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City of Port Lavaca

HR and Workplace Policies

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Chapter 1: Employment

1.01 General Policy

City employees can expect, as a condition of their employment, that they will receive fair and equitable treatment. The City expects, as a primary condition of employment, each employee to make a sincere effort to perform the duties of the job assigned, to work in harmony with other City employees, and to abide by the personnel and operating policies of the City.

1.02 Equal Opportunity Employment

The City of Port Lavaca is an equal opportunity employer. It is the policy of the City to prohibit discrimination, harassment and/or retaliation of any type and to afford equal employment opportunities to employees and applicants, without regard to race, color, religion, sex, national origin, age, disability, genetic information, or veteran status. The City will conform to the spirit as well as the letter of all applicable laws and regulations. The City will take action to employ, advance in employment and treat all veterans without discrimination in all employment practices.

The policy of equal employment opportunity and anti-discrimination applies to all aspects of the relationship between the City of Port Lavaca and its employees, including but not limited to:

- Recruitment
- Employment
- Promotion
- Transfer
- Training
- Working conditions
- Wages and salary administration
- Employee benefits and application of policies

The policies and principles of equal employment opportunity also apply to the selection and treatment of independent contractors, personnel working on our premises who are employed by temporary agencies and any other persons or firms doing business for or with the City of Port Lavaca.

1.03 At Will Employment

Your employment with the City of Port Lavaca is a voluntary one and is subject to termination by you or the City at will, with or without cause, and with or without notice, at any time. Nothing in these policies will be interpreted to be in conflict with or to eliminate or modify in any way the employment-at-will status of city employees.

1.04 Employee Types

The City will maintain standard definitions of employment and will classify employees in accordance with the following definitions:

1.04.01 Regular Full-Time Employees:

Regular full-time employees are those who work a minimum of forty (40) hours per week on a regular basis, or a full-time equivalent work schedule based upon police and fire shift work schedules. All regular full-time employees will also be classified as exempt or non-exempt in accordance with the Fair Labor Standards Act (FLSA).

1.04.02 Regular Part-Time Employees:

Regular part-time employees are those who work less than forty (40) hours per week on a regular basis, or less than the full-time equivalent work schedule based upon police and fire shift work schedules. All regular part-time employees will also be classified as exempt or non-exempt in accordance with the Fair Labor Standards Act (FLSA)

1.04.03 Temporary Employees

Employees may be employed with the City on a temporary basis. Temporary employees are not eligible for benefits other than those that are required by law. Temporary employees may be given priority consideration for regular full-time employment. Reasons for temporary employment may include, but is not limited to one of the following reasons:

- To assist in emergency situations.
- To provide temporary workload relief.
- For special short-term projects.
- To train employees for possible regular full-time positions for which they are not otherwise qualified.
- To meet other workforce needs as deemed necessary by the appropriate Department Head, Human Resources, or the City Manager.

Temporary Full-Time Employees: Temporary full-time employees are those who work a minimum of forty (40) hours per week, or a full-time equivalent work schedule based upon police and fire shift work schedules, but are employed for

only a specified period of time or for a special job task or project. All temporary full-time employees will also be classified as exempt or non-exempt in accordance with the Fair Labor Standards Act (FLSA).

Temporary Part-Time Employees: Temporary part-time employees are those who work less than forty (40) hours per week, or a full-time equivalent work schedule based upon police and fire shift work schedules, for a specified period of time or for a special job task or project. All temporary part-time employees will also be classified as exempt or non-exempt in accordance with the Fair Labor Standards Act (FLSA).

1.04.04 Exempt Employees:

Some executive, administrative, and professional employees are exempt from the requirements of the Fair Labor Standards Act (FLSA) that provide overtime pay standards. These exemptions are generally based on the responsibility, discretion, independent judgment and decision making authority in the job. Exempt employees are not eligible to receive overtime pay.

1.04.05 Non-Exempt Employees:

Employees in non-exempt jobs must be paid overtime generally for hours worked over forty (40) hours per week or as FLSA regulations require within shift firefighter and shift police work schedules. This means that non-exempt employees' time worked must be recorded to be in compliance with FLSA.

1.05 Physical Standards

Physical standards and requirements may vary somewhat in accordance with duties and working conditions as generally set forth in the specifications for various positions and also as to anticipated length of employment. A medical examination by a competent physician will be required for certain groups of employees. Regular full-time Police Officers and Firemen are also subject to psychological tests. This examination must be taken and passed prior to employment with the City. Cost of the examination will be paid by the City. All employees/will be subject to a drug screen prior to employment.

1.06 Age Requirements

No person under the age of sixteen (16) years of age will be employed in any temporary position unless all of the Child Labor Requirements of a non-agriculture occupation under the Fair Labor Standards Act are met. When a minor has been employed by the City in a regular or temporary position, the minor will not be permitted to begin actual employment until the minor's parents or legal guardian, execute a waiver and release form provided by the City. For these purposes, a minor is classified as a person, male or female, under eighteen (18) years of age. In order to operate a motorized vehicle owned by the City, all employees will be a minimum of eighteen (18) years of age.

1.07 Nepotism

The employment of relatives in an organization may cause serious conflicts and problems with favoritism and employee morale. Employees who are related will not occupy a position in the same department as a relative, work directly for, or supervise a relative. The City reserves the right to take prompt action if an actual or potential conflict of interest arises concerning relatives who occupy positions at any level (higher or lower) in the same line of authority that may affect employment decisions. The City will not hire anyone who is related to any member of the City Council or City Manager, either by blood or marriage.

For the purposes of this policy, a relative is defined by affinity (marriage) or consanguinity (blood relative) in the following degree of kinship:

Affinity: Mother-in-law, Father-in-law, Son-in-law, Daughter-in-law, Brother-in-law, Sister-in-law, husband, wife.

Consanguinity: Mother, Father, Son, Daughter, Brother, Sister, Grandmother, Grandfather.

1.08 Recruitment Procedures

When a vacancy occurs within a department for any reason, or notice is given of resignation by an employee, the supervisor will furnish the Human Resources office with a copy of the resignation and the necessary information to hire for the vacancy. Notice of the vacancy will be issued to all departments which will be posted as information regarding the job.

In the event a vacant position is not filled by employee transfer, the position may be posted internally for three days before the position is posted externally. When posted externally, the posting will be advertised for a reasonable period of time based on the quality of the candidate pool.

All notices posted and advertisement will clearly state that the City is an Equal Opportunity Employer.

1.09 Application for Employment

For the purpose of this policy, an Applicant is defined as a person who has applied for a job or position with the City following the appropriate procedures. A Candidate is an applicant who, upon review of qualifications, meets the basic requirements of the position in which they have applied and is deemed qualified to be considered for employment.

To apply for a posted position, an applicant must submit an application for employment as outlined in the job posting. Any employee whose employment application is found to contain false or misleading information, by commission or omission, will be subjected to disciplinary action up to, and including, termination.

1.10 Appointment

City personnel will be hired upon submission of written information pertaining to job-related and personal qualifications and after an interview with the supervisor, Department Head, interview panel and/or a third party representative, as appropriate. Appointments will be recommended by Department Head to the City Manager. No person will be hired for any position within the classification system until fair and equitable consideration has been given to all qualified applicants. All appointments will be based strictly upon the job related qualifications of the applicants, their fitness to assume the responsibilities and perform the duties of the position, and their previous employment records and personal histories.

1.11 Employee Orientation

All new employees will attend a New Hire Orientation on their first day of employment in order to receive information related to city policies, benefits, and other administrative items related to their employment. New employees will be required to return forms within a specified period of time so that they can be processed in the payroll system.

Department Heads will ensure that new employees are properly trained in regards to safety and how to report work related injuries or accidents.

1.12 New Employee Training

All new employees will complete an on the job training period and will be evaluated with regard to job performance, fitness for their position, and job requirements as defined in the Job Classification and Compensation Plan. Employees may be dismissed without cause during their training period if they are failing to meet performance standards and expectations. Just prior to the end of the training period, the Department Head will determine if the employee has completed training and is released from the training program. If the employee needs to be retained in the training program, an extension may be granted for an extended period of time, or the employee may be terminated.

1.13 Special Employment Criteria

Various departments may require an employee to acquire certain licenses, certifications, or levels of education in order to effectively perform the duties required. When such departmental requirements exist, they must be fulfilled within the timelines established.

In the event a City vehicle is to be operated by the candidate, a driving record check will be conducted by the Department Head or the department in which the candidate is to be employed, and the completed report form returned to the City Manager's office prior to actual employment of the candidate.

1.14 Outside Employment

The position an employee holds with the City of Port Lavaca will take precedence over any other occupational involvement of the employee. The acceptance of another job or business opportunity, such as contracting or self-employment, while in the employment of the City is permissible as long as the following considerations are met:

1. The Department Head must be informed in writing of the outside employment, its nature, location, and duties involved. The outside employment must be authorized by the Department Head and the City Manager. Upon authorization, the approval will be maintained in the employee's personnel file.
2. Such outside employment must not interfere with employee efficiency, constitute a conflict of interest, nor require the use of City time or equipment.
3. The eight (8) hours immediately prior to the beginning of City duty must be work free
4. If an employee will become unable to perform the duties of his job due to an injury or other incapacity caused by or during such outside employment, the City will not be responsible for benefits to the injured employee, except for accrued vacation and sick leave.

Chapter 2: Personnel Actions and Records

2.01 Personnel Files

The City of Port Lavaca maintains an official personnel file in Human Resources on each employee including such information as the employee's job application, resume, performance evaluation forms, personnel action forms, and other employment records.

Personnel files are the property of the City, and access to the information they contain is restricted. However, release of information contained in the personnel file is subject to the Public Information Act. Information contained in the personnel file, except information deemed confidential by law or other information that is excepted from disclosure under the Public Information Act, may be released pursuant to such act. Additionally, direct or hiring supervisor and management personnel of the City who have a legitimate reason may review information in a file. Medical records are maintained separate from the personnel file and will not be released to the public, unless required by law.

Employees who wish to review their own file will contact the Human Resources Department to schedule an appointment. With reasonable advance notice, employees may review their own personnel file in the Human Resources Department in the presence of a Human Resources employee. The employee may review the files and take notes or request copies of select pages, but will not add or remove anything from their personnel file.

2.02 Performance Evaluations

Performance evaluations are scheduled approximately every 12 months, coinciding generally with the employee's anniversary date. Anniversary date is defined the date an employee is hired full-time by the City. This date changes only with promotion or demotion. An employee may attach a statement to their performance evaluation for rebuttal or clarification, if desired. Performance evaluations will be in a written format and signed by the employee, evaluator or supervisor, and Department Head. Completed performance evaluations must be submitted to the Human Resources Department before a salary increase will be granted.

Supervisors and employees are strongly encouraged to discuss job performance and goals on an ongoing informal basis. Formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, meaningful approaches for meeting goals.

2.03 Change in Employee Status

The employee is responsible for notifying the City of change in address, current telephone number, marital status, dependents, and related changes that would affect benefits or job performance.

2.03.01 Promotions

Insofar as may be consistent with the interest of the City and when there are employees with the necessary qualifications, vacancies in the higher classification will be filled by promotion of qualified employees from a lower classification. This policy on promotions is not mandatory, however, and the Department Head may choose to allow all candidates to compete for the position.

Upon promotion, the employee's performance review date will be administered at the time of the new anniversary date of the promotion although the Department Head may evaluate at any time during the course of the year.

2.03.02 Demotions

A demotion is a change in duty assignment of an employee to a lower position in the classification system involving less responsibility and/or job skill requirements. Demotions may be as a disciplinary measure, because of unsatisfactory performance in a higher position. Disciplinary demotions may involve a decrease in pay.

2.03.03 Transfers

The City Manager, or any Department Head with the approval of the City Manager, will, for the more efficient operation and betterment of the City, have the power and authority to transfer any employee between and within departments, provided the new position is at an equal or a lower pay grade as the position from which the employee is being transferred. If such transfer occurs while the employee is completing his first six (6) months in a position, the six (6) months will begin over in the position to which transferred, beginning on the date of such transfer. The transfer of positions within a department to meet the particular skills of the individuals and needs of the department will not require the advertising of a vacancy. Transfers may involve a decrease in pay based on the new duties and responsibilities.

2.03.04 Appointment to Acting Capacity

When, in the opinion of the appointing authority, a vacancy occurs which requires immediate filling, and it is not feasible to make an immediate regular full-time appointment thereto, the appointing authority may appoint, for a period not to exceed six (6) months, an employee from another position to fill the vacant position in an acting capacity. The individual's salary will be commensurate with experience and qualifications, in accordance with the current pay plan. This policy does not apply to short term assignments due to short term absences of a supervisor.

2.04 Separations

"Termination Date" for City employees is defined as the last day an employee actually performs a service to the City of Port Lavaca or, if the termination date is to occur at the end of a period of leave, on the last day of such approved leave. Separation pay received by an employee will not be construed to extend his employment with the City beyond the termination date.

Upon termination, all employees will schedule an exit interview with Human Resources. The interview will be for the purpose of obtaining information in order to issue a final check and for reviewing the employee's personnel file to ensure that all information requirements of these policies, TMRS, insurance, income tax, and other matters such as turning in all City property and other matters have been addressed.

2.04.01 Resignation

Resignation is a voluntary act initiated by employee to end employment with the City. The employee must submit a signed and dated letter of resignation identifying the last day of employment, the reason for resignation and the employee's forwarding address prior to the intended date of resignation.

2.04.02 Job Abandonment

Employees who fail to report to work or contact his/her supervisor for two consecutive work days will be considered to have abandoned the job without notice effective at the end of his/her normal shift on the second day. The supervisor or department director will notify the Human Resources Department at the expiration of the second work day and initiate the paperwork to terminate the employee.

2.04.03 Reduction in Force

Employees may be discharged without prejudice by reason of lack of work or funds, or the elimination of positions. A position of employment will not be eliminated solely as a method of removing a person from employment. Insofar as practicable or for the betterment of a department, Department Heads will give at least two (2) weeks' notice in advance. Employees selected as part of a reduction in force will be based on a multiple ranking criteria that will consider the following:

- Employee's promotability and attitude
- Employee's skills, abilities, and knowledge
- Employee's education and experience levels
- Employee's quantity and quality of work
- Employee's attendance history
- Employee's tenure within the City

2.04.04 Seasonal Separation

Release is the end of temporary or seasonal employment.

2.04.05 Termination

Employees of the City of Port Lavaca are employed on an at-will basis, and the City retains the right to terminate an employee at any time.

2.04.06 Retirement

Employees who retire under TMRS should notify their Department Director and the Human Resources Department in writing at least one (1) month before planned retirement date in order to ensure timely processing of retirement paperwork and retirement payments begin within expected timeframes.

