an equal opportunity employer.

The City prohibits retaliation or discrimination against any employee for opposing an unlawful or discriminatory employment practice, or for alleging such a practice or participating in an investigation of an allegation of discrimination.

1-03 Applicability and Scope of Policies

These personnel policies and procedures apply to all City employees unless specified otherwise by Federal Law, State Statute, the City Charter, the City Manager, or terms of written contract. A person on retainer or under contract is not considered to be a City employee in the absence of a specific agreement to that affect.

In cases where Federal or State laws or regulations supersede local policy for specific groups of employees, such laws or regulations will substitute for these personnel policies insofar as necessary to comply.

1-04 Duration: “At Will” Employment

This handbook is presented as a matter of information and reference only and does not constitute a contract. There are no guarantees, expressed or implied, as to the length of time the City will continue one’s employment.

The City of Pleasanton operates under the legal doctrine of “employment-at-will” and, within the requirements of Federal and State laws regarding employment, the City may dismiss an employee at any time, with or without notice or cause for any reason.

Texas law allows the City to maintain this “at will” employment relationship with its employees. This means that either the employee or the City can decide that the employee will leave the job without either party having to give a reason. State and federal law does require that the City not act in a discriminatory or retaliatory way in dismissing an employee.

1-05 Dissemination and Familiarity of Policies

All City employees shall be informed of the existence of these policies and each Department Head shall keep a copy available for reference by its employees. Employee handbooks will be given to all employees for their personal use and reference and will be the employee’s responsibility to become thoroughly familiar with such policies. The City Manager shall require that each employee sign a statement acknowledging that they have been furnished a copy of an employee handbook outlining these policies.

1-06 Amendments to Policies

These personnel policies may be amended or revised, or new policies added, at any time, with or without notice, upon approval of the City Council. In addition, the City Manager and City Attorney may conduct a review of the policies contained in this manual and submit any necessary or recommended changes to the City Council for approval.

Employees are encouraged to make constructive suggestions for improvements to these policies or to work procedures or conditions. Any employee who wishes to suggest a personnel policy change should submit his or her suggestion(s) in writing to his or her supervisor for consideration. Employees are responsible for maintaining current knowledge and understanding of all personnel policy changes and for requesting clarification or assistance when needed.

Department Heads and employees are provided copies of changes to these personnel policies by the City Manager as soon as practicable.

1-07 Administrative Authority

The City Council shall be responsible for establishing the policies under which personnel matters are to be administered. Therefore, any amendments, deletions, revisions, or additions must be approved by the City Council. With the exception of matters reserved

to the City Council by statute, charter or these policies, the general and final authority for personnel management rests with the City Manager and Human Resources Director. It will be his/her responsibility to develop, administer, and interpret personnel policies and procedures as they apply to all departments and employees.

In addition to these policies, the Department Head may establish departmental rules and regulations that relate specifically to their department as long as they do not conflict with these policies. If there are any conflicts with departmental rules and these policies as they are now or as amended in the future, these policies will prevail. All departmental rules and regulations shall be approved by the City Manager in writing.

1-08 Severability

The provisions of these policies are severable, and if any provision or part of a provision is held invalid, illegal, or unenforceable, this shall not affect the validity of the remaining provisions or parts of provisions, which shall remain in force and effect

Chapter 2

Employee Hiring & Appointment

2-01 Vacancies

Department heads shall notify the Human Resources Director immediately when job vacancies occur in their department. The Human Resources Director will get approval from the City Manager to proceed with hiring. Only those vacancies allocated in the annual budget or new positions authorized by the City Council shall be filled. Vacancies may be filled through public announcements, promotions, transfers, demotions or reinstatements.

2-02 Announcement of Vacancies

The City Manager will direct Human Resources to publicly announce by appropriate means all job vacancies. Each job announcement insofar as practicable, shall specify the title, and nature of the job; the required qualifications; whether competition is open to the general public or restricted to City employees; and the application deadline. The length of time during which applications will be accepted will be determined by the City Manager in accordance with the circumstances that exist at the time.

Current employees may apply for positions for which they believe themselves to be qualified. If selected for the position, a City employee can transfer to another City position without loss of pay provided that his or her current pay is within the limits set by the City Council for the transfer position.

In the event the City Manager determines the promotion or assignment of the employee solely benefits the City beyond formal advertisement of the position then the City Manager may make that designation.

2-03 Applications

Applications for employment shall be submitted on forms as prescribed by the City Manager. Only applications officially received in the prescribed manner and completed will be considered. All information submitted in connection with applying for City positions is subject to verification. All applications received shall be kept on active file for a period of one (1) year. All persons who were interviewed and not chosen will be notified in writing or by telephone, as soon as practicable, that the position has been filled.

2-04 Evaluation of Application

The Human Resource Department will initially review and screen all applications verifying references, criminal history, citizenship, and driver's license. It will then submit the top applicants to the Department Head who will then assemble an interview panel for the initial interview. After the interview process, the Department Head will then submit a recommendation to the City Manager for final action. Once the selection has been made, a conditional offer of employment will be made pending the results of a criminal and educational background check, medical and physical examination, psychological examination (if required for job position), and a drug and alcohol check. Applicants may be required to provide any work experience and qualifications information necessary to demonstrate compliance with prescribed qualification requirements of proficiency.

2-05 Disqualification

Among other things, an applicant shall be disqualified from consideration if he or she:

- a) Does not possess the qualifications necessary for performance of the duties of the position
- b) Has willfully made any false statement of fact on the application;
- c) Has not provided proof of citizenship or legal work status in the United States,
- d) Is not legally permitted to hold the position,
- e) Has exercised or attempted to exercise political pressure or bribery to secure an advantage in selection,
- f) Has omitted required information or failed to submit the application correctly or within the prescribed time limit; or
- g) Cannot perform the duties of the job without reasonable accommodation that causes an undue hardship upon the City.
- h) Does not possess a High School Diploma or GED except for part-time or seasonal employees.

2-06 Authority for Appointment

Except as otherwise provided by these policies, Federal Law, State Law or City ordinance, the appointing authority for all City positions shall rest with the City Manager except for officers appointed by the City Council under the City Charter. These positions include the City Secretary, City Attorney, Municipal Judge, and City Manager. The City Manager may delegate such authority to Department Heads for those positions under their supervision. It shall be the policy of the City to appoint the applicant who seems to be the most suitable for the position taking into account demonstrated skills and ability, experience, education and training, character, and other factors deemed relevant.

2-07 Types of Appointments

An appointment is ordinarily of indefinite duration and may be made to a full-time or part-time position. A full-time position is one where an employee works above thirty (30) hours in a regular workweek schedule. A part-time position is one where an employee works thirty (30) hours or less in a regular workweek schedule. Seasonal employees are exempt from the part time hourly regular workweek schedule. An appointment may be made for a limited term in unusual circumstances. Temporary appointments are ordinarily limited to six (6) months or less and may be made to full-time or part-time positions requiring continuous, seasonal or intermittent performance.

2-08 Nepotism

No person related with the second degree of affinity (marriage) or within the third degree of consanguinity (blood) to the Mayor, any member of the City Council, City Manager, Finance Director, Human Resources Director, Payroll Clerk, or any position appointed by the City Council shall be appointed to any office, position, or other services of the City. Seasonal employees are the only exception to this provision. A person who is already employed by the City and is related in a prohibited manner may not stay in City employment unless the employee has been continuously employed by the City for a period of:

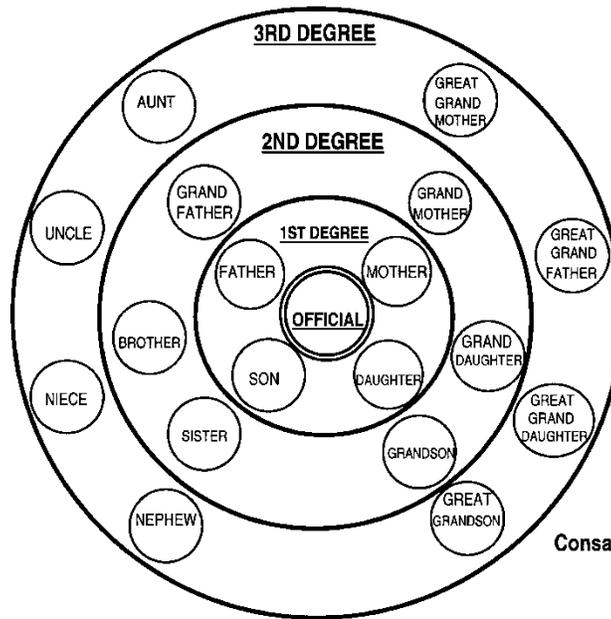
- a) At least 30 days, if the employees is related to anyone holding any of the positions listed above; or
- b) At least six months, if the employee is related to someone elected to a Municipal Office with the City.

In addition, the City Manager shall not approve the appointment to any supervisor's work group, of any person who is related within the first through second degree of affinity or first through third degree of consanguinity to that supervisor. Seasonal employees are the only exception to this provision.

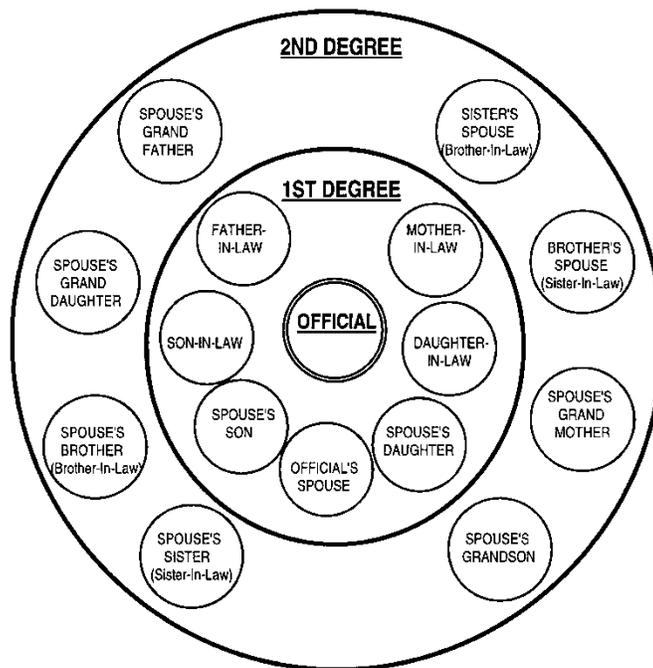
Employees hired before the effective date of this policy shall be allowed to continue working in their current positions. After the effective date of this policy, the City shall hire no person if their employment with the City could violate this policy.

Prohibited degrees of relationship are defined in the Nepotism Charts on the following page.

