

# **CITY OF TEXAS CITY**



# **PERSONNEL POLICY**

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# **CHAPTER 1 GENERAL PROVISIONS**

## **1.01 EFFECTIVE DATE**

May 1, 2018

## **1.02 POLICY STATEMENT**

The objective of this policy is to provide a uniform standard of operation and to treat each employee uniformly, fairly and with dignity and respect as an individual member of Team Texas City.

## **1.03 MISSION STATEMENT**

The mission of the City of Texas City is to serve and benefit our citizenry equally and fairly by providing professional, dependable services oriented toward enhancing the quality of life for our customers, improving our community, protecting our environment, and instilling pride in our employees. We will accomplish these goals through people, policies, and procedures that inspire caring, responsive, quality public service.

## **1.04 PURPOSE STATEMENT**

Our community purpose is to make it possible for all our citizens to benefit from living, working, worshiping and playing in a safe, healthy, attractive and economically viable community; thereby offering all citizens the opportunity for a rewarding, satisfying and fulfilling lifestyle, and providing a foundation for a strong family unit environment.

## **1.05 SCOPE**

This policy in its entirety covers all employees and all job applicants, however the provisions of the Local Government Code, (L.G.C.) Chapter 143 and/or the provisions contained in the Collective Bargaining agreements established pursuant to L.G.C. Chapter 174, shall take precedence over this policy whenever the provisions of this policy are in conflict therewith. Persons appointed to serve on City Boards, Committees or advisors are exempt from these policies. A person on retainer or under a specific contract with the City is not considered to be a City employee unless a specified employment agreement is stipulated.

## **1.06 EQUAL EMPLOYMENT OPPORTUNITY**

The City of Texas City is an equal opportunity employer committed to providing a policy of nondiscrimination with respect to all employees and applicants for employment. All personnel actions, such as recruitment, hiring, training, promotion, transfer, layoff, recall, compensation and benefits, discipline, termination, educational, recreational and social programs are administered without regard to race, color, sex, religion, national origin, age, or disability of otherwise qualified individuals. Employment decisions, subject to the legitimate business requirements of the City, are based solely on the individual's qualifications, merit and performance. The City's commitment extends to all employment-related decisions and terms and conditions of employment.

## **1.07 NOT A CONTRACT**

The personnel policies set forth the major employment practices and procedures of the City of Texas City. They supersede all past policies and procedures. The City of Texas

City reserves the right to unilaterally modify or amend the provisions of this handbook at any time with or without notice. However, any modifications to this handbook can only be made in writing, signed by the Mayor. No Department Head or Supervisor has the authority to make verbal or written changes to this policy. These policies and procedures are not intended to be a contract or to guarantee employment for any particular period.

If a conflict exists or develops between any policy described in this manual and the law, the requirements of the law will supersede the written policy. Employment with the City is on an at will basis. Therefore, the relationship can be terminated with or without cause or notice.

### **1.08 ADMINISTRATIVE POLICIES**

a) **Authority for the Creation of Jobs** - With the exception of those positions established by statutory or charter provisions, all positions or offices in the municipal organization, together with rates of pay therefore, are created and authorized by the Mayor within the established budget as approved by the City Commission.

b) **Administrative and Appointive Authority** - With the exception of matters and appointment reserved by the City Commission, general authority and responsibility for the conduct and administration of municipal affairs is vested in the Mayor, including appointments to positions and the establishment and maintenance of satisfactory standards of efficiency, welfare, and morale of City employees and the exercise of general control and supervision over all Departments, Officials, and positions created and approved by the City Commission. Final authority, in the form of review and approval, is reserved by the Mayor with regard to all matters and subjects covered by these policies.

c) **Departmental Administration of these Policies and Responsibilities** - Department Heads will be responsible for the proper and effective administration of these policies within their respective departments. They will also be responsible for:

- enforcing and maintaining proper standards of discipline and personal conduct among their employees;
- scheduling the work of employees to include overtime work and training in a manner most advantageous to the City;
- the hiring, promoting, and assignment of duties to employees within their department to accomplish the mission of the department in the most efficient manner;
- the discharge, demotion, layoff, or suspension of employees within their department;
- determining the methods, processes, means and personnel by which operations are to be carried out;
- establishing job classifications, job descriptions and standards which provide the basis for recruiting and assignment; and
- establishing departmental rules to complement this policy.

d) **Amendments** - The Mayor may change or amend these policies within statutory and charter limitations and within budget appropriations to the extent deemed necessary in order to more efficiently and effectively promote the interest of the City, but no such change will divest any employee of benefits accrued as of the date of the change. This

does not prevent the City Commission and Mayor from changing or amending these policies at any time. The final authority resides with the City Commission on all policy matters.