2.05 Continuous Service - Reinstatement

Any interruption in employment due to resignation or termination will result in forfeiting of all accrued benefits. These provisions will apply only if the employee has not been compensated for such accrued benefits.

Chapter 3: Employee Benefits

3.01 Group Insurance: Medical Coverage

(Rev. Oct 2015)

The City of Port Lavaca has a Group Medical Insurance Plan under which premiums may be supplemented by the City. Employees who work an average of thirty (30) or more hours per week, or one hundred thirty (130) hours per month and any eligibility requirements as defined by the Affordable Care Act are eligible for benefits and may cover his dependents (regardless of number) at scheduled premium paid through payroll deduction. Eligible employees and dependents are eligible for group medical coverage on the 31st day of eligible employment. The employee is responsible for notifying the City of Family Status Changes such as marital status, dependent status, and related changes that would affect benefits.

3.02 Group Insurance: Dental & Vision Benefits

(Rev. Oct 2015)

The City of Port Lavaca offers dental and vision benefits to eligible employees and dependents. Employees who work an average of thirty (30) or more hours per week, or one hundred thirty (130) hours per month and meet any eligibility requirements as defined by the Affordable Care Act are eligible for dental benefits and will be automatically enrolled. Eligible employees may cover his dependents (regardless of number) at scheduled premium, paid through payroll deduction. Eligible employees and dependents are eligible for dental coverage on the 31st day of eligible employment. The employee is responsible for notifying the City of Family Status Changes such as marital status, dependent status, and related changes that would affect benefits.

Vision benefits are voluntary for eligible employees and premiums for employee and eligible dependent(s) are deducted through payroll deduction based upon the employee's benefit selection.

3.03 Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)

Under the requirements of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), the City offers eligible employees and dependents to continue group health care benefits in certain circumstances where coverage under the employer's group health plan would otherwise terminate. The employee is responsible for paying for the cost of any such continuation coverage.

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

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

3.04 Retirement Plan

The City of Port Lavaca participates in the Texas Municipal Retirement System (TMRS). The purpose for which is to provide an adequate and dependable plan for the retirement of employees of Texas municipalities. The plan requires a contribution (by means of payroll deduction) equal to five percent (5%) of the salary of each regular full-time employee of the City. The City matches deposits on a one and one half - to-one (1½ to 1) basis. Vesting of the City's contribution is provided upon the completion of five (5) years of service. For specific information relating to your retirement options, employees should contact Human Resources, refer to the TMRS website or contact TMRS directly.

Membership in the retirement system is mandatory for all regular full-time City employees in accordance with Texas Municipal Retirement System rules and guidelines.

3.05 Worker's Compensation

The City of Port Lavaca complies with the Texas Labor Code in the provision of workers' compensation insurance coverage for its employees. The program covers an injury or illness sustained in the course of employment that requires medical treatment, subject to applicable legal requirements and workers' compensation guidelines. Workers' compensation coverage begins immediately upon employment with the City.

Employees who sustain work-related injuries or illnesses must inform their supervisor immediately and a First Report of Injury form needs to be submitted to Human Resources. No matter how minor an on-the-job injury may appear, it must be reported.

Neither the City nor the workers' compensation insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's participation in an off-duty recreational, social or athletic activity sponsored by the City or for outside employment.

3.06 Employee Development

The City of Port Lavaca is committed to fostering a cost effective program for employee training and development that 1) encourages skill development, upward mobility, and knowledge enhancement and (2) meets the City's business objectives.

Accordingly the City will provide reasonable funding and related support for employee training and professional development, in accordance with identified organizational needs.

All training and development initiatives will be job-related and/or related to a City career field and undertaken in a manner that ensures fair and equitable treatment among all employees.

Departments are encouraged to offer professional development opportunities to their employees. Funds are made available in departmental budgets so employees may attend seminars, workshops, and training opportunities to develop and increase their work skills and abilities including the enhancement of communication and computer skills regardless of current job assignment and in accordance with the City's Travel Policy.

In-house and on-site training may also be provided by the Human Resources Department or other City departments.

Employees are encouraged to contact their supervisor in reference to any training and development opportunities and needs they feel would be beneficial to their position.

3.07 Tuition Reimbursement

To encourage personal and professional development, the City of Port Lavaca may provide tuition assistance to regular full-time employees. The availability of tuition assistance is subject to City Council approved funding levels. Tuition assistance levels will be established annually as part of the budget process based upon anticipated participation and available funding. To be eligible for consideration of tuition assistance, an individual must be a regular full-time employee and have completed a minimum of six months of service with the City prior to application approval. In cases where an employee is currently under a designated Performance Improvement Plan for a disciplinary matter or for performance improvement issues, the employee will not be eligible for tuition assistance while on the plan. To retain eligibility for assistance, an employee must remain an active full-time employee in good standing from the time of application to the time the course is completed.

Courses offered by accredited colleges, universities, business institutes or trade schools are eligible for tuition assistance if they are:

- 1) required by a degree plan which is related to a City career field, or
- 2) required by a business institute or trade school which is related to a City career field.

A course or educational program will be defined as a class of instruction taught at or by an accredited college, university, business institute or trade school that meets on a regular basis over an extended period of time.

Seminars and conferences will not be eligible for tuition assistance. Non-credit continuing education courses or courses containing the same or similar information as received in previous courses (repeat courses) are not eligible for tuition assistance.

Any license or certification that is required by the City will be covered by professional development funds within each department. Courses not directly job-related nor on an approved degree plan are ineligible for assistance.

3.07.01 Educational Degree Plan Approval Process

- 1) Only those full-time employees with an approved degree plan will be considered for tuition assistance. In order to be eligible, full-time employees must provide the Human Resources Department with evidence of an approved degree plan (or comparable documentation) in a course area intended to broaden their knowledge of their current position, or to prepare them for possible assumption of new job responsibilities within the City. The approved degree plan will be kept in the employee's personnel file in Human Resources. Any changes to a degree plan must be submitted and approved prior to registration.
- 2) Tuition assistance will be limited to funds approved in the budget.
- 3) An employee will be eligible for tuition assistance for only one associate degree and one undergraduate degree. A Master's degree must be specifically applicable to City advancement and must be approved by the City Manager.
- 4) A completed Tuition Assistance Form must be submitted to the Human Resources Department prior to scheduled course registration to ensure budget availability.
- 5) An employee must take all courses for which assistance is received on the employee's own time. If a class is only available during an employee's normal work hours, the employee may request a flexible schedule from the employee's Department Director. When there is a conflict between classes and the employee's job responsibilities, the job responsibility must come first.
- 6) Should a question arise about whether a request meets the requirements of this policy, e.g., whether the school is properly accredited; or administration of this policy, the employee should contact the Human Resources Director.

3.07.02 Assistance Reimbursement Procedures

- 1) The full-time employee will pay all costs. At the end of the semester, the full-time employee will submit payment receipts, original grade slips and a Tuition Assistance Reimbursement Form to the Human Resources Department. All receipts are due within sixty (60) days of the end of the school term.
- 2) The costs of the courses, educational programs, and book fees, which will be reviewed by the employee's supervisor and the Human Resources Department, will be eligible for assistance reimbursement. The City will reimburse an employee for each successfully completed class with a cap of \$5,000 annual (fiscal year) assistance.
- 3) Tuition assistance reimbursement will be paid only once for each approved course. The City will not pay tuition assistance for courses for which tuition assistance has already been received.
- 4) Assistance reimbursement will be provided when a grade of "C" or above is achieved in college undergraduate courses, and a "B" or above in college graduate courses. For those courses or training programs for which grades are not assigned (Pass/Fail), a certificate of completion stating "PASS" will serve as proof of course completion. Original official grade slips and transcripts are the only acceptable documentation of course completion for college earned credit courses. Copies will be made and original grade slips and transcripts will be returned.
- 5) No payment will be made until the full-time employee has furnished satisfactory evidence of having completed the course.
- 6) Employees requesting tuition assistance will be agreeing to the terms that if they terminate from the City within 12 months after completing a course, for which assistance was received, they will be required to pay back all assistance reimbursements received during the prior 12-month period.
- 7) As a recipient of Tuition Assistance, the employee authorizes the City to deduct the balance owed for "Tuition Assistance" from his/her paycheck or any other final payments due to the employee. The employee understands that if sufficient funds are not available to satisfy the "Tuition Assistance" owed to the City, the employee will pay the balance owed to the City by cash or money order within 90 days of the date of the final paycheck.
- 8) If an employee resigns or is terminated, except for a reduction in force, prior to course completion, the City will not be obligated to reimburse any part of the

expense. Employees terminated due to a reduction in force will not be requested to reimburse tuition monies.

- 9) If an employee is injured on the job or while on military active duty and has to involuntarily leave employment (including a disability retirement with TMRS due to injury or illness) during the timeframes outlined above, a waiver would be given for any tuition assistance the employee would otherwise be obligated to reimburse to the city.

3.07.03 Police & Fire Academy

If the City elects to pay for uncertified police or fire trainee to attend an Academy or School in order to become a certified police officer or fireman for the City of Port Lavaca, the fire or police trainee will be asked to sign a Tuition Assistance Service Agreement that will be standardized in each respective department and provided in the agreement.

3.08 Relocation

City of Port Lavaca provides relocation assistance to newly hired employees when the employee's previous residence was located at least one hundred (100) miles outside of the City of Port Lavaca's city limits.

The transferred or newly hired employee will submit documentation of eligible relocation expenses using the city's travel reimbursement form within 30 days of the relocation. Eligible expenses include the cost of moving household items, including the cost of packing and transporting standard furniture and personal effects of the employee and members of the employee's immediate family. Moving and travel costs for relocation may not exceed 5% of the employee's annual salary without written approval from the City Manager.

Employees are eligible to receive relocation assistance one time. If an employee is a rehire and previously received relocation assistance, the employee will be ineligible for this benefit when rehired. If an employee leaves employment within one year from their hire date, and has received relocation assistance, the employee will be required to repay the city for the full amount of the relocation assistance received.

Chapter 4: Leaves of Absence

4.01 General Policy

(Rev. October 2014)

It is the intent of the City of Port Lavaca to provide regular full-time employees the opportunity to receive full compensation for their regularly scheduled hours of work, either through time worked benefits, or a combination of both. The city offers the following leave benefits: Annual Vacation Leave, Holiday Leave, Sick Leave, Worker's Compensation leave, Family Medical Leave (FMLA), Military Leave, Leave of Absence without Pay, Emergency Leave, Jury and Court service Leave, Voting Leave and Weather Leave. Please refer to the policies below for specific guidelines relating to each benefit.

4.02 Vacation Leave

(Rev. October 2014)

4.02.01 General Policy

Vacations are beneficial to the continuing well being, and physical and mental health of employees. To the degree they accomplish these purposes; their use is approved with the best interest of the City in mind.

4.02.02 Vacation Eligibility and Accrual

The policy on annual leave (vacation) will apply to regular full-time employees regardless of how their pay is computed. No annual leave will be earned by any part-time or temporary employees. Vacation pay will not be advanced prior to a normal payday of the employee and will be calculated based upon the employee's scheduled work hours and will be paid at the employee's normal rate of pay at the time the annual leave credit is used.

Vacation Monthly Accrual Schedule

	Regular Full-Time 1 day = 8 hours	Shift Police/Firefighters 1 day = 12 hours
Less than 1 year	.5 day (4 hours)	.5 day (6 hours)
More than 1 year	1 day (8 hours)	1 day (12 hours)
Max Accrual/Carryover	18 days (144 hours)	18 days (216 hours)

Employees will accumulate one (1) day of extra annual leave credit for each five (5) years of consecutive service. The maximum accumulation of unused annual leave beyond September 30 of the year will be eighteen (18) days. If, at the end of the year the employee has more than eighteen (18) days of unused annual leave to his credit, his credits will be reduced by the number in excess of eighteen (18) days and he will start the new year with eighteen (18) unused annual leave credits. No payment will be made for annual leave not taken.

4.02.03 Scheduling Vacation

Time off for vacation will be scheduled to meet the need of the department and must be approved by the Department Head. If required, an employee may be called in from approved leave due to departmental needs. The application form completed by the employee and approved by the department supervisor should be received prior to date leave begins.

Department Heads will arrange annual leave time off schedules and reallocate duties to minimize interference with the normal function and operation of their organizations. Holidays occurring during scheduled vacations - in the event a City holiday falls within an annual vacation leave, such holiday will not be charged as vacation leave.

4.02.04 Payment of Vacation Hours

Employees may schedule vacation, and subsequently be paid for those hours, based upon their daily scheduled work hours. If the employee works additional hours within the pay period that exceeds the scheduled hours for the pay-period, the employee may elect to reduce their vacation time and be paid for their standard pay-period scheduled hours. The employee may also elect to receive payment for all scheduled vacation time. All elections must be made when recording hours on the timesheet, and will be paid accordingly.

4.02.05 Payment at Separation

A regular full-time employee who is separated from employment will, at the time of separation receives payment for the accumulated vacation leave balance earned prior to the effective date of separation.

4.03 Holiday Leave

The City officially declares and designates the following holidays to be observed with pay by all City employees occupying regular full-time positions and subject to the provisions and limitations hereinafter set forth:

New Years Day	January 1
Good Friday	Friday before Easter
Memorial Day	4th Monday in May
Independence Day	July 4th
Labor Day	1st Monday in September
Veterans Day	November 11
Thanksgiving (2 days)	4th Thursday and Friday in November
Christmas Eve	December 24
Christmas Day	December 25
Birthday	(Within 60 days)

Holiday pay will be calculated upon the basis of eight (8) hours per day at the employee's base rate of pay, and twelve (12) hours per day for Shift Police Officers and Fire Personnel. Full time Police Department officers and Fire Department personnel who work scheduled shifts on a day

recognized by the City as an official holiday will receive twelve (12) hours holiday pay, in addition to their regularly salary for actual hours worked. This policy will apply to regular employees, regardless of how their pay is computed. Temporary employees are not eligible for holiday pay.

Should a holiday fall on Saturday or Sunday, the preceding or following working day will be observed.

4.04 Sick Leave

(Rev. October 2014)

4.04.01 Sick Eligibility and Accrual

Sick leave will apply to Full-Time employees regardless of how their pay is computed. Part-time and Temporary employees are not eligible for any sick leave credits. Each month during the first (1st) year of employment, the eligible employee will accumulate one-half (1/2) day of sick leave for each complete calendar month of employment after his employment date. Beginning with the first (1st) anniversary of his employment and continuing thereafter, each month employees will accumulate one (1) day of sick leave for each complete calendar month of employment. The maximum accumulation of unused sick leave beyond September 30 of any year will be ninety (90) days. That is to say, if the employee has accumulated more than ninety (90) days of unused sick leave, on October 1st of each year accumulated sick leave will be reduced to ninety (90) days. Sick leave pay will be calculated upon the basis of eight (8) hours per day at the employee's normal rate of pay at the time sick leave is used.