NEPOTISM CHARTS



Consanguinity Kinship Chart
(Blood)



Affinity Kinship Chart
(Marriage)

2-09 Residency Requirements

There shall be no absolute residence requirements for City employment except that of the City Manager or those employees likely to be called to work in cases of emergency may be required to reside within reasonable commuting ranges of their places of work. For these purposes, a reasonable commuting distance shall be within twenty (20) minutes to the City of Pleasanton corporate limits and its extra territorial jurisdiction (ETJ), unless otherwise approved by the City Manager. Employees allowed to operate City vehicles between their places of residence and work may be required to reside within the City or within reasonable commuting ranges.

2-10 Age Requirements

No persons under the age of 16 years of age will be hired to any full time regular position. Persons under the age of 18 years of age will not be hired into any hazardous occupation. Any prospective employee who is under the age of 18 years must have written permission and age verification (a signed Minor's Release Form) from his or her lawful parent or guardian prior to the first day of employment. Other age limitations will be applied only as required by State or Federal law applicable to the City.

2-11 Medical Examinations

A person who has been offered employment may be required to take a medical and physical examination at City expense by a doctor designated by the City. The offer of employment will be conditioned upon the results of the physical examination. The results of the medical exam will not be used to discriminate on the basis of a disability that does not impair an individual's ability to perform the essential functions of the job with or without reasonable accommodation. The information obtained regarding medical condition or history will be collected and maintained on separate forms and in separate medical files and shall be treated as confidential medical information. The City Manager, acting upon information provided by medical personnel, shall be the final authority in determining for employment. The City Manager may waive or modify the medical examination requirement for any or all part-time positions, temporary or seasonal employees, or emergency appointments.

2-12 Background Checks

The City or the City's designee will perform a background check on all prospective employees, including full-time, part-time, temporary, and seasonal employees. All job applicants must sign a release form permitting the background check. The release form will be attached to the job application. All releases and background check information will be submitted to the Human Resources Director's office.

2-13 Driving Record

Every City employee who is required to drive a vehicle or operate a piece of equipment which requires a valid driver's license must maintain a safe driving record. The City will check a prospective employee's driving record if the applicant's employment will be in a capacity which requires operating a vehicle or piece of equipment. For this reason, any offer of employment will be contingent upon verification that the prospective employee has maintained a safe driving record. The City reserves the right to randomly perform driving record checks.

2-14 Emergency Temporary Appointments

The City Manager reserves the right to hire temporary or part-time employees in cases of emergencies or unusual or extraordinary circumstances that place demands which exceeds the manpower capabilities of the City. Emergency temporary appointments shall not be used to circumvent the normal appointment procedures.

2-15 Promotions

A promotion is the assignment of an employee from one position to another higher level job requiring more responsibility, experience, education, technical or professional expertise and which is usually at a higher salary. The City will attempt to fill promotional appointments from within, whenever, in the judgment of management, present employees are at least as qualified as outside applicants.

2-16 Transfers

A transfer is the reassignment of an employee from one position to another. A transfer not involving promotion or demotion may be effected at any time for administrative convenience or necessity, upon request of the employee to the Department Head, or for any other legitimate reason that in management's view promotes the efficiency of the City administration; provided that the employee is qualified to perform the duties of the position to which transfer is contemplated. Transfers between classes or between departments shall become effective following approval of the City Manager.

If the transfer is at the request of the City Manager or the Department Head and is not because of job performance, the employee shall receive no loss in pay.

If the transfer is at the request of the employee, the employment position applied for is in a different Department, and the involved Department Heads approve the transfer, the salary for the new position may be less than previously received by the employee requesting the transfer. If it is determined that the applicant for a transfer is qualified for the position for which he or she is applying, the City Manager will establish the employee's salary in the new position, considering such factors as training, experience, education, and other qualifications. The salary established by the City Manager will not be less than the entry-level salary for that position, but may be less than the employee was receiving in his or her previous position of employment. An employee may not

request a transfer to another Department unless he or she has been an employee in the Department to be transferred from for at least twelve (12) months.

If the transfer is at the request of the employee and the employment position applied for is within the same Department, the Department head will make the determination for the beginning salary in the new position. The salary in the new position established by the Department head may be less than previously received by the employee in his or her former assignment, but will not be less than the entry-level salary for the position which was applied for.

2-17 Demotions

A demotion is the assignment of an employee from one position to another position having less responsibility or requiring less experience, education, technical, or professional expertise, and which is usually at a lower salary. A demotion may be effected for either a disciplinary or non-disciplinary reason. With the approval of the City Manager, an employee may be administratively demoted at his or her own request as an alternative to layoff.

2-18 Reemployment

Former employees who have not been terminated for cause may be eligible for reemployment provided that they meet the minimum requirements and qualifications of the position and it is in the best interest of the City. To be eligible for reemployment, a two (2) week written notice must be given to the Department Head. Employees terminated due to force layoffs, returning from approved medical leave, terminated due to the birth or adoption of a child (as prescribed in the Family Medical Leave Act), or as approved by the City Manager may be eligible for rehire.

2-19 Employee Orientation

New employees shall be given an orientation about the nature of the job, the benefits, obligations and responsibilities of the position, and the general policies and procedures of both the City and the department he or she is to be employed in. The form of orientation may vary depending on a variety of factors including the job, the department, the employee's prior experience, etc. In addition, the City will obtain information needed for insurance programs, determining eligibility for employment, and for other business requirements. The employee shall also be furnished a copy of the City personnel policies for their personal use and reference at this time and the employee, by signature, shall acknowledge that he or she has received and read the policies.

2-20 Reasonable Accommodation for Disabilities

Employees or applicants with physical or mental limitations will be provided with reasonable accommodation to City facilities. Any employee or applicant with physical or mental limitation who believes reasonable accommodation is not being provided may

appeal the decision to the City Manager. The City Manager will review the facts of each particular case and act in accordance with the provisions of the applicable law.

Persons with disabilities must be provided equal access to the hiring process. Persons with disabilities who perform the essential functions of their job must be provided equal access to promotion, training, and other benefit opportunities. No person will be subject to any form of retaliation for pursuing a complaint based on disability-related discrimination.

Conditions that are medically correctable, such that they do not substantially limit a major life function, may be found not to be a disability

Chapter 3

Trial or Probationary Period

3-01 Length of Probationary Period

Every newly employed person or promoted employee shall be required to successfully complete a trial or probationary period of nine (9) months. Sworn public safety personnel shall be required to complete a probationary period of twelve (12) months. Whenever a license or certification is required for a position, the probationary period shall be extended for a period of time permitted by state or federal law to obtain such license or certification. An employee's probationary period may be extended if, in the opinion of the Department Head or City Manager, such additional time is necessary to adequately evaluate the employee or to secure any license or certification required for the position.

During or at the end of the probationary period, the supervisor may, with the consent and approval of the City Manager, discharge or discipline any employee and such disciplinary action or discharge shall not be subject to any grievance or arbitration. Satisfactorily completing the trial or probationary period does not change the employment at will relationship and either party may terminate the employment relationship at any time, with or without notice.

3-02 Purpose of Trial Period

The Department Heads shall use the trial period to closely observe and evaluate the work and fitness of employees and to encourage adjustment to their jobs. Only those employees who meet acceptable standards and minimum job qualifications during their probationary periods shall be retained. Department heads shall submit an evaluation report on each probationary employee to the Human Resources Director prior to the completion of the probationary period. In the case of appointing or promoting Department Heads, the probationary period shall be evaluated by the City Manager.

3-03 Failure of Trial Period

An employee shall fail probation when, in the judgment of the Department Head and/or City Manager, the employee's performance and/or quality of work are not such as to merit continuation in the job or the employee fails to obtain any required license or certification. Failure of probation may occur at any time within the probationary period and shall not be considered part of the disciplinary process. Any employee who fails probation will be terminated or, at management's sole discretion, be transferred to another position that may be more suitable. In this case, the probation will be extended for up to another three (3) months. A newly-promoted employee who fails probation may be returned to this or her former job if a vacancy exists and will be eligible for consideration for later advancement.

3-04 Vacation Leave (while on probation)

Employees serving the initial probationary period can accumulate vacation leave. Vacation leave after the first six (6) months of probation is permitted at the discretion of the Department Head.

3-05 Sick Leave (while on probation)

Employees serving the initial probationary period can accumulate sick leave starting the 28th of the first full month employed. Sick leave hours can be accessed by the introductory employee after the first full month of employment.

Chapter 4

Compensation

4-01 Employee Pay Schedule

All employees will be paid biweekly on Friday. Pay dates falling on a Federally recognized holiday will be scheduled for the preceding workday.

All pay will be deposited directly into the employee's bank account. No paper checks will be issued unless written approval is given by the City Manager.

If an employee suspects there is a discrepancy in his or her pay, whether it be over payment, under payment, or improper deduction, the employee must immediately bring this to the attention of the Department Head. A full and thorough investigation will be conducted by the Human Resource Department and if it is determined that there is a discrepancy in pay, there will be an adjustment made in the next payroll cycle.

4-02 Emergency Duty Pay

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

4-03 Overtime Pay

All employees, except Department Heads and other exempt positions, are eligible to receive overtime pay in accordance with the Fair Labor Standards Act. Overtime, when ordered for the maintenance of essential City functions, shall be allocated as evenly as possible among all employees qualified to perform the work. However, refusal to accept overtime when required by management is a basis for termination. For all scheduled and approved time worked in excess of a regular work week, compensation will be at the rate of one and one-half ($1 - \frac{1}{2}$) times the employee's regular base pay. The following leave types are ineligible for overtime pay: sick, vacation, holidays, jury duty, and the traveling time to and from conferences, seminars, courses or events. Any hours worked on a City approved holiday will be paid at the regular base pay, and the actual hours worked in excess of 40 hours in a week would be paid as overtime. All overtime work must be clearly reflected on the employee's time records before it is allowed. Employees who are on-call will receive at least one (1) hour of regular pay per call and any hours in excess of 40 hours in a work week will be considered compensatory time and/or overtime.

4-04 Equal Time Off

One method to compensate employees who work overtime is to schedule equal time off for the affected employee during the same work week (Thursday-Wednesday) in which the overtime was worked.

4-05 Compensatory Time

Another method to compensate employees for over time worked is that the City may grant non-exempt employees compensatory time off (comp-time) in lieu of compensation for hours worked in excess of 40 hours a week. Employees may accrue compensatory time off at one and one-half times the number of overtime hours worked. Supervisors are expected to schedule an employee's compensatory time off within the same pay week (Thursday-Wednesday), NOT pay period, the overtime was worked by the employee.

Any accumulated but unused compensatory time in an employee's account at the time of termination will be paid in the employee's final paycheck. All compensatory time paid out will be paid at the employee's regular hourly rate, as the compensatory time was accrued at one and one-half hours per hour of overtime worked.