### **1.09 SOLICITATION**

To eliminate the possibility of misrepresenting the City, all solicitations by any individuals employed by the City of Texas City must receive advanced approval in writing from the Department Head and the Mayor, to avoid any conflict of interest or the appearance of a conflict of interest by the fund raising effort of an individual or an organization affiliated with the City.

## **CHAPTER 2 INITIAL EMPLOYMENT INFORMATION AND REQUIREMENTS**

### **2.01 APPLICATIONS**

All persons seeking employment must complete, sign and file an application with the City of Texas City.

### **2.02 BASIS OF EMPLOYMENT**

All employment with the City of Texas City shall be based on merit, ability and physical fitness, as evidenced by:

- Training and experience as reflected by the employment application plus other documented evidence as to certification, registration, etc. if required;
- Required drug test and/or physical examination after an offer of employment is made;
- Mental examination or performance test, if required; and
- Background investigation made by the Human Resources department and/or Department Head.

### **2.03 AGE REQUIREMENTS**

Where no age limit is otherwise specified by statutory requirements, the minimum age for initial employment may vary in accordance with the duties and responsibilities of the positions and conditions under which they are performed, subject to the following restrictions:

- a) No person under eighteen (18) years of age shall be employed as a regular full-time or probationary employee;
- b) No person under eighteen (18) years of age shall be employed as an employee in any position requiring the operation of a motorized vehicle owned by the City; and
- c) No person under sixteen (16) years of age shall be employed as a part-time or seasonal employee.

### **2.04 NEPOTISM**

Husband and wives, of formal marriage and/or common-law marriage, may not hold full-time positions with the City at the same time. In the event of a relationship prohibited by this policy, one or both of the affected employees will be required to resign from employment.



No employee may directly or indirectly supervise or be supervised by a member of their immediate family or by anyone within the third degree of consanguinity. An immediate family member includes a spouse, child, parent, sibling, grandparents, grandchild, spouse of any of the foregoing, or anyone otherwise cohabitating with the employee. In the event of a promotion, reorganization, or any other situation giving rise to a relationship prohibited by this policy, one or both of the affected employees must immediately seek a transfer to another available position within the City for which he or she is qualified and that meets the requirements of this policy. If a suitable transfer cannot be made, within 30 calendar days of the event giving rise to a relationship prohibited by this policy, one or both of the affected employees will be required to resign from employment.

The City will recognize the “Civil Law Method” to determine nepotism.

## **PLEASE REFER TO EXHIBIT A ATTACHED Consanguinity & Affinity Relationship**

### **2.05 RECRUITMENT AND SELECTION**

Department Heads shall notify the Human Resources Director of their anticipated vacancies as far in advance as possible to permit sufficient time for the approval to fill the position, recruitment and selection of qualified applicants. The Executive Committee members will be advised of any vacancies and authorization to advertise for applications to fill vacancies must have prior approval of the members of the Executive Committee and the Mayor. The selection of a new employee will be the responsibility of each Department Head. The City will not re-hire any person who was previously terminated for cause from the City. After selection has been made, the hiring Department Head shall submit the proper form to the Human Resources Director for review and to the Mayor for approval. No employee shall be placed on the payroll prior to securing all approvals outlined herein.

### **2.06 REQUIRED EDUCATION, CERTIFICATION, AND LICENSURE**

Employees hired, promoted and/or transferred with requirements to obtain an educational degree, certificate or licensure, as a “Condition of Employment”, must meet the requirement within seven (7) years of employment, promotion and/or transfer date. Those employees who are not required to obtain the higher education, certification or licensure within five (5) years of hire, promotion and/or transfer, shall be relieved of the requirement after five (5) years of employment at the position with the requirement or a position with the same requirements. Employees must maintain the required level of education, certification and/or licensure during the remainder of their employment in a position requiring the higher education, certification or licensure.

## **CHAPTER 3 WORKING CONDITIONS**

### **3.01 DEFINITIONS OF EMPLOYEE STATUS**

- a) **Exempt** - Employees whose positions are exempt from the minimum wage and maximum hours (overtime) provisions of the Fair Labor Standards Act and generally include department heads, supervisors, professional and administrative personnel.
  
- b) **Salaried Non-Exempt** - Employees whose positions are set at a monthly wage and are eligible for authorized overtime compensation or compensatory time for all hours worked in excess of a 40 hour week.
  
- c) **Hourly Non-Exempt** - Employees whose positions are set as hourly and eligible for authorized overtime compensation or compensatory time for all hours worked in excess of a 40 hour work week.
  
- d) **Regular Full-time** - Employees who work at least 40 hours per week for an indefinite period of time and have completed a six (6) month probationary period.
  
- e) **Regular Part Time** - Employees who work an average of less than 30 hours per week. (Limited benefits.)
  