4.04.02 Sick Leave Incentive Program

A Sick Leave Incentive Program will be provided for those employees who go for a designated six (6) month period without using any sick leave. Eligible employees may choose to receive a cash payment of eight (8) hours at their current hourly rate or eight (8) hours of additional vacation leave. For eligible shift police and firefighters, they may choose to receive a cash payment of twelve (12) hours at their current hourly rate, or twelve (12) hours of additional vacation leave.

4.04.03 Sick Leave Utilization

Sick leave will be for the purpose of permitting an eligible employee to be relieved of his duties during actual illness and may not be used under any other circumstances except as otherwise provided herein. The total number of hours paid to an employee during a pay period in which he receives sick leave pay will not exceed the full pay he would have received for such pay period at his regular rate of pay. i.e., if his normal schedule is eighty (80) hours per pay period, he works seventy-seven (77) hours and is sick one (1) day; he will only be allowed payment of three (3) hours sick leave. If his worked time has exceeded eighty (80) hours in a pay period and he is ill any time during the pay period, he will receive no sick leave payment.

For shift personnel, the same policy will apply: if the normal schedule is one-hundred three (103) hours per pay period, and the employee works one hundred (100) hours and is

sick for one shift (24 hours), he will only be allowed payment of three (3) hours to meet his regular schedule of one-hundred three (103) hours.

****It is the intent of the policy that shift firefighters will have their time adjusted based upon their scheduled shift hours of 103, 113 or 120 hours for the applicable pay period.**

If an employee becomes ill and cannot report for work his absence must be reported to his immediate superior or Department Head prior to, or within one (1) hour after his regular reporting time, so his absence will be charged to sick leave. Failure to report in will prevent an employee from receiving any pay for those working hours missed. An employee may use sick leave to care for a member of the employee's household if no one else is available to provide such care.

After an employee's accumulated sick leave has been exhausted, and when requested, unused vacation leave may be used as sick leave. When absence due to illness exceeds the amount of paid leave earned and authorized, the pay of an employee will be discontinued until he returns to work.

Employees will not be permitted to engage in any employment or business outside of their regular City duties from the time they give notice of absence due to illness or injury until such time as they have returned to work in their respective City departments. Supervisors are authorized to request supporting documentation of sick leave requests claimed under this policy which they may deem necessary. Supervisors are authorized to deny any requests not properly substantiated. A Department Head may require of any employee to submit a signed statement from a licensed physician attesting to any illness of the employee or household member for which sick leave is used.

Frequent utilization of sick leave may prompt the Supervisor, Department Head or Human Resources to inquire with the employee regarding the options available to the employee under the Family Medical Leave Act (FMLA). If the employee does not exercise his or her rights under the FMLA provisions, and frequent sick utilization continues, the employee may be subject to disciplinary action, up to and including termination.

4.04.04 Sick Leave at Separation

Upon termination from the service with the City, voluntarily or otherwise, no employee will receive any pay accumulated sick leave. A break in service by City or employee termination cancels all sick leave accrued to an employee's record and in the event of subsequent re-employment, such employee begins a new sick leave accumulation.

4.05 Worker's Compensation Leave

4.05.01 General Policy

Injury leave is an absence from work arising from an on the job injury. Any employee injured on the job will be covered by and entitled to all benefits and compensation in accordance with the Texas Workers' Compensation Act. When an employee is injured on

the job, the employee is responsible for immediately reporting the injury to his or her supervisor, who will take the steps that the supervisor and employee determine necessary to secure proper first aid or other treatment for the injured employee. The employee's supervisor will complete a first report of injury and forward to the Human Resources Department.

4.05.02 Compensation and Time Away from Work

A doctor's written statement that an employee is unable to return to work will be required for an employee to receive benefits under this policy. An employee injured on the job and in the line of duty may elect to make up the difference between the benefit payments made by the City's Worker's Compensation Provider and the employee's regular pay from the employee's accrued sick or vacation leave. Under no circumstances, however, will the employee receive more than full regular pay while on leave. If the employee is eligible for the job protection under the Family Medical Leave Act (FMLA), Worker's Compensation Leave and FMLA Leave will run concurrently.

4.05.03 Return to Work

An employee will be required to provide a "fitness for duty" certification before returning to work after the employee's workplace injury. An employee may return to their former position in accordance with FMLA guidelines, providing the employee is eligible for FMLA. If the employee's former position is available, and if the employee's medical restrictions, if any, permit the employee to perform the essential functions of the employee's former job, with or without reasonable accommodation, then the employee may return to their former position within the timeframes afforded by FMLA. If the employee's job has been filled or if the employee's medical restrictions are inconsistent with the employee's former job, the employee will be considered for any open job for which he or she is qualified.

4.06 FMLA

4.06.01 General Policy

In accordance with the Family and Medical Leave Act (FMLA) of 1993, an employee may be eligible to take up to twelve (12) weeks of unpaid family and medical leave. An eligible employee is one who has worked for the City for twelve (12) months and has worked at least 1,250 hours during the twelve (12) months preceding the first date leave is to be taken. Leave can be taken for any of the following reasons: birth of a child; placement with the employee of a child for adoption or foster care (entitlement to family and medical leave expires twelve months after birth or placement); when the employee is needed to care for a child, spouse, or parent who has a serious health condition; or when the employee is unable to perform the essential functions of his or her position because of his or her own serious health condition.

Family Leave has been expanded to provide Family and Medical Leave due to a call to active military duty. This benefit provides 12 workweeks of unpaid FMLA leave due to a spouse, son, daughter or parent being on active military duty or having been notified of an impending call or order to active military duty in the Armed Forces. Leave may be used for any “qualifying exigency” arising out of the service member’s current tour of active military duty or because the service member is notified of an impending call to military duty in support of a contingency operation.

Also a caregiver needing leave to provide care for an injured service member is eligible for extended Family and Medical leave. This benefit provides 26 workweeks of unpaid FMLA leave during a single 12-month period for a spouse, son, daughter, parent, or next of kin caring for a recovering service member. A recovering service member is defined as a member of the Armed Forces who suffered an injury or illness while on active military duty that may render the person unable to perform the duties of the member’s office, grade, rank or rating.

4.06.02 Twelve-Month Period

The 12-month period for counting family and medical leave is a 12-month period measured forward from the date an employee requests or is placed on FMLA leave. Once the employee begins the leave, the leave year is established. The employee is eligible for 12 work-weeks in a 12-month period.

4.06.03 Employee Notification

An employee should give at least thirty (30) days notice for the need to take family and medical leave, unless the need is unforeseeable, in which case, as much notice as is practicable should be given. A form for requesting family and medical leave is available in the Human Resources Department. If it is determined that the need for family and medical leave was foreseeable, the leave may be delayed until at least thirty (30) days after the date that the employee provides notice to the City.

4.06.04 Department Notification

Each department supervisor is responsible for notifying the Human Resource Department immediately when an employee is away from work for a family and medical leave qualifying event, even if the employee is utilizing paid vacation, sick or personal leave, or is out due to a work related injury. An employee using sick leave should be reported to the Human Resource Department if it is anticipated that the duration of the illness will be three (3) or more days.

4.06.05 Human Resource Responsibility

Human Resources are responsible for central administration of all requests for family and medical leave. The Human Resource Department reserves the right to automatically place an employee on family and medical leave if it is determined that a qualifying event has occurred. The Human Resource Department may retroactively designate the

beginning date of FMLA to the beginning date of the employee's absence for the qualifying event.

4.06.06 Approval

An employee will submit a request for family and medical leave through proper channels to his or her Department Head who will then forward it to the Human Resource Department for approval. Confidential medical information that accompanies the application should be submitted directly to the Human Resource Department.

4.06.07 Substitution of Paid Leave

An employee utilizing this policy will be required to exhaust all accrued sick and vacation and any other applicable paid leave prior to going on unpaid leave. If an employee is off work due to a work related injury and the employee qualifies for family and medical leave, it will run concurrently with any paid leave. *The City reserves the right to count any paid leave that qualifies for family and medical leave toward the twelve (12) or twenty-six (26) weeks allowed under this policy.*

4.06.08 Maximum Time Allowed

The maximum amount of family and medical leave available is twelve (12) weeks during a twelve (12) month period even if there is more than one family and medical leave qualifying event. The only exception to the twelve (12) week maximum is the leave to provide care of an injured service member, described above, which allows for an extended FMLA leave of 26 weeks.

4.06.09 Medical Certification

The City may require medical certification from a health care provider to support a claim for leave to care for a seriously ill child, spouse or parent, or for the employee's own serious health condition. Medical certifications must be returned to the Human Resource Department within fifteen (15) working days. Recertification may also be required on a monthly basis. For leave to care for a seriously ill child, spouse, or parent, the certification must include an estimate of the amount of time the employee is needed to provide care. For the employee's own serious health condition, the certification must include a statement that the employee is unable to perform the essential functions of his or her position, and expected duration. Upon returning to work after leave for his or her own illness, an employee is required to provide certification to his or her supervisor that he or she is able to return to his or her regular duties. If the validity of a certification is questioned, the City may require that a second opinion be obtained. If the first and second opinions differ, the City may require a third opinion be obtained. The employee and the City must agree upon a health care provider for the third opinion and this opinion will be binding on both parties. The City will bear the expense of second and third opinions.

4.06.10 Return to Work

When an employee returns to work after family and medical leave, the employee will be restored to the same position or to an equivalent position involving the same or substantially similar duties and responsibilities. An employee will be restored to the same worksite or to a geographically proximate worksite. The employee is also entitled to return to the same shift or an equivalent schedule.

4.06.11 Effect on Married Couples

If a City employee is married to another City employee and either or both employees request family and medical leave for the birth or placement of a child with the employee for adoption or foster care, the total time allowed will be limited to no more than twelve (12) weeks combined during any twelve (12) month period looking forward from date leave the employee first takes leave. For other qualifying family and medical leave events, each employee is entitled to leave as long as the total amount of leave taken during any twelve (12) month period does not exceed twelve (12) weeks or twenty-six (26) weeks if applicable for one employee.

4.06.12 Continuation of Insurance Benefits

While utilizing unpaid family and medical leave, an employee's insurance benefits will continue without interruption as long as the employee pays his or her portion of the insurance premiums. Insurance premiums can be deducted from the paycheck before the leave begins, or during the leave, if the employee continues to receive pay (pre-tax), paid monthly or bi-weekly.

4.06.13 Intermittent Leave

When medically necessary, an employee may take family and medical leave on an intermittent basis or work a reduced schedule. Arrangements should be made with the employee's immediate supervisor so that the operations of the department are not unduly disrupted. An employee taking intermittent leave or leave on a reduced schedule may be temporarily assigned to an alternative position with equivalent pay and benefits if it better accommodates the needs of the department.

4.06.14 Holidays

Holidays will be paid in accordance with the Holidays policy. City holidays will be counted as part of the twelve (12) or twenty-six (26) weeks of family and medical leave, whether the employee is on paid or unpaid leave.

4.06.15 Texas Municipal Retirement System (TMRS)

Employee contributions to TMRS may be made on a voluntary basis through a special arrangement with the City while an employee is in a leave without pay status. It is the employee's responsibility to initiate such an arrangement by timely contacting the City's Director of Human Resources and completing the necessary paperwork.

4.06.16 Recordkeeping

Family medical leave time will be tracked on an hourly basis for payroll and compliance purposes. To determine entitlement for employees who work variable hours, the minimum hours required for eligibility is calculated on a pro rata or proportional basis by averaging the weekly hours worked during the twelve (12) weeks prior to the start of family and medical leave.

4.06.17 Exempt Employees

Paid leave accounts may be charged for less than one (1) full work day according to department policy and the salary of an exempt employee may be docked for absences of less than one (1) full work day. Salaried executive, administrative, professional and other employees of the City who meet the Fair Labor Standards Act (FLSA) criteria for exemption from overtime do not lose their FLSA-exempt status by using any unpaid FMLA leave.

4.06.18 Definitions

Child: A biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis, who is standing in the place of a parent, who is either under age 18, or age 18 or older and requires active assistance or supervision to provide daily self-care. A biological or legal relationship is not necessary. A more expansive definition is provided in the Family and Medical Leave Act of 1993 which is available in the Human Resource or Legal Department.

Health Care Provider: A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or any other person determined by the Secretary of Labor to be capable of providing health care services. A more expansive definition is provided in the Family and Medical Leave Act of 1993 which is available in the Human Resource Department.

Parent: A biological parent or an individual who stands or stood in the place of a parent to an employee when the employee was a child. This term does not include parents-in-law.

Serious Health Condition: An illness, injury, impairment, or physical or mental condition that involves: (1) any period of incapacity or treatment that results in inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; (2) any period of incapacity requiring absence from work, school, or other regular daily activities, of more than three calendar days, that also involves continuing treatment by (or under the supervision of) a health care provider; or (3) continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or 4) for prenatal care. Voluntary or cosmetic treatments (such as most

treatments for orthodontia or acne) which are not medically necessary are not "serious health conditions," unless inpatient hospital care is required. Restorative dental surgeries after an accident or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met.

Spouse: A husband or wife as defined or recognized under State law for purposes of marriage, including common law marriage.

4.07 Military Leave

4.07.01 General Policy

In accordance with Uniformed Services Employment and Reemployment Rights Act (USERRA), a employee, upon proper application, may be permitted military leave. In granting such leave of absence, the Department Head will require the employee to furnish certification that the individual was ordered to duty by proper authority. Such certification or copy thereof will be furnished to the Department Head or Human Resources office. The type of military service will determine whether such leave will be with pay or without pay, as provided herein.

4.07.02 Temporary Training Periods

A employee who is a member of the National Guard or Official Militia of Texas, or member of any of the Reserve Components of the Armed Forces, will be entitled to leave of absence from his assigned duties for as many as fifteen (15) days in any one calendar year with pay to participate in annual military training.

4.07.03 Extended Military Service

A employee entering the United States Armed Forces, National Guard, and Reserves Components of the Armed Forces may, upon application, may be granted authorized absence without pay for not more than the period of such service plus ninety (90) days immediately following date of release. Accrued sick leave and vacation leave will be available upon the employee's return to work.