4-06 Compensation Increases

Experience Increases

The City's pay schedule is established with movement through the steps based on years of experience with the City and/or increased education and/or training.

Career Development

The City's career development policy is to encourage employees to improve their knowledge, skills, and abilities through education, work-related seminars, on-the-job training, and career advancement with the City. The City will notify employees through memoranda posted in central locations of City job vacancies for which competitive applications will be accepted. Prior to outside recruitment efforts, the City will post internally all position vacancies for which there will be competitive consideration. A City employee may apply for any open position for which the employee considers himself or herself to be qualified.

Certification pay

The City will recognize certifications, licensing, and education through a comprehensive compensation program.

4-07 Employee Performance Evaluation

An employee shall be evaluated at least annually. Employees will be evaluated on a schedule determined by the City Manager and the Human Resources Director. Special evaluations may be made if requested by the Department Head and approved by the City Manager. All performance evaluation reports shall be permanently placed in the employee's personnel file. Employees shall be permitted to examine copies of their performance evaluation reports if requested but are not permitted to make and retain copies of these evaluation reports.

Performance evaluations are designed to help supervisors and employees measure how well work is being performed and to provide a tool for management decisions regarding pay increases, promotions and retention of employees among other things.

4-08 Termination Pay

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

- a) Only employees who have successfully completed their trial period shall be paid for unused vacation time earned;
- b) Employees may request that any retirement benefits paid by him or her, through payroll deductions, be refunded in accordance with the terms of the applicable program retirement plan; and
- c) Any indebtedness to the City which the employee might have incurred shall be deducted from his or final paycheck.

4-09 Calculation of Separation Pay

Employees who are separated from employment with the City will normally be paid on the next regularly scheduled payday. A regular employee who has completed at least one year of continuous service will be paid for unused vacation leave, up to the limit established by these policies.

Unused sick leave will be canceled upon termination of employment, and the employee will not be compensated for it; however, the unused sick leave will automatically be transferred to the Leave Pool.

Payment for such leave balances will be included in the employee's final paycheck and will be calculated in the following manner:

- a) The total work time and allowable vacation and compensatory leave time will be calculated as a total number of hours for which compensation is due. The employee's regular hourly rate will be determined for most employees by dividing the employee's regular annual salary by 2,080 working hours per year.
- b) For employees who are subject to the Fair Labor Standards Act (FLSA), any overtime hours worked during the employee's final pay period which have not been compensated through either of the time-off methods described under "Overtime Worked" section in these policies, will be paid in the final paycheck at a rate of one and one-half times the employee's regular hourly rate for each overtime hour worked.
- c) Compensatory time which has been entered and carried on the employee's records at one and one-half times the number of hours worked, will be paid at the

employee's regular straight-time rate for the total number of hours on the employee's compensatory time record. (Since the compensatory time was recorded at one and one-half times the number of hours worked, the straight-time payment for these hours is equivalent to time and one-half pay for the hours actually worked.)

- d) If any employee dies while employed by the City, the City shall pay his or her designated beneficiary any unpaid pay and unused vacation time.

4-10 Final Paycheck

A separated employee will receive his or her final paycheck on the scheduled payday that immediately follows the employee's last workday.

Chapter 5

Absences & Leaves

5-01 Holidays

The following are normally observed as paid holidays for regular City employees established by the City Council:

- a) New Year's Day
- b) Martin Luther King Day
- c) Presidents' Day
- d) Good Friday
- e) Memorial Day
- f) Independence Day
- g) Labor Day
- h) Columbus Day
- i) Veterans Day
- j) Thanksgiving
- k) Friday After Thanksgiving
- l) Christmas Eve
- m) Christmas Day

Eligible employees will receive paid holidays as may be declared by the City Council in accordance with the following rules:

- a) All full-time employees shall be entitled to paid holidays.
- b) Temporary and seasonal employees may be granted paid holidays at the City Manager's discretion.
- c) As many employees as practicable shall be given each holiday off, consistent with the maintenance of essential City functions.

- d) If the holiday is followed by a Friday or preceded by a Monday that Friday or Monday shall be observed. If the holiday falls on a Saturday, the preceding Friday shall be observed, and if a holiday falls on a Sunday, the following Monday shall be observed.
- e) Employees desiring to observe religious holidays not coinciding with official holidays may be given time off without pay or may be authorized to use accrued vacation leave.
- f) In order to be eligible for holiday pay the employee must work the last scheduled day before, and the first scheduled day after the holiday unless written permission is obtained from the Department Head or City Manager. Timesheet approval in the timeclock system by the department head is an acceptable means of written approval. Sick leave used the day before or after a holiday must be accompanied by a physician's statement. The physician's statement must be a result from an office visit. All physician statements must be turned into the Human Resources Department by supervisors to properly document the payroll records.

5-02. Vacation

All full time employees, except temporary or seasonal employees, shall earn vacation leave as indicated in this section Schedule I. Employees who are confined to bed as a result of illness or injury during their vacation and who secure medical documentation of the illness or injury may request that the time of illness be charged as sick leave. After the completion of 26 consecutive weeks of service, six (6) days of vacation leave are credited to all regular full-time employee's accounts. Paid vacations may be taken according to the following schedule:

Schedule I

Vacation	
Length of Service	Vacation days accrued per year
6# months-3 years	12 days
3+ years- 5 years	13 days
5+ years -10 years	15 days
10+ years- 15 years	17 days
15+ years	20 days

Vacation leave may be accumulated up to sixty (60) days. Vacation leave shall be administered according to the following rules:

- a) Employees shall not be eligible to take vacation leave until completion of six (6) months of continuous employment.
- b) Vacation leave shall not accrue for any month during which an employee works less than half the standard number of paid days for his her type of job.
- c) No employee may accrue more than sixty (60) days of vacation leave except in extenuating circumstances as determined by the City Manager.
- d) When a regularly scheduled holiday occurs during the period of an employee's vacation, an additional day of leave shall be granted.
- e) Vacation leave shall be charged only for time during which the employee would ordinarily have worked.
- f) Employees being laterally transferred, promoted, or demoted shall retain any accrued vacation leave.
- g) Vacation leave shall not be advanced to employees except in emergencies with the approval of the City Manager.
- h) Employees may be compensated for vacation pay (in lieu of time off) should their work situation require their presence and cause the employee to exceed the maximum sixty (60) days accumulation allowed. Payment in lieu of vacation time off shall only be permitted with the written approval of the City Manager.
- i) All vacation leave shall be approved by the Department Head or City Manager a minimum of forty-eight (48) hours in advance.

Each Department Head shall furnish the personnel office with all records of vacation leave allowance and use within their department. The Department Head and/or City Manager shall schedule vacation leaves with particular regard to operating requirements and, insofar as possible, with the requests of the employees.

Department Heads will strive to honor vacation requests on a rotating basis if conflicts between employees scheduling vacation leave occur. A vacation leave request in excess of 10 working days must be submitted by the employee at least 30 days in advance and must be approved by the Department Head and/or the City Manager.

5-03 Sick Leave

All employees, except temporary and seasonal employees, are entitled to accumulate sick leave benefit credits. Sick leave credit accumulates at the rate of .833 day (s) for each month of continuous employment, for a total of ten (10) days per year for all full-time employees.

Sick leave is granted by the City for the purpose of permitting an employee to be relieved of duties during actual illness or injury or when an employee is required to attend to his or her spouse or minor children who are ill or incapacitated. Sick leave may also be used for any physicians' appointments to include dental and ocular appointments. Employees who use their sick leave without just cause may be dismissed.

Supervisors may require a doctor's statement from any employee who uses any sick leave credit if deemed warranted. Also, employees missing three (3) consecutive workdays due to illness or injury must provide a doctor's statement that verified that the employee was not able to perform his or her job during absence but is now authorized to return to work. Failure to do so may result in dismissal, suspension, and/or forfeiture of such pay.

Sick leave may be accumulated up to thirty (30) days. Employees not using sick leave during each calendar year shall receive three (3) additional vacation days in January the following year. After accumulating thirty (30) days sick leave, an employee will receive monetary compensation for additional days accumulated during the calendar year. Monetary compensation will be paid on a schedule determined by the City Manager.

Sick leave shall be administered according to the following rules:

- a) Sick leave shall accrue from the date of employment. Sick leave may not be taken in advance of being earned
- b) An employee who enters the service before the 16th or leaves after the 15th of any month shall earn sick leave credit for that month. Employees starting on or after the 16th or separating on or before the 15th shall not earn sick leave for that month.
- c) Official holidays and regular days off shall not count against sick leave.
- d) If an employee becomes ill and cannot report for work, his or her absence must be reported to his or her immediate supervisor prior to, or within one (1) hour after his or her regular reporting time, so that such absence will be charged to sick leave. Failure to speak to his or her supervisor, will, , cause an employee's absence to be charged to leave without pay. Subsequent violations of this notification rule may cause additional disciplinary action up to, and including, termination.
- e) An employee who becomes ill or injured during a vacation may request that the vacation be terminated and the time of illness be charged to sick leave. Such request must be made immediately to the Department Head or no later than the first regularly scheduled workday following vacation. A doctor's statement will normally be required in such instances.
- f) After an employee's accumulated sick leave has been exhausted, accrued vacation may be used as paid sick leave. When absence due to illness exceeds the amount

of paid leave earned and authorized, further leave will be without pay. See Family and Medical Leave Act

- g) An employee who is pregnant may use accrued paid sick leave for maternity purposes prior to delivery and for a reasonable time following delivery as may be determined as medically necessary by her physician due to her temporary disability. Maternity leave, as designated by a physician, may be taken as sick leave. The maximum number of hours that may be taken as maternity leave is 320 hours or eight (8) weeks; whichever is greater. Paternity leave up to forty (40) hours may be taken as sick leave, with the approval of the Department Head.
- h) An employee terminating from employment with the City must submit certification of illness from a doctor before being eligible to use sick leave in the last two (2) calendar weeks of employment.
- i) Accumulated sick leave will not be compensated for in any way at the time of termination, whether by resignation or dismissal.

Department Heads shall be responsible for reporting all sick leave credits used by an employee on the employee's time record.

5-04 Bereavement Leave

For the purposes of this policy, an immediate family member is defined as an employee's spouse, child (including foster and step), parents (including current stepparents and current in-laws), siblings (including half, current step and current inlaws), grandparents (including current inlaws), grandchildren (including current step), or any other person living in the employee's household.

All full-time employees may be granted leave with pay for a period of five (5) workdays to attend funeral and handle the necessary family details in case of death in their immediate family or other relative living in the same household. This leave will not be charged against sick leave or vacation. Part-time, seasonal, and temporary employees may be granted up to three (3) days of leave of absence without pay in such cases.