- f) **Temporary** - Hired for an interim period of time to fill short-term needs such as special projects, seasonal demands or absence of a full-time employee. (Limited benefits.)
  
- g) **Probationary** - An employee who seeks Regular Full-time status and is serving a probationary period of 6 months. (Limited benefits.)

### **3.02 PERSONNEL RECORDS**

The employee is responsible for reporting changes in address, telephone number, emergency notification data, deductions and any other pertinent data. An employee request for review of his/her personnel file should be made with the Human Resources Director at least 48 hours in advance.

### **3.03 TIME CARD POLICY**

Employees who are assigned to punch a time clock must punch in and out only on his/her time card. If the employee has to leave their job, except for city business, they must punch "out" and then back "in" again when they return. When any employee cannot punch in or out for some reason, it must be noted on the timecard by the supervisor and initialed. The employee is responsible for letting the supervisor know if any exceptions have occurred with their time card.

Anyone who punches someone else's time card will be subject to disciplinary action, up to and including termination and may be punishable by law. If an employee accidentally punches the wrong time card they should report this to their supervisor immediately.

Failure to do so can be assumed to be proof of intent to defraud. Deliberate falsification of a time card, particularly the punching of another employee's time card is equivalent to an act of larceny.

Employees should be clocked in and ready to begin work or receive assignments at the scheduled starting time but should not punch in or out more than 15 minutes beyond the scheduled hours to avoid confusion as to overtime.

The supervisor is responsible for the accuracy of each of their employees' time cards. Each day of the pay period shall be accounted for and notations must be made if exceptions have occurred, and must include the date, an explanation and the supervisor's initials. The Department Head will be responsible for enforcing this policy within their respective departments.

### **3.04 CONFIDENTIALITY OF INFORMATION**

Employment with the City of Texas City carries with it a responsibility for honorable and ethical work. Ethical work means we do not use business information or circumstances for personal gain. In the course of business, staff may be exposed to confidential information regarding those we serve, supervise or with whom we work. No confidential information regarding income, health or other circumstance is to be shared for any reason other than necessary business purposes. Employees are responsible for checking with their supervisors, prior to sharing information, to determine whether or not it is confidential.

Confidentiality does not mean that we ignore illegal, unethical or prohibited conduct of others while on the job. Such conduct must be reported. Confidentiality means we do not share information obtained for business purposes with others who have no need of such information.

A breach of confidentiality may cause an employee or citizen serious stress or other hardship. It is every employee's job to rigorously respect all employees' and citizens' rights to privacy. Therefore, any breach of confidentiality will result in disciplinary action up to and including termination. This policy also applies to social media. Please see the City of Texas City Social Media Policy for more information.

### **3.05 USE OF CITY TIME AND/OR EQUIPMENT AND MATERIALS FOR PERSONAL BUSINESS**

Employees should be particularly careful that they do not use time while on duty with the City for personal business, or use City equipment or materials for personal benefit. Violation of this section will result in disciplinary action up to and including termination.

### **3.06 OUTSIDE EMPLOYMENT**

Outside employment must be approved in advance, in each case by the employee's Department Head and the Mayor. A conflict of interest form entitled "Code of Conduct" must be filled out and forwarded to the Human Resources Director to keep on file. City employees shall not engage in outside employment including self-employment, where such employment would constitute a conflict of interest or would adversely affect the

employee's performance of his/her duties with the City. Failure to register outside employment as indicated above may be grounds for disciplinary action.

### **3.07 POSSESSION OF WEAPONS**

The City prohibits all employees from possessing weapons while on duty or in the City's offices with the sole exception of law enforcement personnel who have been authorized to carry a weapon. Violations of this policy will result in disciplinary action including termination and criminal prosecution.

### **3.08 PERSONAL TELEPHONES/IPODS/ELECTRONIC DEVICES**

Employees are prohibited from possessing PERSONAL telephones, iPods and/or other electronic devices during working hours. Electronic devices include, but are not limited to, recording devices, digital devices, phone devices, video devices, etc. Only City-issued telephones are to be carried by City employees while on the job. These devices shall be used within the parameters of specific responsibilities. Personal communications with persons outside the scope of job-related duties shall be via proper channels. Violations of this section will result in disciplinary action. Any and all exceptions, i.e., recording of conversations, other than those allowable by the Open Meetings Act, must be approved by the Department Head.

### **3.09 USE OF CITY VEHICLES**

Only City employees are allowed to operate City vehicles. Employees who are assigned to use City vehicles are to restrict the use of them to City business. They are not to be used for private or family business. Only department heads assigned City vehicles and those persons who are on call 24 hours per day and live within the city limits of Texas City are authorized to take their City vehicle home after working hours. Personnel who reside outside the city limits are required to leave their vehicle in a secure place on city property and drive their personal vehicle to and from work. Should they be called back outside their normal working hours, the City will pay mileage to and from the city limit crossing to their place of work. The Chief of Police will control the use of "take-home" police cars for those assigned to them.