A employee returning from extended military leave will be reinstated to the same or a similar position as previously held within ten (10) days after receipt of his request for reinstatement, provided the employee is physically qualified to perform the duties of such position and can produce evidence of honorable discharge or release from the military service. If the employee has become disabled during such service, he will be reinstated in another position for which qualified. The service member must return to work or apply for reemployment in a timely manner after the conclusion of the military service. The timing of the request for reemployment depends on the length of the employee's military service.

- **Service of less than 31 days** – the employee must report back to work not later than the beginning of the first full regularly-scheduled work on the first full calendar day following the completion of the military service.

- **Service for more than 30 but less than 181 days** – the employee must submit an application for reemployment (written or oral) not later than 14 days after completing service.
- **Service for more than 180 days** – the employee must submit an application for reemployment (written or oral) no later than 90 days after completing service.

Military leave with pay benefits will not include employees engaged in temporary employment with the City or any employee who may be entering the military for an indefinite period as a result of enlistment.

4.08 Leave of Absence without Pay

Leave of absence without pay may be granted to Full-Time employees who have exhausted all forms of leave. A request for such leave will be in writing and submitted to the Department Head for approval. Leaves of Absences greater than thirty (30) days require City Manager approval. If granted, the Department Head will notify Human Resources. Employees will not accrue sick or vacation leave while on an approved Leave of Absence without Pay.

This policy is not intended to allow for additional leave once an FMLA absence has been exhausted. Department Heads have the authority to call back an employee from an approved leave of absence without pay based upon City or Departmental needs.

4.09 Vacation Donation Program

In circumstances where an employee lacks sufficient accrued hours (sick and vacation) to cover an absence, the City provides options that can provide assistance to employees using the sick leave pool. The sick leave pool accumulates hours based on vacation hours that employees have donated to the sick pool.

Employees may submit a request to use sick leave pool hours to HR when the following criteria applies to the requesting employee's situation:

- The employee is absent due to his/her own serious health condition as defined by FMLA, and
- The employee has been absent a minimum of ten (10) consecutive working days.

If the employee's request to use sick leave pool hours is approved, the process identified below will be followed to ensure consistent administration of the sick pool hours:

- Donated hours will be paid at the rate for the absent employee
- Donated hours will be processed each individual pay period
- The donated hours may not exceed two (2) full pay periods
- An absent employee will not accrue Sick and/or Vacation Hours after leave is exhausted.

4.10 Emergency Leave

Emergency leave may be granted up to three (3) days per year to full-time employees in case of unscheduled surgery or a sudden and/or serious illness, injury or death to a member of the employee's immediate family which requires the employee's personal attention and care. Immediate family is to include employee's spouse and dependents, parents, siblings, grandparents, and grandchildren; and spouse's parents, siblings, grandparents, and grandchildren. Additional leave may be granted with the approval of the Department Head, but will be charged to the employee's sick leave account.

4.11 Other Forms of Leave

4.11.01 Jury and Court Service

An employee who is legally summoned to serve on a jury or in court trials may be permitted absence with pay by his Department Head and for the time actually required by such duty.

4.11.02 Voting Leave

The City of Port Lavaca encourages employees to fulfill their civic responsibilities by voting in elections. Generally, employees are able to find time to vote either before or after regular work hours. Department Heads and direct supervisors should encourage employees to use early voting in lieu of requesting special leave. If employees are unable to vote in an election during their non-working hours, the City will grant up to two (2) hours of paid time off to vote.

Employees should request time off to vote from their supervisor at least two (2) working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, or when the absence provides the least disruption. Voting time off will not be counted as time worked for the purposes of determining overtime.

4.12 Weather Leave

The City Manager may declare an emergency due to weather conditions.

It is the policy of the City to determine whether or not employees are to report to work during inclement weather or emergency conditions. This may occur during regular working time or during regular off-duty time. It is the intent that employees not be subjected to unnecessary unsafe working conditions and not, to be penalized for time off due to a "declared" emergency. However, it is also necessary that essential employees remain on duty, when needed, or be willing to report for work if called in.

Chapter 5: Compensation

5.01 Classification and Pay Plan

Wages and salaries for various classes of work and positions will be in accordance with the provisions of the official pay plan currently in effect, including amendments thereto, and within the limitations of the financial provisions of each department. Rates of pay upon initial employment, promotion, demotion, transfer, reclassification of position, certification pay and other forms of pay are established in the current City's Job Classification and Compensation Plan. Classifications of positions are also included in the City's Job Classification and Compensation Plan. Employees, their immediate supervisors, and Department Heads are encouraged to be familiar with classification provisions and inform Human Resources in the event it is suspected or known that the classification of position(s) may not accurately reflect the job or are current in the market.

5.02 Job Descriptions

The City of Port Lavaca makes every effort to create and maintain accurate job descriptions for all positions within the City. Each description includes the following sections: job summary, essential duties and responsibilities, job requirements, and work environment section.

The City maintains job descriptions to aid in orienting new employees to their jobs, identifying the requirements of each position, establishing hiring criteria, setting standards for employee performance evaluations, and establishing a basis for making reasonable accommodations for individuals with disabilities.

Employees must remember that job descriptions do not necessarily cover every task or duty that might be assigned, and that additional responsibilities may be assigned as necessary. Employees may contact the Human Resources Department with questions or concerns about the job description.

5.03 Pay Periods and Work Schedules

(Rev. October 2015)

5.03.01 Non-Exempt Employees

In accordance with the Fair Labor Standards Act, some positions in the City are classified as Non-Exempt level positions and therefore are paid on an hourly basis and subject to overtime provisions. Non-exempt employees will be paid every other Friday for hours worked within the designated pay period. Payment to non-exempt personnel will be calculated at the employee's regular hourly rate of pay for up to forty (40) hours worked in a pay period and at time and one-half (1 1/2) the rate of pay for all hours worked during a pay period in excess of forty (40) hours. Exception to this policy is Fire Department personnel and some Police Department personnel, as identified below. When the Friday for receiving checks falls on an observed holiday, pay checks will be available on the day proceeding such holiday.

5.03.02 Exempt Level Employees

In accordance with the Fair Labor Standards Act, some positions in the City are classified as Exempt level positions and therefore exempt from overtime provisions. Exempt level positions are identified in the City's Job Classification and Compensation Plan. In general, exempt employees will work a total of forty (40) hours per week or eighty (80) hours in a two week pay period. Exempt employees will be paid a bi-weekly salary and be paid every other Friday. When the Friday for receiving checks falls on an observed holiday, pay checks will be available on the day proceeding such holiday.

5.03.03 Public Safety: Shift Police Personnel

In accordance with the Fair Labor Standards Act, affected Police Department personnel's pay will be based upon a fourteen (14) day work period. Payment to affected Police Department personnel will be calculated on the employee's regular hourly rate of pay for up to eighty-six (86) hours worked in the fourteen (14) day period and at time and one-half (1 1/2) the rate of pay for all hours worked during the pay period in excess of eighty-six (86) hours. Affected employees will receive a check every other Friday, however, all overtime pay will be calculated on the second (2nd) week of each work period. When the Friday for receiving checks falls on an observed holiday, pay checks will be available on the day proceeding such holiday.

Police Officers serving in a detective role will also be included in a fourteen day (14) work period, however officers will be on an 80 hour schedule in the pay period. Therefore, the officer's regular hourly rate will be calculated for the first eighty (80) hours worked in the fourteen (14) day period and time and one half (1 ½) the rate of pay will be calculated for all hours worked during the pay period in excess of eighty (80) hours. Affected employees will receive a check every other Friday, however, all overtime pay will be calculated on the second (2nd) week of each work period. When the Friday for receiving checks falls on an observed holiday, pay checks will be available on the day proceeding such holiday.

5.03.04 Public Safety: Shift Fire Personnel

In accordance with the Fair Labor Standards Act, Fire Department personnel will be based upon a fourteen (14) day work period. Payment to Fire Department personnel will be calculated on the employee's regular hourly rate of pay for up to one hundred six (106) hours worked in the fourteen (14) day period and at time and one-half (1 1/2) the rate of pay for all hours worked during the pay period in excess of one hundred six (106) hours. Employees will receive a check every other Friday; however, all overtime pay will be calculated on the second (2nd) week for each work period. When the Friday for receiving checks falls on an observed holiday, pay checks will be available on the day proceeding such holiday.

5.03.05 Public Safety: Dispatch Personnel

Dispatch personnel are scheduled to work twelve (12) hour shifts, typically working three (3) days during one week of a two (2) week pay period, and four (4) days during the other week of the pay period. In accordance with the Fair Labor Standards Act, dispatch personnel are compensated based upon a seven (7) day work week and are eligible to receive overtime pay at one and one-half (1 ½) times the rate of pay for reported time that exceeds forty (40) work hours within the work week. Dispatch personnel will be paid every other Friday for hours worked within a designated two (2) week pay period.

5.03.06 Work Flex Program

Effective Date 10/1/15

In the spirit of promoting a work/life balance, the city provides the opportunity for employees to participate in a Work Flex Program which offers flexible options through compressed work week(s) or flextime arrangements. At no time should a schedule approved under the Work Flex Program violate the requirements and laws set forth under the Department of Labor or the Fair Labor Standards Act (FLSA), particularly as it relates to non-exempt employees and shift workers. Employees interested in participating should refer to the **Work Flex Procedures and Guidelines**, and submit a **Work Flex Schedule Request and Agreement Form** to their supervisor.

The Work Flex Program is not an employee entitlement or requirement, but a schedule arrangement agreed to by the employee, supervisor and department head. The arrangement must be in the best interest of the City, its citizens, and to the benefit of the employee.

5.04 Meal and Rest Period

5.04.01 Meal Period

Meal periods will be determined by supervisors with the approval of the Department Head to accommodate operating requirements. Meal periods will not be counted as time worked for the purposes of determining overtime, with the exception of essential personnel approved by the Department Head.

5.04.02 Rest Period

If authorized by an employee's supervisor, employees may be allowed two 15-minute rest periods during the day. Such rest periods will be considered a privilege, not a right, and will never interfere with proper performance of the work responsibilities and work schedules of each department. If possible, rest periods will be provided in the middle of work periods. Rest periods may not be combined, taken at the start or the end of an employee's workday, or be used to extend meal periods. Since this time is counted and paid as time worked, employees must not be absent from their workstations beyond the allotted rest period time.

5.05 Overtime

It is the general policy of the City to hold overtime to an essential minimum. Department Heads will authorize overtime only when essential and in the best interest of the City and the public. Employees are not to perform overtime work unless clearly instructed or requested to do so. Non-exempt employees overtime compensation will be at the rate of one and one half (1 1/2) times their regular pay when work hours have exceeded the applicable work schedule. Approved paid absences and leave time are not count as time worked for the purposes of computing overtime. . At the discretion of the department head, time off may be given during the pay period to avoid paying overtime premiums.

5.06 Call Back Pay

Non exempt employees called back to work after their regularly scheduled work hours will be paid for the time actually worked, with a minimum of one-half (1/2) hour of pay, based on time and one-half (1 1/2), if such call-back results in hours worked in excess of forty (40) hours during the seven (7) day work period.

5.07 Incentive Pay Program

The City of Port Lavaca, in its efforts to improve proficiency and effectiveness of its programs and to enhance career development of employees, has established an Incentive Pay Program. Where appropriate, and as identified in the annual budget, the City will provide incentive pay for positions in specialty and/or technical areas, where an employee holds or acquires licenses, certifications or knowledge which is greater than what the position requires. Specific information relating to the Incentive Pay Program is maintained in the city's compensation plan in Human Resources.

5.08 Longevity Pay

The City of Port Lavaca provides pay for longevity, or years of continual service, to the City, of five dollars (\$5.00) per month per year of service commencing after the first (1st) full year of service. Longevity pay will commence upon the first (1st) anniversary of employment.

5.09 Service Payments

Payments will be made once each year, at a time and place designated by the City Manager, to employees who have completed five (5) year interval anniversaries within the fiscal year October 1, through September 30, at the rate of ten dollars (\$10.00) per year service completed. That is to say, employees completing five (5) years continuous service will receive a check for fifty dollars (\$50.00). Then ten (10) years - \$100.00; fifteen (15) years - \$150.00; twenty (20) years - \$200.00; twenty-five (25) years - \$250.00: etc.

5.10 Travel Policy

It is the policy of the City that all out of area business travel must be approved in advance and should be engaged in and reimbursed according to the guidelines below.

This policy will provide guidelines for reimbursement of reasonable expenses, incurred by authorized persons, while traveling on approved City business. It is understood that all employees will use prudence and discretion in the expenditure of City funds for traveling.

- A. Employees wishing to travel at City expense must complete the appropriate travel form and submit this form to the employee's supervisor at least ten (10) days prior to departure.
- B. All travel forms will be approved by the appropriate Department Head. If an employee's family member or friend accompanies them on a City business trip, expenses will not be paid nor reimbursed by the City for increase travel expense (hotel/meals) related to the accompanying guest. Travel should be by the most economical and expedient manner possible.
- C. Mileage reimbursement for travel by personal vehicle will be at the rate established by the IRS and published annually by the City's Finance Department. An employee receiving car allowance will not be eligible for reimbursement for trips made within Calhoun, Victoria, and Jackson County.
- D. Air travel, if necessary, will be coach class if at all possible. All ground transportation including tips will be covered when reasonable and customary. Receipts for air and ground transportation, including auto rental, must be submitted when requesting reimbursement.
- E. Conference or seminar registration fees which must be paid in advance will be approved by the appropriate Department Head. Other course material required for the seminar will be paid for by the City upon the Department Heads approval and with appropriate receipts.
- F. Employees are expected to procure accommodations that are within reasonable locations and priced at economical rates. The City will pay for the charge of the room and other reasonable incidental travel expenses (i.e. business telephone calls, toll fees, parking, public transportation between hotel and seminar/conference). Personal phone calls, laundry and cleaning charges, hotel room movies, bar tabs, and any other form(s) of entertainment are not reimbursable by the City.
- G. All travelers attending to city business, meeting or conference that requires an overnight stay will be given a per diem meal allowance. The meal per diem rate advance/reimbursement will be established by utilization of the U.S General Services Administration Per Diem rates by a procedure established by the Finance Department.

The Finance Department will publish the per diem rates annually. An allowance will not be given for meals included as part of registration fee. Receipts will not be required for meals as long as the costs do not exceed the per diem allowance.