5-05 Military Leave

Full-time employees of the City who are members of the State Military Forces or members of any of the Reserve Components of the Armed Forces of the United States are entitled to leave of absence from their duties for up to fifteen (15) days in any one calendar year, without loss of vacation time or salary. Said leave may be used for all days during which they are engaged in authorized training or duty. Requests for approval of military leave must be accompanied by copies of the relevant military orders.

Military leave in excess of fifteen (15) days will be charged to vacation leave or leave without pay. Upon return from the training, the employee must furnish a statement from

the commanding officer showing the military earnings while at camp. The statement will be forwarded to the payroll office so that the difference in weekly earnings and military pay may be paid to the employee. In the event the employee received full salary from the City in advance, military earnings while at camp will be deducted from a subsequent check.

Full-time employees of the City who enter active duty with the State Military Forces or with the Armed Forces of the United States are entitled to be restored to employment subject to the provisions of the law upon honorable release from active duty provided an appropriate position is available. All reasonable efforts will be made to return eligible employees to their previous position or a comparable position

5-06 Jury and Miscellaneous Leave

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

Employees may be granted leave with pay when necessary in order to vote in an official election in accordance with existing laws. Prior approval from the Department Head is required. All employees are encouraged to vote. If possible, voting should be done before or after work or by mail.

The City Manager may grant an employee administrative leave with pay for purposes of attending a professional conference, convention, training activity, legislative proceeding, or civil function or meeting, or for purposes of coordinating with governmental and private agencies and entities in the interest of the City.

5-07 Family and Medical Leave Under the FMLA

Under the Family and Medical Leave Act, an employee who has been employed by the City for at least one (1) year and has worked at least 1,250 hours in the previous (12) twelve months, may take up to twelve (12) weeks of unpaid leave during the calendar year, for any of the following reasons:

- a) the birth and care of a son or daughter;
- b) the placement with the employee of a son or daughter for adoption or foster care;
- c) when needed to care for the employee's spouse, child, or parent with a serious health condition; or
- d) because of the employee's serious health condition that makes the employee unable to perform the functions of his or her job.

Notice and Application. An employee must provide at least thirty (30) days advance notice before the family or medical leave is to begin if the need for leave is foreseeable, such as for expected birth or planned medical treatment. If thirty (30) days notice is not practicable, then the employee must provide as much notice as is practicable. An employee shall complete a leave of absence application form, available from his or her supervisor, when requesting leave, or as soon after that as is practicable. The employee must list on this form the reasons for the requested leave, the expected start of the leave, and expected length of the leave. If the employee is requesting intermittent leave or a reduced leave schedule, the employee shall state the reasons why the intermittent leave or a reduced leave schedule is medically necessary and the schedule of treatment. (Intermittent leave and reduced leave schedule are not available for birth or adoption leaves.)

Medical Certification. An employee requesting leave to care for the employee's spouse, child or parent, or due to the employee's own serious health condition, must submit a medical certification completed by the health care provider of the employee or the employee's ill family member, demonstrating the need for the leave. The City will provide a form for this. If the employee's leave, (whether full time, intermittent, or on a reduced schedule) is for more than thirty (30) days, then he or she shall submit a new medical certification after thirty (30) days, and each thirty (30) days after that.

Pay and Benefits. All family and medical leaves are without pay, except to the extent paid leave is available. The City will require the employee to use any paid leave that is available for the employee's family or medical leave. Family and medical leaves are without benefits, except that group health and hospitalization insurance will be continued during the family and medical leave (up to twelve (12) weeks in a twelve (12) month period) with the same terms, conditions and employee contributions applicable to employees are actively at work.

Return from Family or Medical Leave. Employees must tell their supervisor of the date they will be able to return to work, in writing, no later than one (1) week in advance. An employee on medical leave due to the employee's own serious health condition must, as a condition to returning to work, submit a medical certificate releasing the employee to return to his or her job. Employees who fail to return to work at the end of Family and Medical Leave will be assumed to have voluntarily quit their employment with the City.

All leave which may be available or taken under the Family and Medical Leave Act is subject to the restrictions, limitations and conditions provided in that law and any valid regulations promulgated under it.

5-08 Injury Leave

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

5-09 Other Authorized Leave Without Pay

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

5-10 Unexcused Absences

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

Chapter 6

Employee Conduct

6-01 Attendance

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

6-02 Work Standards

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

6-03 Chain-of-Command

Individual City employees are responsible to the Department Head or City Manager or to a supervisor designated by the Department Head or City Manager. Department Heads are responsible to the City Manager. The City Manager is responsible to the City Council as a whole. Directions regarding work to be done, expected results, and the adequacy of work performance will follow the chain of command.

6-04 Non-Fraternization

While the City of Pleasanton encourages amicable relationships between City management personnel and their subordinates, it recognizes that involvement in a romantic relationship may compromise a manager's ability to perform his or her job. Any involvement of a romantic nature between a manager or supervisor and anyone he or she supervises, either directly or indirectly, is prohibited. Violation of this policy will result in either (1) the transfer of the manager's employment to another City department or (2) disciplinary action, up to and including termination of the manager's employment.

6-05 Political Activities

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

- a) Employees shall refrain from publicly using their positions for or against any candidate for public office in any jurisdiction.
- b) No employee while on duty, shall take an active part in any political campaign of another person for an elective position of the City. The term “active part” means making political speeches, passing out cards or other political literature, writing letters, signing petitions, actively and openly soliciting votes, and making public derogatory remarks about the candidates.
- c) Employees may not be required to contribute money, labor, time, or other valuable thing to any person for City election purposes.
- d) No employee may hold an appointive or elective City office of public trust, partisan office in any jurisdiction, or any other office where service would constitute a direct conflict of interest with City employment.

6-06 Solicitation

Solicitation of contributions or anything of value for any purpose whatsoever shall be permitted of, or by, City employees on the job only with the express approval of the City Manager, No employee may be required to make any contribution or may be penalized or rewarded in any way in connection with this or her employment according to this or her response to solicitations.

6-07 Outside Employment

In order to avoid conflicts of interest and potential liability on the part of the City, an employee must have the advance written approval of his or her Department Head and the City Manager to engage in any outside employment, including self-employment. A request for outside employment will not be approved if the employee makes the request while the employee is working under temporary restrictions due to a medical condition. In addition, where outside employment has been previously approved by the City Manager, in the event that the employee either returns to work with temporary restrictions or is not working due to a medical condition, such outside employment authorization is suspended until such time that the employee returns to work without restrictions. The approval of both the Department Head and the City Manager is required.

If a City employee is injured on the job in the course of employment outside of his or her employment with the City, the employee may not file a workers’ compensation claim against the City for benefits related to the injury, regardless of the fact that the City Manager may have determined that the outside employment satisfied the City’s prerequisites.

The City accepts no liability for any action, failure to act, injury to self or others, property damage, or any other damage resulting from outside employment by a City employee.

6-08 Fitness for Duty

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

To ensure that an employee is capable of performing the essential functions of a job, a Department Head/Supervisor, with approval from the City Manager, may require a current employee to undergo a medical or other appropriate examination.

Employees reporting back to work, or to work, after an injury, illness, or other condition(s) must report to full duty with a physician's statement of release.

6-09 Personal Appearance

City employees are expected to use good judgment and maintain an appropriate appearance that is businesslike, neat, and clean, as determined by the requirements of the employee's work area and assignment.

- a) Apparel – Generally, employees should wear appropriate, clean, pressed business attire.
- b) Hair – Hair should be clean, combed, and neatly trimmed or arranged. This also pertains to sideburns, moustaches, and beards except those provisions outlined in the police operations and procedures manual. Shaggy, unkempt hair is not permissible.
- c) Personal Hygiene – Good personal hygiene habits must be maintained.

“Casual Friday”

"Casual Friday" is the only weekday when a more casual style of dress is appropriate; however, a Department Head may designate a day for some specific job and allow his/her employees to dress in this same manner for the duration of the job.

Jeans may be worn as long as they are not torn or frayed. City issued shirts, "polo-type" shirts or collared shirts may be worn. No writing or advertising may be on clothing unless it is the Pleasanton logo. Tennis shoes are allowed as long as they are clean and worn in an office setting.

Special casual days may be declared by the City Manager as recommended by Department Head during the holiday season. Other special casual days may be declared in promoting favorite sports teams and Pleasanton High School.

6-10 Identification Badges

Every employee of the City will be issued a City of Pleasanton Employee Identification (ID) Badge. All employees will maintain their City ID Badge on their person while in the

course and scope of performing their duties. It is up to the Department Head whether the employee displays it or not while on duty outside of City facilities. For example, Police and Fire on duty personnel are not required to display their badge while in uniform. Within secured areas (all City complex buildings), all employees will display their City ID Badge. Employees who fail to follow this policy may be subject to disciplinary action.

6-11 General Department

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

6-12 Financial Obligations

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

6-13 Conflict of Interest

A member of the City Council, the Mayor, or an employee of the City shall neither have financial interests, direct or indirect, in any contract with the City, nor be financially interested, directly or indirectly, in the sale to the City of any land, or rights or interest in any land, materials, supplies or service.

An officer or employee of the City may not:

- a) Solicit or accept or agree to accept a financial benefit, other than from the City, that might reasonably tend to influence his or her performance of duties for the City or that he or she knows or should know is offered with intent to influence the employee's performance;
- b) Accept employment or compensation that might reasonably induce him or her to disclose confidential information acquired in the performance of official duties;
- c) Accept outside employment or compensation that might reasonably tend to impair independence of judgment in performance of duties for the City;
- d) Make any personal investment that might reasonably be expected to create a substantial conflict between the officer's or employee's private interest and duties for the City; or
- e) Solicit or accept or agree to accept a financial benefit from another person in exchange for having performed duties as a City employee in favor of that person.

6-14 Sexual Harassment

It is the policy of the City that all employees be able to work in an environment free of all forms of impermissible discrimination, including sexual harassment. This policy means that all employees are responsible for assuring that the workplace is free from sexual harassment. The City of Pleasanton has a “zero tolerance” policy regarding sexual harassment.

What is Sexual Harassment?

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature are considered to constitute sexual harassment when:

- a) Submission to such conduct is made either directly or indirectly a term or condition of employment of the person to whom such conduct is directed;
- b) Submission to or rejection of such conduct is used as the basis for employment decisions which affect the person to whom such conduct is directed;
- c) Such conduct has the purpose or the effect of unreasonable interfering with the work performance of the person to whom it is directed or of creating an intimidating, hostile or offensive working environment for such person.