- H. Reimbursement for meals by an employee that does not require an overnight stay while on official city business (seminars, training, etc.) will require receipts. The employee will not receive reimbursement greater than the per diem rate in effect at the time.
- I. Use of City Credit Card for meals will require detailed receipts. Total meal receipts will not exceed the accumulated per diem rate.
- J. If an employee is paying for a business guest, a receipt is required. The cost of the guest's meal will be reimbursed based on its actual cost. The guest's name, organization, and reason for the expense must be documented on the receipt.
- K. Receipts will be required for conference or seminar registration, hotel/motel bills, and other eligible expenses.
- L. Upon return from authorized travel, each employee will submit within five (5) working days a completed travel and expense reimbursement request form including all receipts. This information will be given to the appropriate Department Head for approval. Approval forms will be given to the Finance Department for review and processing. A mileage only reimbursement request does not require use of this form.
- M. In the event adequate documentation of expenses are not provided, the Head of Finance, with the approval of the City Manager, may withhold all or any portion of the reimbursement requested by the traveler which is not properly accounted for as provided above.
- N. Falsification of travel expenses will result in disciplinary action, up to and including termination.
- O. Traffic Violations: Fines for traffic or parking violations will not be reimbursed.
- P. Travel should be by the most direct and/or economical route or method. Detours for personal business are not reimbursable.

Chapter 6: Work Environment and Workplace Safety

6.01 General Policy

The City strives to provide employees with a productive work environment that is free of recognized hazards that could cause accidents and injuries. The city wants and expects you to perform your job in the safest way possible. This policy provides workplace requirements to help in the reduction of accidents and injuries and provides guidelines in preventing workplace hazards. Departments are responsible for maintaining and providing additional safety procedures related to specific job responsibilities. These safety procedures will be provided to employees by their supervisor or department safety representative.

The City Health and Safety Committee is responsible for planning and promoting health and safety awareness and prevention programs for city employees. The Safety Committee roles, responsibilities and information regarding the city's budgeted safety incentive program can be reviewed in the Appendix of this policy Manual.

6.02 Smoke Free Workplace

(Rev. October 2014)

In keeping with the City's intent to provide a safe and healthful work environment, and to protect and promote public health, safety and welfare of employees, it is necessary to regulate smoking and the use of tobacco products in City facilities and City vehicles. Therefore no person or employee shall smoke or use tobacco products in City facilities or City vehicles or within entrances to City facilities according to regulations set forth in city ordinances. This also includes the prohibition of the use of electronic cigarettes (E-cigarettes) or any other similar device or item that produces vapor, steam or smoke in City facilities or within the entrances to City facilities as set forth in city ordinances. If there is a designated smoking area near the City buildings, the employees are required to use this area during approved smoke breaks. No employee will use tobacco products while making public contact.

6.03 Drug Free Workplace

The City strictly prohibits the unauthorized use, sale, purchase, possession, distribution, dispensation, manufacture or transfer of controlled substances, as that term is defined by applicable state and federal laws, while on or in City property or other work sites where employees may be assigned, in City owned vehicles, in or on City equipment and machinery, or in personal vehicles while conducting City business.

Employees, volunteers, or contract instructors who receive a suspended driver's license due to a drug or alcohol related arrest is responsible for notifying their supervisor immediately. An employee, volunteer or contract instructor convicted of violations related to controlled

substances under state and federal law or who plead guilty or no contest to such charges must inform the City Manager's Office and the Department Head within five (5) days of such conviction or plea. Employees who operate City vehicles or equipment and receive a conviction for a DWI or DUID shall be terminated.

Any employee who receives a conviction with a suspended license will be subject to disciplinary action, up to and including termination. Any volunteer found in violation of this policy will be released from volunteer service with the City.

6.04 Substance Abuse and Testing

6.04.01 Policy, Purpose, and Scope

In accordance with the City's commitment to a Drug Free Workplace as outlined in the City's Personnel Policy Manual, this safety policy provides guidelines for substance abuse testing at the City of Port Lavaca in order to maintain a safe and productive work environment for employees.

The City of Port Lavaca maintains a firm commitment to provide a safe work environment free from the effects of illegal drugs and alcohol as well as the abuse of legal/prescription drugs. It is a violation of this policy to refuse to consent to testing or to test positive for alcohol or illegal drugs. Violations of this policy will result in severe disciplinary action, up to and including termination of employment.

This policy applies to all city employees.

6.04.02 General Provisions

1. Prohibition of Personal Use

Employees shall not use, have present in their body or on their person alcohol, illegal drugs, intoxicants or any other prohibited substances when reporting to work or while on duty. Employees shall not be under the influence of or have the odor on their breath or clothes of alcohol, illegal drugs, intoxicants or any other prohibited substance when they report to work or while on duty. Employees shall not have alcohol, illegal drugs, intoxicants or any other prohibited substances in city vehicles or equipment or on city premises.

2. Prescriptions and Over-the-Counter Medications

Employees shall not use or possess prescription drugs except as prescribed by their physician. Employees shall not use prescription drugs or over the counter (OTC) medications in a manner inconsistent with recommended dosages and/or warning statements. Employees must report their use of over-the-counter or prescribed medication to their supervisor if the use might impair their ability to perform their job safely and effectively. A determination will be made as to whether the employee is

able to perform the essential functions of the job safely and properly. The City reserves the right to have a designated city physician determine if a drug or medication may impair an employee's ability to safely perform his/her job duties and may restrict the job duties performed while using a drug or medication accordingly.

3. *Prohibition of Distribution*

Employees shall not sell, possess, provide, dispense, distribute to other persons, or unlawfully manufacture any alcohol, unauthorized prescription or illegal drugs, intoxicants, or other prohibited substances while on duty, stand-by, on meal or break periods, on city premises or work site, operating a city vehicle, or in a city uniform that bears the city logo. In addition, the city prohibits the off-premises abuse of alcohol and controlled substances when those activities adversely affect job performance, job safety, or the city's reputation.

4. *Drugs and/or Alcohol Test*

On duty employees shall not refuse to submit to a drug and/or alcohol test when requested, required or ordered to submit by a person having the authority to do so.

5. *Report for Duty*

An employee may not report for duty or operate a City vehicle with any alcohol or illegal substances present in the body.

6. *Training or Conferences*

Employees attending training and conferences may participate in social functions associated with the conference, including responsible consumption of alcohol, as long as the employee's conduct does not reflect adversely upon the City. Employees who consume alcohol at these functions shall follow the law and shall not operate City owned vehicles, and are discouraged from driving personal vehicles after the consumption of any level of alcohol.

7. *Conviction*

An employee who is convicted of, serves probation or receives deferred adjudication for a drug or alcohol related offense is subject to disciplinary action up to and including termination, even for a first offense.

An employee, volunteer or contract instructor convicted of violations related to controlled substances under state and federal law or who plead guilty or no contest to such charges must inform the City Manager's Office and the Department Head within five (5) days of such conviction, probation, or plea. Employees who operate City vehicles or equipment and receive a conviction for a DWI or DUID shall be terminated.

8. *Supervisor and Department Head Responsibility*

Supervisors and Department Heads are responsible for consistent enforcement of this policy. A supervisor/manager/department head who permits a violation of this policy, who is found to have misused this policy in regard to subordinates, who violates the confidentiality standards of the policy, or who has actual knowledge that an employee has violated any of the prohibitions of this section and allows him/her to report for or continue on duty, shall be subject to severe disciplinary action, up to and including termination.

9. *On Call/Emergency Call Back*

Employees who are in an on call status are prohibited from consuming alcoholic beverages or using drugs that may impair performance if called back to work.

The City recognizes that employees who are not designated as “on-call” may be asked to report for emergency or unexpected duty. Before reporting for duty, employees shall disclose to their supervisor whether they have used alcohol or other substances, including prescribed or over the counter medications that might affect their ability to drive to work and/or perform. Employees subject to continuous emergency call back are required to declare to their supervisors the use of alcohol or controlled substances including prescribed medication that might affect their ability to perform under the emergency. The supervisor will advise those employees not to report to work. Employees shall decline such calls for emergency duty without being subject to disciplinary action. In no event shall employees reporting for emergency duty be under the influence of alcohol or other substances that cause impairment.

10. *Rehabilitation/Treatment*

- a. It is the City’s desire to assist employees who voluntarily request assistance with their alcohol or drug dependency. For city support and assistance, however, an employee must acknowledge his/her problem and seek and accept counseling and/or rehabilitation before it jeopardizes his/her employment.
- b. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of termination may request approval to take a leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of termination.)

It is the City’s sole discretion to determine if a leave of absence may be granted. Factors considered by the City in deciding whether to grant leave include: the employee’s prior work and disciplinary history; the employee’s agreement to abstain from the use of the problem substance and follow all

other requirements of the rehabilitation/treatment program; the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace; and the resulting hardship on the City due to the employee's absence.

Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during the course of an employee's employment with the City. **Note:** Under certain conditions, treatment for substance abuse may be covered under the City's Family Medical Leave Act Policy.

- c. The cost of any rehabilitation or treatment may be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.
- d. During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, or other accrued paid leave time. If the employee has no paid time off available, the employee is subject to the provisions relating to Leave of Absence Without Pay Policy. Where applicable, any time off for rehabilitation or treatment under this policy will also be designated as leave under the City's Family and Medical Leave Act policy.
- e. If the employee successfully completes his/her prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to his/her prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:

Initial negative test for drugs and/or alcohol before returning to work;

A written release to return to work from the City-approved rehabilitation or treatment facility/program;

Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;

In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City during the two (2) years following the employee's return to work following treatment;

The employee must sign a formal written agreement to abide by the above

conditions, as well as any other conditions deemed appropriate by the Director of Human Resources. The employee must meet with the Director of Human Resources to discuss the terms of his/her continued employment and sign a formal agreement before returning to work.

- f. This policy will be administered in accordance with the city's Family Medical Leave Act policy when applicable and will be enforced consistent with the city's obligations under the ADA/ADAAA.

6.04.03 Testing

1. Pre-employment Testing

The City will not knowingly hire applicants under the influence of drugs and/or alcohol. Applicants who test positive or fail to submit to a timely post-offer drug test won't be hired. Applicants may reapply with the City after a positive test or violation, although individual departments may have a more restrictive ineligibility time frame based upon the position. Department Heads shall not allow an applicant to begin work until they have received confirmation from the Human Resources Department that the prospective employee has submitted to testing and tested negative for drugs and/or alcohol.

2. Post-Accident Testing

All employees are subject to post accident testing. Immediately following an accident the driver is required to submit to alcohol and drug testing. Any accident in a City vehicle will require substance abuse testing. Adherence to post accident guidelines are a condition of continued employment.

For the purpose of this policy an ***accident*** refers to, or results in:

- a. Any damage to City vehicle, equipment, property, or premises.
- b. An on the job accident or incident where any person who suffered injury which is reasonably expected to require medical attention due to the accident, or who contributes to the injury of another person;
- c. Employees who discharge a firearm in violation of any department, federal, state, municipal or local rule or regulation, and/or that result in bodily injury or property damage will be tested for drugs and alcohol within the time frames set forth in this policy.

The supervisor, Department Head, or designee shall drive the employee to the medical facility and wait for testing to be completed. If there is no reasonable suspicion other than the accident, an employee who has submitted to a drug or alcohol test following an accident may be allowed to return to his/her normal work

duties, at the discretion of the supervisor. If a trained supervisor suspects possible impairment, the supervisor shall ensure that the employee is taken home. If the employee refuses transportation and insists on driving, law enforcement may be notified. Nothing in this policy should be construed to require the delay of necessary medical attention for an injured employee following an accident/injury. An employee may leave the scene of an accident for the period necessary to obtain medical assistance or obtain necessary emergency care. If immediate medical attention or hospitalization is needed, the supervisor responsible will request that drug/alcohol tests are done along with necessary treatments.

EXCEPTIONS to post-accident testing:

The following circumstances are exceptions to required testing, unless there is other evidence to give reasonable suspicion:

- a. Vehicle is properly and lawfully parked and is hit by another vehicle;
- b. Vehicle is damaged by flying debris, i.e. rocks, etc;
- c. Underground pipes, cable, or other underground utilities are hit during excavation;
- d. Damage to public safety vehicles or equipment during non-driving emergency operations; or
- e. Tire disablement without additional damage.

3. Reasonable Suspicion

A referral for reasonable suspicion testing will be based on specific observations concerning the appearance, behavior, speech, or body odors of the employee.

Preliminary Evaluation

Supervisors must take action if they have reason to believe that one or more of the Reasonable Suspicion Indicators are present and may be affecting an employee's performance or behavior. Supervisors failing to take appropriate action will be subject to disciplinary action up to and including termination. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, or medication must immediately notify their supervisor, Department Head, or Human Resources Department.

Reasonable Suspicion Indicators (including but not limited to):

- a. Observable behavior such as direct observation of drug or alcohol use, possession or physical symptoms of being under the influence of drugs or alcohol;
- b. Possession of drug paraphernalia;

- c. Noticeable change in behavior or a pattern of abnormal or erratic behavior;
- d. Smell of alcohol or marijuana on person or breath;
- e. Appearing to be intoxicated, confused, disoriented, or difficulty in concentrating;
- f. Identification of an employee as the focus of criminal investigation into illegal drug possession, use, or trafficking;
- g. Abnormally dilated or constricted pupils, glazed stare;
- h. Bloodshot or watery eyes;
- i. Flushed face;
- j. Change of normal speech pattern, i.e. faster or slower;
- k. Constant sniffing or redness under nose;
- l. Sudden weight loss;
- m. Needle marks;
- n. Exhibiting change in personality, i.e. paranoia, anger, etc.;
- o. Forgetfulness;
- p. Change in performance level;
- q. Borrowing money from co-workers or other unusual display of need for money;
- r. Constant fatigue or hyperactivity;
- s. Excessive, unexplained absences;
- t. Dulled mental processes, sleepy, or stuporous condition;
- u. Slowed reaction rate;
- v. Slurred speech;
- w. Physical or verbal altercation;
- x. Lack of coordination, difficulty walking, inability to walk straight.

If reasonable suspicion testing is requested, the following steps shall be followed:

STEP 1

When reasonable suspicion is identified by a supervisor, the employee will be questioned and observed by a Department Head or Human Resources employee.

The supervisor and Department Head shall document in writing observed behavior on a *Supervisor's Report of Reasonable Suspicion*. The Department Head shall contact Human Resources for reasonable suspicion authorization. In the event that the Human Resources Department is unavailable, the Department Head shall contact the City Manager's office.

Right to Search Property: Upon reasonable suspicion, the City may search city owned property, vehicles, desks, closets, or lockers for alcohol or drugs. If the employee has a personal lock on the locker, the employee shall be given the opportunity to remove it, when possible. If the lock isn't removed, the City may cut the lock off.

STEP 2

If the evidence indicates that the employee may be under the influence, and the Department Head has received authorization from Human Resources or the City Manager's Office, the supervisor, Department Head, or designee shall drive the employee to the testing facility. Refusal by an employee to submit immediately to an alcohol and/or drug analysis when requested by management may result in termination.