The following are examples of conduct that are likely, in most circumstances, to constitute sexual harassment and are, therefore, prohibited:

- a) Repeated, unwelcome and offensive sexual flirtations, advances or propositions;
- b) Continued or repeated verbal abuse of a sexual nature;
- c) Continued or repeated graphic verbal commentaries about a person’s body;
- d) Continued or repeated sexually degrading words about a person or person’s body;
- e) Display of sexually degrading objects; and
- f) Continued or repeated touching or pinching of, or brushing against, a person’s body.

Because an allegation of sexual harassment is very serious, it is important to understand that not every subject matter or behavior which contains, or may be perceived to contain, a sexual aspect necessarily constitutes sexual harassment. For example, occasional, socially-acceptable compliments about a person’s appearance do not, absent other circumstances, ordinarily constitute sexual harassment. Sexual harassment refers to

behavior that is unwelcome, personally offensive and sufficiently severe or repeated so that it alters the conditions of a person's employment or working environment.

Any Manager or supervisor who grants, recommends or refuses to take any personnel action in whole or in part because of sexual favors or the refusal to grant sexual favors, or who takes or fails to take a personnel acting with respect to an employee because such employee reported or claimed that sexual harassment has occurred, has violated the City's policy.

Procedure to Report Sexual Harassment: Any employee who believes that he or she has been subjected to sexual harassment by a co-employee, supervisor or agent of the City or third party (or any employee with direct knowledge of such incidents) should immediately report such incident or incidents to Human Resources in writing, in a sealed envelope marked "Personal and Confidential." Information received will be disclosed only on a need-to-know basis as necessary for the investigation and resolution of the matter. The City, of course, will not use the information against the person who makes a good-faith allegation of sexual harassment. No adverse action may be taken in retaliation against a person who in good faith complains of sexual harassment.

Investigation: In determining whether the alleged conduct constitutes harassment, the totality of the circumstances, the nature of the behavior or incident (s), and the context in which the alleged incident or incidents occurred will be considered. The investigation will be undertaken promptly.

The City is dedicated to maintaining a working environment free of discrimination and based on professionalism. The City expects that all employees will act responsibly to fulfill the City's commitment to creating and maintaining a working environment free of sexual harassment.

6-15 Complaints by Citizens Against City Employees

A citizen may file a complaint against a City employee, stating that said employee has violated any Federal, State, or City law, or acted improperly against them. The complaint must be placed in written form together with any substantial evidence, and must then be presented to the City Manager's office. The City Manager's office will conduct a full investigation and act in accordance with the ordinances of the City of Pleasanton and take whatever action is appropriate and permitted under the Federal, State, or City laws. The complaint shall be filed using a form obtained in the Office of the City Secretary.

6-16 Arrests and Indictments Against Employees

When a City employee comes to the attention of a member of the staff under conditions that reflect negatively upon the employee, the City, or under circumstances that might adversely affect the employee's employment with the City, the member shall be obligated to report the incident to his/her supervisor. The supervisor shall follow the chain of command and report to the Department Head as soon as possible. This policy shall not

apply to situations in which a City employee reports or witnesses a crime or other incident, unless the employee is injured or his/her employment with the City would be adversely affected otherwise.

Any employee or volunteer who is arrested or indicted or who becomes aware of the arrest or indictment of another employee or volunteer shall report this information to his or her supervisor within one (1) working day. The supervisor will then notify the Department Head who will notify the City Manager.

Examples of incidents that shall be reported, pursuant to this policy, include but are not limited to:

- a) Domestic disturbances involving a City employee;
- b) Assaults or other crimes in which a City employee is injured;
- c) Arrests under a criminal drug statute or alcohol related offenses;
- d) Incidents in which a City employee is a suspect.

6-17 Carrying of Firearms (openly or concealed) by City Employees

Employees possessing a Concealed Handgun License/License to Carry may not possess a firearm while on duty, to include City owned vehicles or equipment, unless authorized by the City Manager as recommended by the Chief of Police. All firearms must remain concealed and secured in the employee's personal vehicle.

Chapter 7

Information Technology and Communication

7-01 Use of City Computers, Internet Access, and Electronic Mail

City computer systems, including Internet access and electronic mail systems, are to be used for City business. Occasional use of electronic mail for personal communications is permissible if the length and number of such communications are kept to a minimum. However, because all computer systems are City property, there is no expectation of privacy for an employee using these systems.

7-02 Unacceptable Uses of the Internet and City E-Mail

City e-mail systems and Internet access may not be used for transmitting, retrieving, or storing any communications, images, or other content of a discriminatory or harassing nature or any materials that are obscene or X-rated. Harassment of any kind is prohibited (See Policy on Sexual Harassment). No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes, or sexual orientation may be transmitted or forwarded using the City system. No abusive, profane, or offensive language may be transmitted through the City's e-mail or Internet system. The City's harassment policy applies in full to e-mail and Internet use. Employees do not have a personal privacy right regarding any matter created, received, stored, or sent from or on the City's e-mail or Internet system or computers.

The City e-mail and Internet system may not be used for any purpose that is illegal, against City policy, or contrary to the City's best interest. Solicitation of non-City business or any use of the City e-mail or Internet system for personal gain is prohibited.

City employees should keep in mind that even when an e-mail or voice mail message has been deleted from a location, it is still possible to retrieve that message.

7-03 Rules for Electronic Communication

Each employee is responsible for the content of all text, audio, or images that he or she accesses, places, or sends over the City's e-mail or Internet system (including bulletin boards, online services, or Internet sites). Employees must include their name in all messages communicated on the City's e-mail or Internet system.

If any employee receives unsolicited e-mail from outside the City that appears to violate this policy, the employee should notify his or her supervisor immediately. Similarly, if any employee accidentally accesses an inappropriate web site in the normal course of business, the employee should notify his or her supervisor.

7-04 System Security

The City reserves the right to routinely monitor how employees use e-mail and the Internet. The City may monitor to measure cost analysis/allocation and the management of the City's gateway to the Internet. All messages created, sent or received over the City's e-mail or Internet systems are the City's property and should not be considered private information.

7-05 Violations

Any employee who violates these rules or otherwise abuses the privilege of the City's e-mail or Internet system will be subject to disciplinary action up to and including termination. If necessary, the City also reserves the right to advise appropriate officials of any illegal activities.

Chapter 8

Discipline, Appeals & Complaints

8-01 Work Ethic and Disciplinary Policy

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

The City will attempt to review and resolve all employee problems and/or personnel issues as promptly and equitably as possible and at the lowest possible organizational/supervisory level.

8-02 Grounds for Disciplinary Action

The City Manager or Department Head may take disciplinary action against an employee for the following:

- a) Illegal, unethical, abusive, or unsafe acts.
- b) Violation of City rules, regulations, policies or procedures.
- c) Insubordination.
- d) Taking leave under false pretenses.
- e) Carelessness in the performance of duties or in failing to perform duties.
- f) Theft or dishonesty of any kind.
- g) Participation in prohibited political activities.
- h) Unauthorized soliciting while on duty.
- i) Excessive or unauthorized absenteeism and tardiness.
- j) Failure to conduct himself/herself in a courteous and proper manner while on duty.
- k) Falsification of official documents or records.
- l) Unauthorized use or disclosure of official information.

- m) Unauthorized or improper use of official authority.
- n) Unauthorized use of personal equipment or property.
- o) Possession, use or being under the influence of drugs or alcoholic beverages not prescribed by a physician while on duty (or any other violation of the City's drug and alcohol policy).
- p) Damaging City equipment, tools, machines, and/or property.
- q) Failure to report accidents involving City equipment or vehicles.
- r) Wasting materials and supplies.
- s) Carelessness, recklessness, and/or engaging in horseplay.
- t) Immoral conduct or indecency.
- u) Abuse of illness, injury, disability leave, or other benefits.
- v) Any threat or physical attack on any supervisor or co-worker.
- w) Failure to properly document time and attendance records.
- x) Sexual or other forms of harassment.

This list is to illustrate the more common causes for disciplinary or discharge and is not intended to be a comprehensive or all inclusive list.

8-03 Types of Disciplinary Action

Formal disciplinary action taken shall be consistent with the nature of the deficiency or infraction involved and the record of the employee. Formal disciplinary action may include written reprimand, suspension, reduction in pay, demotion, and dismissal. Any of the foregoing types of formal disciplinary action may be invoked for a particular deficiency or infraction, depending upon the exact circumstances. An employee may be formally warned at any time that he or she may be dismissed or otherwise disciplined for further unsatisfactory performance and/or conduct. Nothing herein shall prohibit the administration of informal disciplinary action, such as oral counseling which shall be documented.

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

- a) Oral Counseling with records of each session being noted in the employee's personnel file;
- b) Written Reprimands which the Department Head must transmit through the City Manager before placement in the employee's personnel file;
- c) Probation (not to exceed 180 calendar days), during which time the employee's performance and behavior will be monitored very closely by the supervisor;
- d) Suspension Without Pay or Reduction in Pay;
- e) Demotion and/or
- f) Dismissal

Listing the various forms of disciplinary action is not intended to negate the authority and responsibility of management. Action believed to be appropriate based upon the relevant circumstances, does not prohibit management from immediately discharging an employee for the first instance of serious misconduct.

8-04 Written Reprimand

An employee may be formally reprimanded in writing. The reprimand may take various forms but should describe the deficiency or infraction involved and the likely consequence of continued unsatisfactory performance and/or conduct. The employee will be informed of the written reprimand and a copy shall be retained in the employee's official personnel file.

8-05 Suspension

A notice of suspension must be given to the employee which describes the deficiency or infraction involved and which states the likely consequence of continued unsatisfactory performance and/or conduct. The suspension shall be permanently noted in the employee's official personnel file. When an employee violates section 8-02 (b) of this handbook or is awaiting hearing or trial in a criminal matter, he or she may be suspended without pay when such suspension would be in the best interests of the City and the public.

8-06 Reduction in Pay

An employee's pay may be reduced provided it is done within reason. A notice of reduction must be given to the employee which describes the deficiency or infraction involved and which states the likely consequence of continued unsatisfactory performance and/or conduct. The reduction shall be permanently noted in the employee's official personnel file, but the employee shall not be disqualified from consideration for later pay increases.

8-07 Disciplinary Demotion or Dismissal

An employee may be demoted or discharged when such action is deemed by City administration to be warranted because of misconduct by the employee. A notice of demotion must be given to the employee which describes the deficiency or infraction involved and which states the likely consequences of further unsatisfactory performance and/or conduct. The demotion shall be permanently noted in the employee's official personnel file, but the employee shall not be disqualified from consideration for later advancement.

An employee may also be discharged from the City employment in the interest of good discipline. A notice of dismissal may, but need not necessarily, be given to the employee which describes the deficiency or infraction involved.