STEP 3

If the drug test results are positive, the employee shall be provided transportation home. If the employee refuses and demands to drive their vehicle, the employer may notify law enforcement. If the test results are negative, the employee may return to work.

Information obtained through this testing will be treated with strict confidentiality.

4. Random Testing

Random, unannounced alcohol and drug testing is a proven deterrent to the use or presence of illegal drugs or unauthorized controlled substances. Employees will be selected solely on a random basis by a computerized random selection program. **Random** means that all covered employees have an equal chance of being selected each time and could mean that the same employee is selected more than once or not at all.

The frequency of random drug tests and percent of the work force tested during the year will be determined by management. The City shall maintain two random pools as indicated below, which shall be maintained and reported independently:

- Employees in *Positions Subject to DOT Regulations*, including those requiring operation of commercial motor vehicles and possession of a commercial driver's license
- Employees in City designated *Safety Sensitive Positions*, which include any employee who has driving or motorized equipment operation job responsibilities, any employee who receives a car allowance, and all Public Safety personnel.

Random Testing Selection

Drug and alcohol tests will be unannounced and spread throughout the year. The Human Resources Director or designee is the authorized individual to generate the list of names through the computer program for random testing. The Human Resources

Director or designee shall notify the Department Head or supervisor of each selected employee. The employee's name shall then be re-entered into the same random pool following selection. The Department Head or designee will ensure that the employee reports immediately to the Human Resources Department.

If the employee is not on duty, the Department Head will not inform the employee or anyone else, until they are available for testing. The Department Head will retain the name in a confidential manner and ensure that the employee is notified immediately upon their return to duty and ensure that the employee reports to the Human Resources Department. If a Department Head or supervisor is found to break this confidentiality or any other part of this policy, they shall be subject to disciplinary action up to and including termination.

5. Consequences

An employee, who tests positive for drugs, fails to submit to testing when requested, required, or ordered to take any of the tests listed in this policy, or in any way violates any of the prohibitions listed in this policy shall be terminated immediately, even for a first offense. Failure to report to the collection site in the time allotted (travel time plus 30 minutes) will be considered a refusal to take the required test.

The Port Lavaca Police Department and other applicable law enforcement agencies shall be notified, as appropriate, where criminal activity is suspected. Suspension without pay for the duration of the investigation may be applied to any employee who is the subject of an alcohol or drug-related inquiry by the City or any other law enforcement agency.

Positive tests will be reviewed by a licensed physician/medical review officer (MRO). The MRO will examine the laboratory results and discuss the results with the person testing positive to determine whether an alternate medical explanation can account for a positive test.

If an employee fails to provide an unaltered, unadulterated urine specimen, refuses to submit to a requested, required or ordered alcohol/drug test, submits a urine specimen other than their own, submits a diluted urine specimen, or in any way tampers or attempts to contaminate or tamper with their specimen or the testing of said specimen, they shall be deemed to have refused to submit.

An employee who fails to provide an adequate volume of a breath or urine for testing, without a valid medical explanation, shall be deemed to have refused to submit. An employee terminated for violation of this policy may not file a grievance or appeal the termination.

6.04.04 Department of Transportation (DOT) Operators

The City will comply with the Department of Transportation (DOT) rules requiring drivers whose position requires a commercial driver's license to submit to drug and alcohol testing.

1. General Provisions

DOT rules establish certain conduct that is prohibited by regulated drivers. Those prohibitions are as follows:

- a. No regulated employee shall report for duty or remain on duty while having any alcohol in the body.
- b. Employees who are required to hold a Commercial Driver's License (CDL) shall not use alcohol within four (4) hours of reporting for duty or within eight (8) hours of being involved in a vehicle accident while operating a commercial motor vehicle, unless the employee has submitted to a post-accident drug and alcohol test.
- c. No regulated employee shall be on duty or operate a commercial motor vehicle in possession of any form of alcohol, unless the alcohol is manifested and transported as part of a shipment.
- d. No regulated employee shall refuse to submit to a required test.
- e. No regulated employee shall report to duty or remain on duty which requires driving when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.
- f. No regulated employee shall report for duty, remain on duty or perform a safety-sensitive function while impaired.
- g. If the driver tests positive for drugs, he/she is terminated.

2. Testing Of DOT Regulated Employees

All employees of the City regulated by DOT will be required to undergo breath testing for alcohol and/or urine drug testing under the following conditions:

Pre-employment Testing

All final applicants for employment in a position that requires a CDL will be subject to drug testing. The employment process will be suspended if evidence of illegal drug use is discovered through drug testing or other means, if an applicant refuses to take the drug test, or if the applicant attempts to substitute or contaminate the drug screen specimen. Employees that transfer to a position that requires a CDL will be subject to pre-employment testing prior to official transfer.

Post-Accident Testing

As soon as possible after an accident involving a commercial motor vehicle, the driver is required to submit to drug and alcohol testing. If the alcohol test is not administered within two (2) hours following the accident, the city shall prepare and maintain a record stating the reasons the test was not promptly administered. If the alcohol test cannot be completed within eight (8) hours following the accident, the City will cease attempts to administer the alcohol test and will prepare and maintain the same record. If the drug test is not administered within thirty-two (32) hours following the accident, the City will cease to attempt to administer the drug test and prepare and maintain on file a record stating the reasons the test was not promptly administered.

Random Testing

The city will comply with DOT's random testing requirement. These tests will be unannounced and will be spread reasonably throughout the year. The minimum annual percentage rate for random alcohol testing will be 10 percent of the average number of commercial driver positions. The minimum annual percentage rate for random drug testing will be 50 percent of the average number of commercial driver positions. The selection of drivers for random drug and alcohol testing will be made by a scientifically valid method. Under the selection process, each driver will have an equal chance of being tested each time selections are made.

Each employee who is selected for testing will proceed to the collection site immediately. If the employee is performing a safety sensitive function at the time they are notified, the City will ensure that the driver ceases to perform the function and proceeds to the testing site as soon as possible. Drug testing may be conducted at any time while the employee is working for the City.

Reasonable Suspicion Testing

The City will require a regulated employee to submit to a drug and alcohol test when there is reasonable suspicion that the regulated employee is under the influence of drugs and/or alcohol. Reasonable suspicion testing will be based on specific, observations concerning the regulated employee's speech, appearance, behavior, or body odors.

The required observations will be documented on a *Supervisor's Report of Reasonable Suspicion* form by one supervisor and one Department Head who is trained in detecting the signs and symptoms of drug and alcohol use and misuse. The documentation of the employee's conduct under reasonable suspicion will be prepared and signed by the witness(es) within 24 hours of

the observed behavior or before the results of the tests are released, whichever is earlier.

The provisions of this section of the policy are in addition to, not in lieu of, the provisions that apply to all employees. Nothing in this section will prohibit the City from testing regulated employees for alcohol or drugs under other provisions of this policy.

6.05 Electronic Communication

Electronic equipment, including but not limited to computers, telephones, pagers, printers and fax machines, used or owned by the City of Port Lavaca and all information stored on this equipment is City property. The City of Port Lavaca reserves the right to review and disclose any information sent, received or stored on this equipment.

During work hours, it is the intent that the city's electronic equipment be used for business related purposes. While minimal personal usage is permitted, personal usage should be reasonable and prudent. The City prohibits any information that may be considered obscene, discriminatory or harassing; any materials that violate the city's harassment policy or create a hostile or intimidating work environment. Employees should not expect that any information on city equipment is private.

6.06 Cell Phones

6.06.01 Assignment

It is the policy of the City to provide wireless telephones to designated employees in order to improve productivity, enhance customer service to citizens and/or to enhance public safety services.

It is also the policy of the City to maintain the right to access and disclose any and all messages communicated through electronic means when City-owned equipment is used. Regardless of the intent of the message (business or personal), any employee involved has no right to privacy, or to the expectation of privacy, concerning the content of any message or the intended destination of any message.

6.06.02 Authorized Usage

City-owned wireless telephones are intended for and expected to be used for City business. Minimal personal usage is permitted, as long as the personal use is reasonable and prudent.

Employees should not use wireless telephones to discuss confidential or sensitive information because wireless telephone conversations are not secured.

6.06.03 Eligibility Criteria

Employees eligible for assignment of City-owned wireless telephones are those designated by the City Manager and/or Department Heads, including (but not limited to):

1. Employees who are frequently in a vehicle who must conduct City business by telephone while in the field and it can be shown that cost savings and customer service efficiency will be realized through use of such devices;
2. Employees who have a critical need to maintain accessibility with other departments, managers, City management staff and/or public officials, in order to ensure uninterrupted customer service and/or the integrity of the organization; public safety positions and vehicles in order to provide immediate and direct telephone communications with citizens, outside agencies cooperating in operations, or other resource entities outside of City government and to provide for communications which may be inappropriate for mobile radios;
3. Employees involved in the City's emergency response plan; and
4. Department Heads and employees who have a responsibility for responding to public safety incidents in the field.

6.06.04 Responsibilities

City Manager

The City Manager is responsible for final approval on all requests for wireless telephone devices once the request has been approved by the appropriate Department Head.

Department Heads

Department Heads will be responsible for:

- a. Approving requests for wireless telephones from their respective subordinates;
- b. Ensuring that requests are in conformance with the procedures outlined herein, or that exceptions are justified;
- c. Ensuring that all persons assigned a City-owned wireless telephone are provided access to a copy of this policy and procedure and that the employee is in compliance with it;
- d. Conducting periodic inventories of wireless telephones with their respective departments to ensure accountability;
- e. Conducting annual reviews of assigned devices to determine if such assignments continue to be justified;

- f. Informing appropriate employees responsible for City communications of all reassignments of wireless telephones;
- g. Reviewing the monthly bill to explain any employee/departmental overages, collecting funds from department employees, and forwarding those funds to the Finance Department to reimburse the City for any chargeable personal calls or text messages appearing on the bill.

Employees

Employees who are assigned the use of City-owned wireless telephones are responsible for:

- a. Ensuring the physical security of such devices. In case of negligence, the employee will be responsible for reimbursing the City any cost incurred in replacement or repair of the phone;
- b. Ensuring that all communications on such devices are kept to the briefest duration possible;
- c. Keeping personal communications to a minimum;
- d. Ensuring that any personal use does not detract from the employee's availability for completion of assigned duties;
- e. Being available to receive calls or mobile data messages while working or on-call. If employee is driving and receives a call, it is recommended that the employee find a safe place to pull the vehicle over to talk on the phone.
- f. Using good judgment while speaking or sending mobile data messages, as all phone records are subject to Open Records Request;
- g. Not sending or reading mobile data messages while driving a City vehicle. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions. The only exception is public safety employees conducting official business;
- h. Providing the appropriate employees/supervisor notification of any repair, lost, stolen or damaged equipment;
- i. Surrendering a City-owned phone upon request of a Department Head, regardless of the reason;

- j. Non-exempt employees: Ensuring compliance with work away from premises or at home involving the use of a wireless device.

6.06.05 Reimbursements

The City may seek reimbursement for any personal calls or text charges that incur additional cost to the City.

6.07 Safety – Accident Prevention

(Revised October 2014)

City employees have an obligation to report any potential hazard to the appropriate department in order to protect City employees and the public. Any employee observing a potentially hazardous working condition will, if the employee cannot correct it, report the condition to their immediate supervisor of the hazardous condition. The supervisor is responsible for taking corrective action, if needed, or if such is not possible, report the condition to the appropriate Department Head. Supervisors and Department Heads are responsible for keeping employees from being subjected to situations which are unduly hazardous.

City employees will follow all safety procedures established in their departmental safety rules and procedures and use all safety equipment provided by each department. Each Department Head is charged with the responsibility of establishing and enforcing any safety rules necessary and providing any safety equipment necessary, to provide for a safe working environment.

6.08 Take Home Vehicles

The City provides vehicles for a number of its employees for them to function in their jobs. The vehicles are not intended for personal use and every effort should be made to use them as efficiently as possible. All city vehicles must be operated in the manner prescribed in applicable State laws and City ordinances. All drivers and passengers must wear seat belts and obey all traffic laws. Employees are expected to notify their supervisor immediately if their license becomes suspended for any reason.

Due to events and trends in municipal liability and the results of lawsuits and punitive damages, the City of Port Lavaca cannot allow employees that are assigned vehicles to transport in their vehicles at any time persons who are not employees of the City of Port Lavaca. The only exceptions are when the City Manager and/or Department Head specifically instructs the operator of the vehicle to transport an individual in connection with City business, or in the event of vehicles being used in the course and scope of emergency vehicles by volunteers or employees in the Police or Fire Departments. All other unauthorized use of City vehicles will result in disciplinary action against the operator of the vehicle.

6.09 Vehicle Operator Standards

6.09.01 Policy, Purpose, and Scope

All employees authorized to operate City of Port Lavaca vehicles and motorized equipment, or who operate personal vehicles on city-related business, shall be subject to the standards established in this policy, in addition to policies set forth in the City Personnel Policy Manual and those outlined under Chapter 6 - Work Environment.

This policy establishes minimum standards for the qualification of employees and applicants to operate City vehicles and motorized equipment.

This policy shall apply to:

- Employees that are required to have a commercial driver's license (CDL) in order to perform their assigned job requirements
- Employees driving city owned, leased or rented vehicles or motorized equipment.

6.09.02 Definitions

City Vehicles – any passenger car, pickup, truck or other similar vehicle that is owned, leased, rented, or otherwise under the care, custody, or control of the city. A city vehicle shall also include vehicles driven by employees receiving a car allowance and personal vehicles.

Motorized Equipment – this category includes, but it not limited to, backhoes, dozers, mower-tractors, loaders, graders, and other similar equipment.

Preventable Accident – any accident involving a city vehicle or piece of motorized equipment that results in property damage and/or personal injury in which the driver in question failed to exercise every reasonable precaution to prevent the accident. The preventability of an accident shall be determined from the investigative results of the appropriate law enforcement agency, incident reports and other applicable evidence of the accident.

Personal Vehicles – privately owned vehicles used to conduct city business, and for the use of which the driver is eligible to claim mileage reimbursement under federal law.

Driving Records – the complete driving history of an employee, as can be discerned from any official records, including Texas Department of Public Safety Driver Record Information Reports.