8-08 Complaints

The following procedure is used by the City to provide recourse to City employees having a complaint (defined here as a disagreement between an employee and his or her supervisor). The sequence outlined below is to be adhered to:

- a) The employee is expected to discuss his or her complaint with his or her immediate supervisor and try to get it resolved at this stage.
- b) If the immediate supervisor is unable to resolve the complaint, the employee should prepare the complaint in writing and submit it to his or her Department Head. The Department Head will review and respond to the complaint. If the complaint is still not resolved to the satisfaction of all concerned, the Department Head will forward it to the City Manager within five (5) days after having reviewed the complaint.
- c) The City Manager will review the matter and investigate the complaint. A decision will be rendered as soon as possible after receiving the complaint from the Department Head.

Nothing in this manual abridges any right of public access under Texas Law providing for open meetings and access to public records. To the extent practicable, for the protection of all concerned, rulings will be reduced to writing.

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

Chapter 9

Nondisciplinary Terminations

9-01 Resignation

An employee may leave the employment with the City in “good standing” by giving two (2) weeks notice. The notice must be given in writing and signed by the employee. The Department Head will then, in writing, forward the notice to Human Resources. The City Manager may waive any portion of the notice period. The personnel records of any employee who has resigned by giving proper notice shall show the employee resigned of his or her own accord.

9-02 Abandoning Job

An employee who fails to report for duty for one (1) day or remain at work as scheduled without proper notification, authorization, or excuse shall be considered as abandoning his or her job duties. Absence without leave may be considered as an employee’s resignation without notice. In such case, the employee’s separation shall not be considered to be in “good standing.”

9-03 Layoff and Recall

An employee may be laid off because of changes in duties, organizational changes, lack of work, or budget cutbacks. Whenever practicable, two (2) weeks notice shall be given an employee prior to layoff. Layoffs shall be carried out on the basis of demonstrated job performance and efficiency, with the most proficient employees being retained the longest. Seniority within City service shall be used to determine the order of layoff among employees with substantially equivalent records of job performance and efficiency, with the most senior employees being retained the longest. Temporary employees shall be laid off before regular employees performing similar duties. A layoff shall not be considered a disciplinary action.

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

9-04 Incapacity

An employee may be terminated when the employee can no longer perform the essential functions of his or her job with or without reasonable accommodation. Termination resulting from inability to perform the essential function of the job shall not be

considered disciplinary action and shall not operate to deny any employee the use of any accrued illness, injury, disability, or other benefits.

9-05 Retirement

The City is a member of the Texas Municipal Retirement System (TMRS). Regular employees are required to become members of TMRS and are eligible for this benefit immediately upon employment. (TMRS defines regular employees as those working in excess of 2,080 hours per year.) Both the employee and the City contribute to the employee's retirement account. Employees, who leave City employment prior to retirement will be, upon request, refunded their portion of the retirement account plus interest earned on their portion.

Retirement benefits are determined by a formula that involves age, the number of years of creditable service, and the amount deposited in the employee's account. A new employee receives a brochure about the City's specific retirement coverage and options under TMRS at the time of employment. The Human Resource Specialist has additional information about the retirement plan, which is available upon request.

9-06 Unsatisfactory Service

An employee may be terminated for unsatisfactory service when his or her ability to handle the duties of the position fall below the acceptable standards for continued employment.

The City Manager may delegate dismissal authority to a Department Head, but the City Manager must be consulted on any prospective termination. In addition, the City Manager's signature is required on all personnel action forms involving dismissal.

Chapter 10

Personnel Records

10-01 Personnel Files and Records

The Human Resource Specialist shall maintain the official personnel files and records for all City employees. Unless otherwise provided by law, personnel files shall be confidential and may not be used or divulged for purposes unconnected with City personnel management, except with the permission of the employees involved. Nothing herein shall prevent the dissemination of impersonal statistical information. An employee shall have a right to inspect his or her personnel files during business hours under appropriate supervision upon adequate notice. Employees are not permitted to make or retain copies of their personnel file.

10-02 Change of Personnel Status or New Hires

Department heads shall submit to the City Manager, through the Human Resource Specialist, requests to hire new employees or changes to personnel before any commitments to either existing employees or prospective new hires. (e.g. promotion or layoff).

10-03 Personnel Reports

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

Chapter 11

Employee Benefits

11-01 Medical Insurance

All full-time employees are provided with medical and dental health insurance. Part-time employees working at least thirty (30) hours per week may be provided with medical and dental insurance benefits as determined by the City Manager and in accordance with the City's insurance carrier. Coverage shall begin upon acceptance of the employee by the insurance underwriter. Generally, the health insurance plan provides for payment of hospitalization and major medical expenses for illness and accidental injuries off the job. Employees interested in the terms of medical coverage need to review the policy or summary plan descriptions. Employee dependent coverage is available through payroll deduction for family members.

City employees who are no longer employed with the City may elect to continue health benefits at their cost (plus a small administrative fee) pursuant to the Consolidated Omnibus Budget Reconciliation Act ("COBRA") of 1985, as amended.

11-02 Life Insurance

The City provides group life insurance coverage for all full-time employees. Part-time employees working at least thirty (30) hours per week may be provided with life insurance benefits as determined by the City Manager and in accordance with the City's underwriter's policies. Coverage shall begin upon acceptance of the employee by the insurance underwriter. The life insurance is payable in the event of death of an employee from any cause at any time or place while he or she is insured. Payment will be made to the beneficiary designated by the employee. Employees interested in the terms of the life policy could consult the policy itself or the summary plan description.

The City also provides a secondary life insurance plan. The employee can elect to increase the coverage through a voluntary contribution.

11-03 Worker's Compensation Insurance

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

Insurance. The City provides workers' compensation insurance for all of its employees. This insurance provides medical expenses and a weekly payment if an employee is absent from work because of a bona fide, on-the-job, work-related injury for more than one

week. All workers' compensation insurance claim forms must be submitted to the Human Resource office immediately for appropriate action to be taken.

Medical Attention. An employee who sustains a bona fide, on-the-job, work-related injury may seek medical attention from the medical facility or professional of his or her choice. The City encourages employees to return to work as soon as they are able to do so. An employee returning to work must submit a physician's statement of medical condition and release to return to work. As determined by the City Manager, at the City's expense, an employee may be required to submit to examination by an independent physician.

Post-Accident Testing. When an employee sustains an on-the-job, work-related injury or illness that requires outside medical treatment, the employee will also be subject to completing a screening for the presence of drugs and/or alcohol in the employee's system. When an employee is involved in a mobile vehicle or equipment accident that results in damage, the employee will be subject to completing a screening for the presence of drugs and/or alcohol in the employee's system. Any employee who refuses screening for the presence of drugs and/or alcohol will be subject to immediate termination.

Statutory Benefits. Employees who sustain an injury at work may be eligible to receive benefits prescribed by the Texas Workers' Compensation Act. These benefits include compensation payments, medical care, as reasonably required to cure and relieve the effects of the injury or occupational disease(s), and/or death benefits.

Workers' compensation benefits are subject to a seven-calendar-day waiting period. After 28 calendar days of lost time, the seven-day waiting period will be paid retroactively under workers' compensation. All workers' compensation insurance claim forms must be submitted to the Human Resource office immediately for appropriate action to be taken. After one year of receiving workers compensation benefits, the City may elect to terminate the employee however, the employee may be eligible for rehire.

Exclusion. Injuries caused by willful intent and attempt to injure self or to unlawfully injure another, intoxication, horseplay by the injured employee, an act of God except in certain limited circumstances (i.e., assigned to official duty during a tornado, lightning storm, etc.), or an act of a third party for personal reasons are excluded specifically from coverage by injury leave with pay. Workers' compensation fraud is a crime (misdemeanor or felony, depending upon the dollar value of the benefits received) punishable by fines and/or jail time. The City will prosecute any individual found to be claiming a work-related illness or injury fraudulently.

11-04 Social Security

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

insurance is financed by social security taxes which are paid through payroll deductions by the employee. The City contributes a matching amount on behalf of the employee.

11-05 Unemployment Insurance

All employees of the City are covered under the Texas Unemployment Compensation Insurance program and the Federal Unemployment Act (FUTA). This program provides payments for unemployed workers in certain circumstances as provided by law. The City pays an unemployment tax on behalf of each employee on the first \$9,000 of the employee's earnings to finance this benefit.

11-06 Retirement and In-Service Death Benefits

This City is a member of the Texas Municipal Retirement System. The purpose of this system is to provide a plan for the retirement and disability of employees of Texas municipalities. Participation in this system is compulsory for all employees who have not reached age sixty (60) years and for part-time employees in accordance with the retirement system's policies. Participation in the system begins upon employment with the City. The employee will contribute 7% of his or her salary through payroll deductions into the retirement plan, with the City matching this amount a 2 to 1 basis.

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

11-07 Leave Pool

Donated Leave

City employees may donate sick leave or vacation leave to a leave pool to be held by Human Resources.

Leave Pool Administration

The distribution of leave from the leave pool will be approved and administered by a committee appointed by the City Manager.

Chapter 12

Travel Policy

12-01 Applicability of Travel Policy

The policy of the City is that employees are to be reimbursed, within budgetary limitations, for necessary and reasonable job-related expenses incurred in the authorized conduct of City business, including business-related travel, in accordance with the City Ordinance. Except in cases involving in-City use of a personal vehicle, employees must submit an approval request to the Department Head before initiating travel that involves reimbursable expenses. The request should include an estimate of costs to be incurred. All travel expenses are subject to requirements of documentation and reasonableness, and will be honored in conformance with adopted policies and procedures, provided that the travel was properly authorized and that funds are available in the department's budget. Whenever possible, the City will prepay such expenses as registration fees, hotel costs, and airline or other public transportation costs directly to the entity involved.

Employees should be conscientious in their use of City funds. In all cases, travel expenses should be limited to those that are reasonable and necessary. Additionally, when two or more employees are traveling to the same location for the same purpose, they should travel together whenever possible to avoid unnecessary travel expenses. Employees are expected to use the least expensive means of travel for the City, including avoiding unnecessary overtime whenever possible.

12-02 In-City Travel

All necessary travel by City employees for authorized conduct of City business within the City is authorized. Reimbursement for the use of private automobiles by employees is made monthly upon submission of required report and request forms. Mileage is reimbursed at the maximum rate allowed by the Internal Revenue Service at the time the mileage is incurred.

12-03 Out-of-City Travel

Travel by City employees outside the City in which the employee is stationed is permissible, provided that it is authorized in advance by the Department Head and does not exceed budgetary limitations. Reimbursement for travel is based upon the most economical conveyance that is reasonably available. When private automobiles are used for travel, reimbursement is allowed on the basis of actual mileage traveled or tourist class airfare, whichever is less. The difference in cost between first-class air accommodations and less-than-first-class air accommodations is not an allowable expense, except when less-than-first-class air accommodations are not reasonably available. All airline flights will be booked by the Department Head and paid for by the City.

In cases where a rental car is used, employees must choose the optional insurance coverage; the City will pay for the insurance cost.

12-04 Meal Allowances

The Finance Director shall establish per diem amounts allowable for meals and tips per the nationally recognized website (www.gsa.gov) while an employee is on official City business out of town. If the travel requires an overnight stay, and a full day or full days are involved, the employee will be allowed a daily amount for meals.

12-05 Lodging

Whenever authorized by the City Manager or City Council, lodging expenses associated with official City business or training shall be paid by the City in advance.

12-06 Entertainment

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

12-07 Personal Vehicle

Where use of a personal vehicle is judged by the City Manager to be the most reasonable means of transportation in the conduct of official City business, reimbursement will be at the maximum rate allowed by the Internal Revenue Service. Employees are expected to report the shortest distance between points of departure and destinations for all travel. Travel between an employee's residence and City offices is not eligible for reimbursement. See the paragraph on "Out-of-City Travel" for additional information about the use of a personal vehicle for out-of- town travel in lieu of reasonably available public transportation.

12-08 Expense Reports

An expenditure report must be filed with the Finance Director within two (2) working days following the trip. All per diem advances and expenditure reports shall be submitted on forms provided for that purpose as required by the Department Head and Finance Director. The City will issue a reimbursement check to the employee for allowable out-of-pocket expenses over and above any advance. The Department Head and the Finance Director must approve all reimbursements. Tips will not be reimbursed.

Chapter 13

Motor Vehicle and Motorized Vehicle Equipment Policy

13-01 Purpose of Vehicle Policy

The purpose of this City-wide policy regarding the use of City-owned vehicles or equipment used by City employees for City business is to establish rules and guidelines for the assignment and/or operations of City-owned vehicles or equipment.

13-02 Applicability

For the purposes of this policy the term “vehicle” applies to any and all City owned/leased/rented vehicles, equipment, apparatuses, etc that may be operated or occupied by any person, while in motion.

These policies shall apply to all City owned vehicles and all persons assigned a vehicle, inclusive of operators and passengers. Subsequent changes to federal, state or local law or ordinances will supersede the policy, to the extent of any conflict between the guidelines adopted herein and such laws or ordinances.

13-03 Use of City Vehicles

Except for maintenance, services and repair, only City officials and employees are allowed to operate a City vehicle. Ridership should be limited to employees or persons on official City business. Because certain employees are required to be on call, the City Manager may, in limited circumstances, permit use of a City vehicle for personal business.

All City employees who operate City-owned motorized vehicles and equipment must comply with all sections of this policy and applicable state and local laws. It will be the responsibility of any such employee to pay any fines imposed for not complying with such laws. If an accident results from non-compliance, the driver may be held liable for any related changes.

Driver qualifications include:

- a) Must possess a valid Texas Driver’s license
- b) Must comply with annual driver record information check
- c) Must report all driving violations or convictions and any license revocations, suspensions, or reinstatements, following revocations or suspensions to their immediate supervisor within one (1) business day of the occurrence. This includes violations, convictions, suspensions, and revocations that result from

driving a privately owned vehicle. The loss or suspension of a valid Texas Driver's license is grounds for or dismissal; and

- d) Must not have had any convictions for driving while intoxicated, driving under the influence of alcohol, drugs, or reckless driving

All motorized City vehicles/equipment shall be used for official/work related business only. Smoking, dipping tobacco, any kind of nicotine use, or any form of device that produces smoke or vapor is not allowed in City-owned vehicles or equipment. No one is allowed to operate a City vehicle or piece of equipment while under the influence of alcohol, medication, or drugs that may affect judgment or reaction time.

Personnel authorized to utilize such vehicles or equipment must keep them clean and safe at all times, inside and out. No personal or unauthorized decals should be placed anywhere on the vehicle or equipment. Personnel must ensure that all regular maintenance is performed on the vehicles in a timely manner, by making the vehicle available to Fleet Maintenance upon receipt of regular preventative maintenance notifications. Further, personnel must ensure that all vehicles are in a safe and operable condition by performing daily inspections of their vehicles (including toolboxes) and equipment and exercising due diligence in inspecting maintenance work performed on vehicles and equipment for obvious signs of operational safety.

Gasoline/fuel shall be used responsibly. Authorized personnel must make their vehicles and equipment available for inspection by supervisory personnel, as requested. Any corrective actions mandated by supervisors must be taken immediately.

Personnel authorized to use City-owned vehicles or equipment should be aware that the operation and appearance of such vehicles and equipment reflects on the professionalism of the driver, department and the City. As such, personnel must be constantly aware of their actions and ensure that their behavior, appearance and operation exhibit the highest in professionalism and courtesy.

Improper use of a City-owned vehicle or equipment shall be subject to disciplinary action by the departmental supervisor. Improper use shall include, but is not limited to:

- a) Receiving two (2) or more moving violation citations, while operating a City-owned vehicle or equipment on City business, over a three (3) year period regardless of disposition, including dismissal pursuant to completion of probation or a plea bargain, except when adjudicated "not guilty".
- b) Having an accident where the Accident Review Committee finds the accident was preventable.

Personnel operating City-owned vehicles must have in their possession, at all times, their valid Texas Driver's license and City vehicle proof of insurance. They shall also wear their safety belts if applicable.

Department Supervisors shall have the Policy Department obtain the driving record of any applicant for employment before hire and any employee within their department every one (1) year from the date of employment.

13-04 Vehicle Logs

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

13-05 Parking/Standing/Leaving Vehicle Unoccupied

When the vehicle or equipment is unoccupied, all doors and windows (including trunk) must be closed and locked. Also, when unoccupied the vehicle/equipment must be left with the ignition turned off and the keys in possession of authorized personnel, upon every exit of the vehicle. At no time should a vehicle be left unattended with the ignition operating and/or keys in or on the vehicle. Vehicle operator is responsible for ensuring that the vehicle is secure. The only exception to this rule applies when public safety vehicles are performing emergency duties.

13-06 Use of Peripheral Equipment/Devices

City vehicles may be equipped with additional devices/accessory equipment that is necessary for completion of daily work related tasks.

All additional equipment issued by the City must be secured within vehicles and ensure that such items do not constitute a safety hazard.

In addition, equipment must be secured from theft at all times. Personnel should not store laptops or handheld radios, computers, cell phones, cameras or any City-owned equipment in City-owned vehicles or equipment. Any loss, theft or damage that is determined to result from the violation of this policy may result in disciplinary action, including possible suspension and/or termination, and may include the reimbursement to the City of the replacement cost of the equipment. The only exception to this rule applies to police vehicles that have in their possession shotguns, rifles, cell phone, cameras and other equipment that would be illogical to secure due to the nature of police business.

Authorized personnel utilizing City vehicles or equipment must pull over to a secure safe location to use cellular phones, laptop computers, or any type of electronic device. The only exception to this rule applies to public safety personnel while performing duties while responding to emergency situations.

13-07 Vehicle/Equipment Accidents, Damage, Incidents, Collisions

For the purpose of this policy, accidents, incidents, damage or collisions will be referred to as an accident. If an accident occurs, and if the person is able and not unconscious, it is the vehicle or equipment operator's responsibility to notify the Police Department immediately. The Department Head is to be notified by the investigating officer in the event of an accident where damage is caused to the vehicle/equipment or any injury to a person. The Department Head will then notify Human Resources. Human Resources will then notify the City Manager.

Accidents, collisions, damage caused to City owned vehicles will be handled as follows:

- a) A police investigation will be performed immediately following the accident. The investigating officer will then fill out a State Approved Report. The report must be completed within the guidelines set by the State of Texas in the Transportation Code. The investigating officer will also use a Witness Statement (**See Attachment A**) of the person/persons that may have witnessed the accident. When vehicles must be moved from the roadway, the on scene police officer shall take pictures to document the vehicles and damages before they are moved. The employee involved in the accident will be taken for a urine analysis test that will screen for drugs, narcotics, alcohol, etc. by the Department Head appointed person.
- b) Accidents involving Police Department vehicles will be investigated by the Texas Department of Public Safety.
- c) All inquiries by third parties involved in the accident will be forwarded to the Chief of Police.
- d) The Accident Review Committee may carefully review the facts pertaining to the accident with the investigating Police Officer. The employee under review may produce any witness to the accident that they wish to call.
- e) The Accident Review Committee shall make a decision as to whether the accident was preventable or non-preventable, and shall forward its finding to the Police Chief. The Police Chief will then review the report and then forward his/her findings to the appropriate Department Head.
- f) A copy of the accident report and the findings of the Accident Review Committee shall be placed in the employee's personnel file along with any action taken by the Department Head.

13-08 Take-Home Vehicles

Certain employees may be identified by the Department Head as requiring a vehicle on a twenty-four (24) hour basis. Authorization, given by the Department Head, of take-home

vehicles will be based solely in the best interest of the City. Take-home vehicles may, for example, be authorized to those employees:

- a) Who are subject to being “on call” and who, when called, must report to a work site location; or whose primary duties are in the field.
- b) Who reside within twenty (20) minutes to the City of Pleasanton corporate limits and its extra territorial jurisdiction (ETJ), unless otherwise approved by the City Manager.
- c) Whose use of take home City-owned vehicles must ensure that there is adequate and safe parking for such vehicles. Parking of take home City-owned vehicles, whether on or off duty, must be on private property
- d) Who are subject to 24 hour 7 day emergency call and do not reside within 20 minutes of the corporate limits of the City of Pleasanton shall be compensated mileage for emergency response outside of normal working hours.

Chapter 14

Drug & Alcohol Policy

14-01 Statement of Purpose

Drug and alcohol abuse by employees, whether on or off the job, jeopardizes the health and safety of employees and is contrary to the best interests of the City. As a result, drug abuse or working under the influence of alcohol will not be tolerated. The City has a strong commitment to provide a safe workplace and to promote employee health. This drug and alcohol policy has been established to aid in ensuring a safe and health workplace and promote efficient operations for all employees of the City. Implementation of this policy is subject to restrictions contained in all local, state and federal laws.

14-02 Policy

The use, possession, concealment, transportation, storage, promotion or sale of the items listed below are strictly prohibited on City premises or on any other work site, facility or equipment used for business purposes.

- Illegal drugs
- Controlled substances
- Alcohol
- Drug paraphernalia

14-03 Definitions

City Premises

City premises or worksite facilities and equipment includes, but is not limited to, all City property (owned or leased) including vehicles, lockers, parking lots, desks and all occasions during which the employee is performing services for, or representing, the City even if not on City premises.