6.09.03 Responsibilities

Employees who drive city vehicles or operate motorized equipment in the course and scope of their employment shall be required to meet the following minimum conditions of eligibility for driving/operating privileges:

- Have reached the age of 18 years to operate city vehicles or motorized equipment.
- Be physically qualified to hold a driver's license and to safely operate a City of Port Lavaca vehicle or motorized equipment.
- Have current valid Texas driver's license, in the appropriate class as established on the official description for the position.
- Wear seat belts and other relevant safety equipment when operating city vehicles or motorized equipment when appropriate.
- Observe all City of Port Lavaca vehicle and traffic related policies.
- If employee is driving and receives a call, it is recommended that the employee find a safe place to pull the vehicle over to talk on the phone.
- The employee may not send or read mobile data messages while driving a City vehicle. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions. The only exception is public safety employees conducting official business.
- Observe all laws and ordinances relating to the operation of city vehicles or motorized equipment.
- Be responsible for the proper care and use of vehicles or motorized equipment. This includes maintaining city vehicle/motorized equipment interiors and exteriors, regularly servicing these items and reporting maintenance needs to the supervisor, and operating all city vehicles/motorized equipment in a manner that conserves fuel and reduces depreciation.

6.09.04 Procedures

The following procedures shall be observed under this policy:

- Employees operating city vehicles or motorized equipment must report to their supervisors any accident involving said vehicles immediately.

- Employees who are in jobs that require the driving/operating of City of Port Lavaca vehicles or motorized equipment shall report any driver's license suspensions to their supervisor immediately and prior to driving a city vehicle and/or equipment.
- Failure to report license suspensions, failure to maintain the required driver's license, or failure to meet minimum driving record criteria will be sufficient grounds for removal from driving privileges and may subject the employee to disciplinary action, up to and including termination.
- Each January, the Department Heads will provide a list of all personnel who have driving or motorized equipment operation responsibilities to Human Resources. This list shall include the employee's name and will be used to conduct checks on driving records through a motor vehicle record check. The motor vehicle record reflects the past three years of a driving record. The Human Resources Department will facilitate the records check and the appropriate department head will be notified of any employee whose driving record is suspended.

Employees who have been ruled ineligible to drive city vehicles or equipment due to a suspended license may, at the City of Port Lavaca's sole discretion, be:

- Assigned non-driving responsibilities within their current department, if available; or
- Transferred to another department and assigned non-driving responsibilities, if available; or
- Dismissed, if neither of the above alternatives can be achieved within twenty (20) working days. All non-driving responsibilities must have prior approval of both Department Heads (if applicable) and Human Resources.

6.10 Reporting Accidents and Injuries

Employees will immediately report any accidents or injuries occurring on the job to their supervisor. If a City vehicle is involved, the accident will also be reported to the Police Department. The supervisor will take all action necessary to ensure the safe transportation and/or treatment of the injured and will notify Human Resources of the incident and file a written accident report or a first report of injury within twenty-four (24) hours. In event of a major injury or death of an employee, the Department Head will immediately report the incident to the City Manager. All reports of injury will be administered in accordance with the City's Worker's Compensation policy and in alignment with the City's worker's compensation insurance provider.

It is the responsibility of the employee to ensure that all City issued vehicle insurance documentation and registration be in the vehicle at all times. In the case of an accident, the employee driving a City-owned vehicle will immediately notify the nearest police department to report the accident. Copies of the completed accident report will be forwarded to the employee's Department Head and Human Resources. Department Heads are required to notify Human Resources of any vehicular accidents in their department in order to file and distribute insurance claims.

Employees are not to participate in interviews or give statements to any news media concerning any incident. Responses to questions should be simply "No Comment". Employees should also understand that when an incident occurs, they are not to make rash statements at the scene or any time thereafter, about who may be at fault or how the incident, could have been avoided. All information concerning incidents will be released by the City Manager, or designee.

Chapter 7: Employee Conduct

7.01 General Policy

The policies within this chapter are intended to set expectations relating to employee conduct and behavior as well as provide options for resolving problems arising from misconduct by an employee or the employer.

High productivity and efficiency are a result of individual contributions. To work together successfully, employees must realize that positive relationships are not entirely a matter of rules, but are the outcomes of commitment, sound decisions and professional behavior.

Employees are expected to establish and maintain effective professional working relationships with fellow employees, supervisors, elected and appointed officials, citizens, consultants, contractors, and others doing business with the City. To create a positive work environment, employees and supervisors will communicate openly and directly. If employees have concerns, they are strongly encouraged to voice them openly and directly to their supervisor or Department Director.

7.02 Enforceability

Department Heads are responsible for maintaining proper working standards and discipline within their respective departments. Employees who have conducted acts of misconduct, malfeasance, nonperformance, abuse of the public, insubordination, unproductive behavior, abuse of work rules, and of the policies in this manual and departmental policy will be subject to disciplinary action in accordance with the city's disciplinary policies.

7.03 Use and Care of City Property

Employees will be responsible for and will not misuse City property, records, or other materials in their care, custody, and control. City property, records, or other materials will not be removed from their proper place without authorization and will be returned to the City upon termination of employment.

7.04 Conflict of Interest

An employee exercising any influence in connection with a City contract, purchase, payment, or any other financial or monetary transaction who is a director, president, or general manager or similar executive officer, or who owns or controls, directly or indirectly, a substantial interest in any business or entity participating in the transaction, will give advance notice of the potential conflict to the City Manager. Failure to disclose a potential conflict of interest may be grounds for immediate termination and the employee may be charged according to State statutes.

7.05 Gratuities - Gifts

The City strives to treat employees, citizens and individuals conducting business with the City in a fair and equitable manner. An employee (and his/her relatives and significant others) may not receive any income or other material gain from anyone outside the City for services provided by the employee in the performance of his or her job with the City. Individual City employees are prohibited from soliciting, accepting or agreeing to accept any gift, gratuity, favor, benefit or anything else of value from any person, organization, or other entity who has done business, is doing business, or seeks to do business, with the City. However, an employee who accepts the following will not be in violation of this policy:

- an award publicly presented in recognition of public service
- an occasional meal where public business is discussed
- tee-shirts, caps and other similar promotional material
- any gift which would have been offered or given to the employee even if the employee were not a City employee

Routine food coupons, frequent flier awards, discounts and other promotional items awarded to employees while carrying out City business may be accepted by employees and will not be considered a violation of this policy due to the administrative difficulty and cost involved in recapturing the discount or award for the City. If the item is non-routine, or of more than minimal value, the employee must check with his or her supervisor to see if the item should be returned, or in the alternative, turned over to the City.

Employees may not give their supervisor or anyone else in City management any gift or other item of more than a minimal value. If offered, supervisors may not accept such gifts or other items. Giving and accepting cards, food items (such as cakes and cookies) or token gifts for birthdays, Bosses' Day, holiday celebrations, bereavement or similar events is not a violation of this policy.

The City takes this policy very seriously and violations may result in disciplinary action up to and including termination of employment. Any questions regarding the prohibitions imposed by this policy generally, or in connection with a specific situation, should be directed to the Director of Human Resources.

7.06 Political Activity

The City of Port Lavaca encourages City employees to participate in matters of responsible citizenship. City employees may engage in political activity so long as said activity is limited to off-duty hours and does not impair the employee's ability to carry out his duties as a City employee. Employees will not engage in campaign or political activity while identifiable as a city employee (i.e. city uniform, a city take-home vehicle or badge, etc).

7.07 Dress and Appearance

Grooming, appearance, and personal cleanliness standards contribute to the morale of all employees and affect the professional image the City presents to citizens and visitors. A professional, businesslike atmosphere will be reflected in both conduct and dress. During business hours or when representing the City, the employee is expected to present a clean, neat, and professional appearance.

7.07.01 Uniforms

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

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

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

City uniforms or apparel with City and/or department logo will not be worn while engaging in other employment or during off-duty hours, unless attending a City sponsored event. Exceptions may be made on a case by case basis by Department Heads. Employees wearing uniforms will not purchase, possess or consume alcoholic beverages or engage in any acts that would not reflect favorably upon the City (gambling, etc). Employees wearing City uniforms will not campaign for or against any individual or ballot measure.

No City uniform or apparel with City and/or department logo will be donated to charity. Before discarding an old uniform, the City logo should be cut off the clothing and shredded to prevent unauthorized use.

7.07.02 Dress Code

Appropriate Business Attire: All clothing must be neat, clean, in good condition, fit properly and be appropriate for the duties of the position. A shirt, sweater, blouse, with the City logo is acceptable where designated by the Department Head.

Inappropriate Business Attire: Inappropriate business attire includes, but is not limited to:

- 1) Suggestive attire (for example; sheer, low cut, revealing tops; miniskirts (skirt that is more than two inches above the knee). Strapless/backless attire, including: muscle shirts, halter tops, tank tops, sundresses without a cover or jacket; bare shoulders or tank tops;
- 2) House shoes, footies;
- 3) Shorts, unless they are part of an approved uniform and worn with a shirt that identifies the employee as a city employee or as approved by the Department Head as special circumstances warrant;
- 4) Clothing not properly laundered or not in good condition (e.g. faded, frayed, having tears or holes);
- 5) Clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind;
- 6) Hats, visors or other forms of headgear that are not part of a city uniform or have messaging of anything other than a logo or words related to employment with the City of Port Lavaca.

Dress Code Exceptions: The Dress Code applies only to those employees who are not required to wear a City uniform. Some departments may have an alternate dress code. Unusual circumstances as approved by the supervisor, such as weather conditions, special work assignments, medical reasons, worksite conditions and/or unusual working hours or situations, may be sufficient reasons to grant an exception to the dress code.

Additional Provisions: More traditional business attire may be appropriate for certain meetings and/or presentations either inside or outside City offices. Department Heads and supervisors have the responsibility to inform their employees of appropriate attire when meeting the general Public or any other time the Department Head may deem it is necessary.

7.07.03 Personal Appearance

Without unduly restricting individual tastes, the following personal appearance examples are not permitted:

- 1) Extreme hairstyles are not permitted; hairstyles are expected to be professional, neat, properly groomed and in good taste. Long hair, jewelry and clothing should be worn in a manner that does not pose a safety hazard while working;
- 2) Offensive body odor and poor personal hygiene;
- 3) Torso body piercing with visible jewelry or jewelry that can be seen through or under clothing must not be worn during work hours;
- 4) Offensive and/or distracting tattoos/body art or brands may not be visible through clothing;
- 5) Intentional body mutilation or piercing that is excessive or eccentric is not permitted. Some examples are a split or forked tongue or foreign objects inserted under the skin to create a design or pattern; or
- 6) Jewelry that pierces or is clipped to the eyebrow, tongue, nose, scalp, forehead, or other exposed parts of the body, except the ear, may not be worn during work hours.

7.07.04 Enforcement

Each Department Head is responsible for implementing the dress code and communicating it to department employees. Department Heads may implement more stringent dress codes. Employees who do not meet dress code or personal appearance standards will be sent home. Under such circumstances, nonexempt employees will not be paid for work time missed, and exempt employees will be required to make up the work time missed. Employees whose grooming or personal appearance violates this policy may be disciplined.

Questions/complaints about proper attire should be directed to the Department Head of the employee in question. The Department Head has the final authority to determine the appropriateness of the employee's attire. Questions or concerns relating to reasonable accommodation issues or management interpretation questions may be directed to Human Resources.

7.08 Public Relations and Social Media

City employment involves a degree of duty and obligation regarding public and private conduct which is always required in other types of employment. Employees should conduct themselves at all times so as to reflect credit upon themselves and the City. How employees deal with the public and fellow employees is just as important as performing their job well.

In the rapidly expanding world of electronic communication, social media can mean many things. For the purpose of this policy, social media includes all means of communicating or posting information or content of any sort on the Internet, including web logs or blogs, journal or diaries, personal web sites, social networking or affinity web sites, web bulletin boards chat rooms, whether or not associated or affiliated with the City of Port Lavaca, as well as any other form of electronic communication. Ultimately, employees are solely responsible for what they post online. Before creating online content, employees should consider some of the risks and rewards that are involved. Keep in mind that any conduct that adversely affects job performance, the performance of fellow employees or otherwise adversely affects members, customers, suppliers, people who work on behalf of the city or the city's legitimate interests may result in disciplinary action up to and including termination.

7.08.01 Respectful Behavior

Employees should always be fair and courteous to fellow employees, customers, members, suppliers or people who work on behalf of the City. Employees are more likely to resolve work-related complaints by speaking directly with co-workers and supervisors rather than by posting complaints to a social media outlet. Nevertheless, if employees decide to post complaints or criticism, they should avoid using statements, photographs, video, audio, or other media content that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage citizens, customers, employees or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or company policy.

7.08.02 Honest and Accurate Content

Employees should make sure that they are always honest and accurate when posting information or news, and if they make a mistake, it should be corrected quickly. Employees should be open about any previous posts that have been altered. Remember that the internet archives almost everything; therefore, even deleted postings can be searched. Employees should never post any information or rumors that they know to be false about the City of Port Lavaca, fellow employees, citizens, customers, suppliers, or people working on behalf of the City.

7.08.03 Appropriate and Confidential Content

Employees are expected to maintain the confidentiality of the City's confidential information. While information is available to the public in compliance with the Open Records Act, such requests are managed by the City Secretary or designee. Do not post internal reports, policies, procedures or other internal business-related, confidential communications.

Employees are not to create a link from their blog, website or other social networking site to a City of Port Lavaca website without identifying themselves as a City employee.

Employees are only to express their personal opinions. They are not to represent themselves as a spokesperson for the City. If the City is a subject of the content that they are creating, they are to be clear and open about the fact that they are an employee and that their views do not represent those of the City, fellow employees, citizens, customers, suppliers or people working on behalf of the City. If they do publish a blog or post online content related to the work they do or subjects associated with the City, they are to make it clear that they are not speaking on behalf of the City. It is best to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of the City of Port Lavaca.”

7.08.04 Social media at work

Employees should refrain from using social media while on work time or on equipment the City provides, unless it is work-related as authorized by their manager or consistent with the City’s policies. Employees should not use their city email addresses to register on social networks, blogs or other online tools when the intent of the social media account is utilized for personal use. If the intent of the account is to leverage social media for city use and communication as authorized within your job duties, then employees may use their city email to register for the account.

7.08.05 Retaliation is prohibited

The City prohibits taking negative action against any employee for reporting a possible violation of this policy or for cooperating in an investigation. Any employee who retaliates against another associate for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

7.09 Unlawful Harassment

7.09.01 General Policy

The City is an equal opportunity employer. Employment discrimination on the basis of race, religion, color, sex, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by law, is prohibited. All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, and co-workers. City employees are also prohibited from harassing other employees, citizens, vendors, and all other third parties.

7.09.02 Sexual Harassment

One form of unlawful discrimination is sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or

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

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Conduct prohibited by this policy includes, but is not limited to sexual advances; requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, sexual preference, sexual experiences, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.

7.09.03 Other Prohibited Harassment

In addition to the City's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by law is also prohibited. Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited. This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, cell phone or other electronic devices, social media, and/or the Internet. Harassment of any nature, when based on race, religion, color, sex, national origin, age or disability, genetics, veteran status, or citizenship will not be tolerated.

7.09.04 Mandatory Reporting

The City requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that harassment has occurred or has been subjected to conduct prohibited by this policy must report it immediately to:

- the Department Head; or
- the Director of Human Resources; or
- the City Manager.

Any supervisor, manager, or Department Head who becomes aware of possible conduct prohibited by this policy must immediately advise the Director of Human Resources.

Under this policy, an employee may report to and/or contact the Director of Human Resources directly, without regard to the employee's normal chain of command. If you have a complaint against your supervisor, you should report the complaint to the Director of Human Resources.

In addition, the City encourages employees who believe they are being subjected to conduct prohibited by this policy and who feel comfortable doing so, to promptly advise the offender that the conduct or behavior is unwelcome and request that it be discontinued. Often this action will resolve the problem.

7.09.05 Investigation

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

7.09.06 Retaliation Prohibited

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

7.09.07 Responsive Action

Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were fabricated or exaggerated.

7.10 Disciplinary Action

7.10.01 General Policy

It is the policy of the City of Port Lavaca that employees comply with certain standards of behavior and performance and where noncompliance is corrected in a manner that protects the dignity of employees. Disciplinary action is considered a dimension of

performance evaluation and employee development. It is a corrective process to help employees overcome work related shortcomings, strengthen work performance, and achieve success. The following disciplinary procedures are merely suggestions. Each disciplinary action will be tailored to fit the specific offense or violation and may take into consideration the specific situation and previous performance record of the individual involved. The City reserves the right to exercise any of the disciplinary options, up to and including termination of an employee. Repeating or jumping a step, or moving to immediate discharge may be appropriate depending on the circumstances and management's judgment.

7.10.02 Oral Warnings

The primary purpose of an oral warning is to inform an employee that the quantity or quality of his work or his conduct is such that improvement is necessary. Oral warning should precede more severe disciplinary action in order that an employee be given an opportunity to correct his deficiency.

7.10.03 Written Reprimand

If an employee has continuous performance concerns, or behavior requires discipline greater than an oral warning, a written reprimand will be issued in writing to the employee, and a copy will be placed in the employee's personnel file and may affect future consideration regarding pay raises and promotions. A written reprimand will include, but not be limited to:

- A. Nature of offense.
- B. Date and time of offense.
- C. Location of offense.
- D. Recommendation for employee's improvement.
- E. Next step of action to be taken if offense(s) is (are) repeated.
- F. Date reprimand issued.
- G. Signature of Department Head or designee.
- H. Signature of employee.

7.10.04 Suspension

In the event of a serious violation a supervisor may send an employee home for one (1) day pending an investigation of the incident. A determination will be made by the Department Head as to whether the suspension will be with or without pay.

For serious violations, the Department Head is authorized to issue up to three (3) days off without pay. For major or repeated offenses, the Department Head may recommend suspension without pay for a period not to exceed thirty (30) days. Such recommendation must be in writing and submitted to the City Manager for approval. If approved, the suspension will be effective immediately and the recommendation will become a part of the employee's personnel file. Such recommendation will include, but not be limited to, the information required in the preceding section. An employee charged with a law violation may be suspended, pending completion of investigation or trial.

7.10.05 Demotion

If an employee repeatedly violates city policy or exhibits inability to perform assigned job responsibilities at an acceptable level, the Department Head may recommend a demotion, reduction in salary, or both. Such recommendation will be in writing and will include the information required in the preceding section(s).

7.10.06 Dismissal

Any of the following will be considered reason for immediate dismissal, either by the Department Head or the City Manager:

- A. Failure to meet prescribed standards of work to an extent which makes the employee unsuitable for employment with the City.
- B. Theft or destruction of City property.
- C. Incompetence, inefficiency, or negligence in the performance of duty.
- D. Insubordination that constitutes a serious breach of discipline.
- E. Conviction of a felony or moral turpitude.
- F. Unauthorized absence or abuse of leave privileges.
- G. Acceptance of any valuable consideration which was given with the expectation of influencing the employee in the performance of his duties.
- H. Falsification of records or use of official position for personal advantage.
- I. Unauthorized use of City equipment or material for personal benefit.
- J. Drinking or being under the influence of intoxicants, drugs, or controlled substances while on duty or when reporting for duty.
- K. Failure to meet credit obligations.

- L. Abuse of the public.
- M. Unnecessary rudeness.
- N. Repeated violations of the City's safety policy
- O. Repeated violations of traffic laws.

Employees may also be dismissed when, in the judgment of the Department Head and the City Manager, the best interest of the City or the maintenance of discipline within the organization dictates such dismissal.

7.11 Grievances

7.11.01 General Policy

The appeal procedure provides a way for an employee to appeal certain disciplinary actions and action taken by management which in the opinion of said employee may be in conflict with stated policies contained in this manual. It is the policy of the City of, Port Lavaca to hear all employee grievances and resolve the question as promptly and effectively as possible. As a means of assisting, a procedure is established herein, and all grievances, will be settled solely through this procedure. Every effort will be made to settle a disagreement at the lowest supervisory level, but an employee may appeal from one (1) step to another provided the appeal is made within the time limits prescribed. Failure to follow the procedural requirements will result in a denial of any further case consideration. The appeal procedure may be altered only by the City Manager.

Any employee has the right to file a written grievance and make use of the following grievance procedures contained in this chapter, with the following exceptions:

- A. Oral warnings and written reprimands are not appealable. However, an employee receiving a written reprimand may respond with a letter in his personnel file.
- B. Temporary employees may not file a grievance due to termination of employment.
- C. No employee may file a grievance with regard to job classification, pay rates or their performance evaluation results.

7.11.02 Appeal and Grievance Procedure

Any employee desiring to file a grievance must follow the following procedure:

Step 1 - Immediate Supervisor.

If an employee alleges he has a grievance, he must first (1st) attempt to effect a settlement of the matter with his immediate supervisor through prompt and thorough discussion. If this joint effort fails to resolve the problem, the employee may appeal by filing a written statement outlining the nature of the grievance within five (5) working days following the discussion of the parties involved.

Step 2 - Department Head.

If the grievance is not satisfactorily settled at Step 1, the employee may within three (3) working days of the conclusion of Step 1, appeal to the Department Head by filing a written complaint which includes a notation of the action or decision rendered by the employee's supervisor. The Department Head will make a decision within five (5) working days following receipt of the appeal and will immediately notify the employee in writing of the decision and forward a copy of the grievance and decision to be placed in the employee's personnel file. The employee may accept or appeal the decision of the Department Head. At this point, all involved parties will make an effort to arrive at a mutually satisfactory agreement, so long as said agreement is in conformance with the requirements of this manual, and represents an equitable solution.

Step 3 - City Manager.

If the grievance is not satisfactorily settled at Step 2, the employee may request in writing that his case be reviewed by the City Manager, such request to be made within three (3) working days following notice of decision of the Department Head. The City Manager will render a decision within ten (10) working days from the date of the appeal and the City Manager's decision will be final.

7.11.03 Retaliation

The filing of an appeal or grievance by an employee will not result in any harassment, intimidation, threats, or disciplinary action to the employee by any other employee, supervisor, Department Head or official.

Appendix: HR and Workplace Supplemental Documents

Program Document: Health and Safety Committee/Incentive Program

Incentive Program Summary

The Health & Safety Incentive Program is designed to recognize those City employees who have achieved exemplary safety records by avoiding accidents and injuries through the cautious conduct of their assigned duties. The purpose of the Health & Safety Incentive Program is to promote safety awareness among City employees while on and off the job.

Health & Safety Committee

The City's Health and Safety Committee will be held collectively responsible for the development and administration of the City's Safety Program Requirements. The committee will be represented by each department and each member will be responsible for managing a functional area of the program. Each committee member will be appointed by their Department Head and will serve on the committee for a period of two years. For policy guidance and support with workers compensation and accident reports, there will always be Human Resources representation on the Safety Committee.

Committee Rotation Schedule:

Each fiscal year, half of the committee will have new appointees to ensure a consistent rotation and provide stability to the program.

Odd Years (Beginning in FY 15/16)

- Fire Department & Code Enforcement
- Utility Department
- Parks Department

Even Years (Beginning in FY 14/15)

- Police Department & Animal Control
- Street Department
- Administrative Departments

Committee Functional Program Areas:

Each committee member will be responsible for serving in one of the following functional program areas based on committee needs and members' talents and strengths.

Committee Administrative Coordinator (1 Member)

- Responsible for coordinating committee meetings, taking notes, and distributing meeting notes and minutes
- Responsible for managing program action items, tasks and following up with committee members regarding areas of responsibility
- Leverage various methods of communication to maximize program awareness to include the city website, posters, social media, e-mail, text messaging and other forms of communication

Safety Training Coordinators (3 Members)

- Responsible for coordinating city-wide safety training opportunities by working with other departments to identify needs and recommended training options
- Responsible for the annual safety training schedule and ensuring that there are enough trainings offered to meet the incentive requirements
- Responsible for communication with employees about safety program trainings, events, activities and other health and safety related items
- Collaborate with other committee members to ensure information is up to date and communication plans are in alignment with program offerings
- Leverage various methods of communication to maximize program awareness to include the city website, posters, social media, e-mail, text messaging and other forms of communication

Health & Wellness Coordinator (1 Member)

- Responsible for coordinating city-wide health and wellness activities by working with city's insurance provider, local wellness vendors and information available via alternative resources (internet, handouts, etc)
- Responsible for the annual health & wellness schedule and ensuring that there are enough activities to meet the incentive requirements
- Leverage various methods of communication to maximize program awareness to include the city website, posters, social media, e-mail, text messaging and other forms of communication

Health and Safety Analyst (1 Member)

- Responsible for evaluating metrics and outcomes by reviewing program activities and reports
- Responsible for reviewing quarterly accident/loss reports and evaluate proactive measures that can be taken to address areas of concern
- Work with Safety Training Coordinators and Health & Wellness Coordinator to identify training needs and opportunities to reduce risks based upon quarterly reports and outcome based-metrics

Human Resources Representative (1 Member)

- Responsible for providing necessary reports and metrics to the committee, ensuring employee privacy when necessary
- Serves as the initial resource when issues arise related to personnel policies and procedures and coordinates with HR/City management when necessary on escalated or questionable scenarios

Incentive Requirements

Each year, the annual budget will determine the incentive amount allocated for a Safety Incentive Award as part of this program. The following requirements outline how employees can earn the incentive, in addition to scenarios that may reduce the incentive the employee may receive. Part-time employees will be eligible for half of the budgeted participation incentive and do not have to complete the annual wellness checkup.

Achieving Annual Incentives

Employees must complete the following program requirements in order to receive the annual safety incentive.

Annual Wellness Checkup (25% of the Budgeted Incentive)

- All employees covered by the city's insurance are encouraged to get an annual physical and provide proof (a doctor's note) showing that the employee completed the physical
- Employees who are not covered by city insurance, and/or receive a reduced amount for the incentive, are exempt from this requirement

Safety Participation (75% of Budgeted Incentive)

- All employees must attend one (1) session of the annual city-wide sponsored safety training (CPR, Driver's Safety, etc)
- Employees must attend a minimum of four (4) department sponsored training sessions during the program year; preferably one per quarter

Safety Employee of the Year & Incentive

Employees are expected to proactively participate in safety initiatives and contribute to safety awareness across their department and the city as a whole. The City will recognize and reward a Safety Employee of the Year. The Department Head will nominate an employee and the Safety Committee will be responsible for reviewing all nominations and making a final selection. The recipient of the Safety of the Year award will receive an individual award and \$125.00 will be added to their annual safety incentive. The Department Head will base their nomination on the

information below. The Committee will review all of the nominations and make their decision based upon the same criteria.

- Examples of “Proactive Participation” include, but are not limited to:
 - Teaching a departmental safety training
 - Reporting unsafe work hazards and proposing a solution by completing a SAFE form (Safety Awareness For Everyone Form) in order to make the work environment or work activities safer
 - Working with the Health & Safety Committee on special initiatives and actively contributing to the safety program
 - Participate in the preparation for special events such as National Night Out

Incentive Penalties

Employees may have incentive pay reduced if they have contributed or were responsible for unsafe activities in the course of their duties. If applicable, the following penalties will be applied to an employee’s earned incentive award:

At-Fault Incident or Accident

- An employee may lose up to 100% (of the 75% Safety Participation incentive) if they are involved in **at-fault** incident(s), accident(s) or injury that results in worker’s compensation claim(s) or lost time
- An incident is defined as a dangerous situation or scenario that could have been prevented, such as a hazardous waste spill, dangerous use of workplace equipment, or other scenarios deemed unsafe
- An at-fault accident is defined as an accident that results in property damage and liability claim(s) identifying city personnel at fault
- An at-fault injury is defined as one that is a result of unsafe actions or could have reasonably been prevented
- “At-fault” determination will be based upon decisions made by the city’s liability carrier. If there is no determination made by the liability carrier, the Safety Committee will be responsible for reviewing and determining if an incident is considered “at-fault” and if the penalty should be applied. In determining “At-Fault”, the committee will consider the follows facts and scenarios:
 - Review actions for any policy violations
 - Review actions for any procedural (SOP) violations
 - Witness’ account(s) of incident or accident
 - Condition of equipment
 - Available training/instruction provided to employee
 - Physical/mental condition of employee (example: had the employee been working 20+ hours providing

emergency services and that impacted physical/mental abilities?)

- If the committee determines that the employee is “At Fault”, they will apply a “3 Strike Rule” impacting the 75% incentive - meaning each strike docks the employee’s incentive 25%.

Safety Events

The City will sponsor an annual Safety Awards Luncheon each November. This luncheon will serve as the venue for employees to receive their Safety Incentive and when the Safety Employee of the Year will be recognized. The Safety Committee is responsible for planning the luncheon and communicating the event to employees.

In addition, each spring the City will sponsor an annual Safety Week. This event will provide opportunities for employees to learn, and share safety practices and procedures. The Safety Committee will be responsible for planning and coordinating the event for city employees. Resources the committee can use to plan the event include the following:

- Texas Municipal League Intergovernmental Risk Pool:
<http://www.tmlirp.org/loss-prevention>
- National Safety Council:
http://www.nsc.org/nsc_events/Nat_Safe_Month/Pages/home.aspx
- Safety Topic by Month:
<http://www.trafficsafetymarketing.gov/newtsm/pdf/CommCalendar2015.pdf>