Illegal Drugs

Illegal drugs are listed in federal, state and local laws. They include: marijuana, hashish, heroin, cocaine, crack, and hallucinogens such as PCP, LSD and others.

Controlled Substances

Controlled substances include: narcotics that require a doctor's prescription such as Demerol and codeine, depressants and barbiturates, tranquilizers such as Valium or Librium, and stimulants or amphetamines commonly known as "speed" or any other

substance listed in Schedules I-V of Section 202 of the Controlled Substance Act 21 U.S.C. 812, et seq., as amended.

Drug Paraphernalia

Drug paraphernalia is an item which has been used or can be used for administering, transferring or storing of a prohibited drug, or which is specifically designed for such use.

For the purpose of this policy, the term drug includes alcoholic beverages, as well as illegal inhalants and illegal drugs and controlled substances. Possession of alcohol by an employee on City property is a violation of this policy.

This policy, insofar as it concerns the possession and consumption of alcohol, does not apply to recognized social functions on or off City property at which alcoholic beverages are served and when the employee is deemed not to be performing duties for the City. Apart from the above, City employees are prohibited from being on City property or engaged in the performance of duties while under the influence of alcoholic beverages. An employee shall be considered as being under the influence of alcoholic beverages if his/her blood alcohol equivalent tests positive for the presence of alcohol.

14-04 Arrest or Conviction Under Criminal Drug Statutes

Employees must notify their immediate supervisor within one (1) regular workday of any arrest or conviction under a criminal drug statute.

14-05 Exclusion for Prescription Drugs

This policy excludes prescription drugs when taken as directed by the employee's doctor. However, employees whose physicians prescribe controlled substances for continued usage should report this treatment to their immediate supervisor for duty status evaluation when they are using any prescription or over-the-counter drug which contains instructions, restrictions, or warnings indicating that the use of the drug may cause them to become impaired from safely performing their job duties (for example, indications that the drug may cause drowsiness or that it should not be used while the person is driving or operating equipment). Prescription or over-the-counter medication must be kept in its original container.

14-06 Prohibitions

The City's policy prohibits the following:

- a) Use, possession, manufacture, distribution, dispensation, storage, concealment or sale of illegal drugs or drug paraphernalia on the City's premises, while engaged in the business of the City, using vehicles supplied by the City, or during working hours. An employee must immediately contact the police department if any illegal drugs, controlled substances, or drug paraphernalia is found on City property.

Failure to report and occurrences could result in disciplinary action, with the possibility of dismissal, if the item is found in the employee's possession or City issued vehicle or equipment.

- b) Unauthorized use or possession, dispensation or sale of controlled substances on City's premises, while engaged in City business, using vehicles supplied by the City or during working hours.
- c) Storing in a locker, desk, automobile or other repository on City premises any illegal drug, controlled substance or any alcohol.
- d) Being under the influence of an unauthorized controlled substance, illegal drug or alcohol on City's premises, in a vehicle supplied by the City, or during working hours.
- e) Use of alcohol off City premises that adversely affects the employee's work performance, his own or other's safety at work or the City's reputation or standing in the community.
- f) Possession or use of illegal drugs off City premises that adversely affects the employee's work performance, his own or other's safety at work or the City's reputation or standing in the community.
- g) Switching or adulterating any urine sample submitted for testing.
- h) Refusing to consent to a blood, urine, or other drug or alcohol test when requested by management.
- i) Refusing to submit to an inspection when requested by management.
- j) Failing to adhere to the requirements of any drug or alcohol treatment or counseling program to which the employee is enrolled.
- k) Arrest or conviction under any criminal drug statute under circumstances which adversely affects the City's reputation or standing in the community.
- l) Failure to notify the Department Head of any arrest or conviction under any criminal drug statute within one (1) day of the arrest or conviction.

14-07 Drug and Alcohol Testing

Whenever management at the City has a reasonable suspicion that an employee is using or is under the influence of alcohol or drugs, or that an employee has otherwise violated this policy, the City may require the employee to submit a urine and/or a blood sample. An employee who tests positive for drugs or is under the influence of alcohol will be in

violation of this policy. All employees can also be subject to the following types of drug and alcohol testing:

Pre-Employment Testing

The City performs pre-employment drug/alcohol tests on all new employees, after extending a conditional offer of employment, but prior to the first day of work. In addition, the City must and will request the results of U.S. Department of Transportation (DOT) drug tests from previous employers for employees required to hold a commercial driver's license.

Post-Accident Testing

The City may test an employee involved in any accident, no matter how serious, for drug and alcohol use.

Random Testing

For vehicle operator positions requiring a commercial driver's license, the City is required to perform unscheduled, random tests of covered employees at a rate of 50 percent. The City may require all covered positions to be randomly tested annually. Certain other safety sensitive positions (licensed peace officers, fire personnel, and dispatchers) may be subject to random testing

Prior to taking any action, The City will give all applicants and employees who test positive for drugs, or are determined to be under the influence of alcohol, the opportunity to explain the test results and perform a confirmatory test designed to verify the reliability of the first test.

14-08 Consequences for Violation of This Policy

Violation of this Alcohol and Drug Policy may result in severe disciplinary action, including discharge for a first offense, at management's sole discretion.

14-09 Condition of Employment

Compliance with the City's substance abuse policy is a condition of employment. Failure or refusal of an employee to cooperate fully, sign any required document, submit to any inspection or test, or follow any prescribed course of treatment will be grounds for termination.

14-10 Searches

The City may, from time to time, and without further notice, conduct searches for alcohol or drugs of any work site or facility used for business purposes under the scope of

employment with the City. An inspection may include, but is not limited to, a search of the person, the personal effects, including, without limitation, packages, briefcases, purses, lunch boxes, or any vehicle, while on the work site. Such inspections or searches shall be undertaken in a manner that respects, to the greatest extent practicable, the employee's privacy interest. Failure to consent to such search may subject an employee to immediate discharge.

If it deems appropriate, the City may use trained dogs to detect illegal drugs in personal and City property on the City's worksite or facility.

If illegal paraphernalia is found, it will be confiscated, and the employee will be subject to appropriate disciplinary action, up to and including termination, as well as criminal prosecution, if appropriate.

14-11 Assistance in Overcoming Alcohol or Drug Abuse

Early recognition and treatment of alcohol or drug abuse is important for successful rehabilitation. The City encourages the earliest possible diagnosis and treatment for alcohol or drug abuse. Employees who voluntarily seek help will not be disciplined in any manner, except as a result of a subsequent positive random test. However, the employee must seek assistance prior to being selected for testing for any reason.

14-12 Reservation of Rights

The City reserves the right to interpret, change, void, or depart from this policy in whole or in part, without notice. Nothing in this policy alters an employee's status as an "at will employee".

Employees remain free to resign their employment at any time, for any reason. The City retains the right to terminate any employee at any time, with or without cause.

Chapter 15

Miscellaneous Provisions

15-01 Activity Reports

All Department Heads shall submit monthly reports concerning the activities of their department to the City Manager on forms prescribed by the City Manager. The City Manager shall submit periodic reports concerning City activities to the City Council.

15-02 Property Control

- a) Department heads shall insure that property under their control is properly accounted for and safeguarded. The City Manager shall maintain or delegate the maintenance of an up-to-date inventory of all City property. All acquisitions, disposals, or transfers of property shall be reported to the City Manager and the City Secretary by Department Heads.
- b) Postage, stationery, office supplies, tools, vehicles, and equipment purchased and owned by the City are to be used solely for conducting City business.
- c) Employees shall only utilize City copiers for City business.
- d) All gasoline obtained from City pumps shall be accounted for and used only for City business.

15-03 Utilities

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

15-04 Purchases

No purchases shall be made in the name of the City by any employee except by following the procedures outlined in the City purchase order system and the City Charter.

15-05 Housekeeping Duties

Department Heads shall be responsible for maintaining neat, sanitary, and orderly office spaces, working areas, yards and grounds.

15-06 Safety

Department heads shall be responsible for preparing and promulgating safety procedures applicable to all personnel and operations under their control. Each employee is required

to adhere to all safety procedures set forth by the City, the state, and federal agencies. It is the obligation of all employees to report any unsafe conditions to the appropriate Department Heads and to inform their supervisor of any on-the-job injury or accident. Employees who in good faith raise concerns about safety will not be retaliated against in the terms and conditions of their employment.

15-07 Coffee Breaks

It is the policy of the City to allow two (2) fifteen (15) minute coffee breaks at the discretion of the Department Head and the City Manager. One (1) coffee break is to be taken in the morning and the other in the afternoon. Coffee breaks shall be taken at convenient times without leaving an employee's duties or telephone unattended. Coffee breaks are not to be considered an employee's right, but a privilege. At no time will coffee breaks accumulate for later use or take precedence over work requirements.

Nursing mothers would be allowed a reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth. The department head and supervisor must be notified of the break times. A private room is designated at the Pleasanton Public Library for the use of our employees.

15-08 Telephone Usage

Department Heads shall be responsible for reviewing long distance telephone bills and for assuring that such calls are only for necessary City business. Telephones should be answered promptly and courteously. Personal calls should be limited so as not to interfere with City business.

15-09 News Releases

All news releases by City employees will be approved prior to their release by the City Manager.

15-10 Use of City Equipment and Facilities

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

15-11 Professional Memberships and Subscriptions

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

15-12 Lunch Periods

The scheduling of employee lunch periods will be determined by the Department Head and/or City Manager to facilitate serving the public and permitting efficient department operations. Lunch periods shall not exceed one (1) hour in length except for business lunches in which case the employee shall return to work within a reasonable time upon completion of the business lunch.

15-13 Unauthorized or Improper Use of Official Badge or Uniform

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

15-14 Smoking and Tobacco use in the Workplace

In keeping with the City of Pleasanton's intent to provide a safe and healthy work environment, any use of tobacco products or any form of device that produces smoke or vapor is prohibited within City buildings, facilities, vehicles, or on City property



PLEASANTON TEXAS



"BIRTHPLACE OF THE COWBOY"

Acknowledgement of Receipt of the City of Pleasanton's Employee Handbook

I, _____, hereby acknowledge that I have reviewed a copy of my Employee Handbook. I have read the Handbook carefully and understand it. I also understand and agree that my employment with the City is for an indefinite term and is terminable at-will so that either the City or myself is free to choose to end our employment relationship at any time. Nothing in the Employee Handbook in any way creates an express or implied contract of employment between the City and myself. No exception to this will be recognized or permitted unless set forth in a written agreement signed by the City Manager of the City of Pleasanton.

Signature

Date