For insurance purposes, the only passengers allowed in City vehicles are City employees, consultants working for the City, or other persons involved in City business. No vehicle may be driven outside the city limits of Texas City without the express permission of the Department Head. Persons assigned the use of a city vehicle must turn their vehicle into the shop before going on vacation. (The personal use of a city vehicle from home to work is taxable under the Internal Revenue Code and will be treated as such).

### **3.10 HARASSMENT POLICY & REPORTING PROCEDURES**

**Employees not subject to Civil Service Rules must report any harassing or discriminating behavior within 30 days. The improper conduct must be reported promptly so that the City can investigate and take appropriate action.**

**Civil Service employees (Fire and Police) please see your local Civil Service Rules and Regulations, your current Collective Bargaining Agreement and your departments' policies on harassment and reporting procedures.**

*DEFINITION OF HARASSMENT:*

For purposes of this policy, harassment is defined as offensive conduct relating to an employee's age, color, disability, gender, national origin, race or religion, which has the purpose or effect of creating an intimidating, hostile or offensive work environment; or interfering with an individual's work performance; or adversely affecting an individual's employment or career-related action.

Harassment occurs in a variety of situations which all share a common element: unwelcome comments or behavior that affects the workplace. Some examples of harassing behavior include the following:

VERBAL: Threats directed toward an employee, their family or property; innuendos, jokes or comments emphasizing the age, color, disability, gender, national origin, race or religion of an employee; graphic comments; slurs; and unwelcome flirtations, propositions or sexual comments toward an employee. The City of Texas City does not tolerate vulgar, abusive, humiliating or threatening language, practical jokes, or other inappropriate behavior in the workplace.

VISUAL: Derogatory, demeaning or suggestive graffiti, drawings, gestures or objects.

PHYSICAL: Unwelcome touching, impeding or blocking movement, physical interference with normal work or movement, or assault.

a) **Harassment Policy**

The City is committed to providing an atmosphere which is free of harassment. In order to ensure such an environment, the City will not tolerate the harassment of any employee or non-employee by any other employee or non-employee, supervisor, manager, or director for any reason.

Violators of this policy are subject to immediate disciplinary action up to and including termination. Non-employee violators of this policy are subject to expulsion from a City of Texas City facility when harassment occurs on premise. The City of Texas City may discontinue service to off-premise violators of this policy. Furthermore, the City of Texas City may report violators to the appropriate authority for civil or criminal action.

b) **Sexual Harassment Policy**

The City of Texas City seeks to maintain a workplace free of sexual harassment and intimidation.

*DEFINITION OF SEXUAL HARASSMENT:*

Sexual harassment is defined as "unwelcome" sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature 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 the basis for employment decisions affecting such individuals, or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Harassment of a sexual nature is a violation of various state and federal laws which may subject the individual harasser to liability for any such unlawful conduct.

The City of Texas City prohibits retaliation of any kind against employees who, in good faith, bring sexual harassment complaints or assist in investigating complaints.

**c) Complaint Procedure**

It shall be the responsibility of the Human Resources Director or his/her designee to coordinate and direct the investigation and review of harassment complaints. The following procedures shall apply to the receipt, review and handling of such complaints. Any employee who believes that he/she has been the subject of prohibited harassment is required to report it within 30 days in accordance with the procedures provided herein. All interviews, allegations, statements, and identities will remain confidential to the extent possible and allowed by law.

Exercising rights under this policy does not in any way affect an employee's right to seek relief through the Texas Commission on Human Rights, the Equal Employment Opportunity Commission, or in a court of proper jurisdiction for any complaint for which a remedy is provided under state or federal law. The harassment investigation referred to above does not preclude any simultaneous or subsequent criminal, internal affairs, or other investigation of the complaint or related issues.

Steps:

1. The individual alleging harassment must report the incident to the Human Resources Director within 30 days after the alleged incident. The complainant will be required to complete a written statement giving specifics of the incident allowing the City representative(s) to proceed with a thorough investigation. If the Human Resources Director is the individual accused of the harassment or is otherwise unavailable, the report must be made to the employee's Department Head.
2. The respondent (the accused) will be contacted by the Human Resources Director and apprised of the allegations.
3. The respondent will have the opportunity to refute the allegation(s) by responding, in writing, within 5 work days. The respondent will also have the opportunity to respond to any other new information/allegations that may arise during the course of the investigation.
4. The Human Resources Director will coordinate a full investigation of the allegation(s) made and may enlist investigative assistance to accomplish the investigation if necessary. The investigation will include interviews with the complainant, the respondent, and all known witnesses. Signed witness statements will be obtained when possible.
5. After conducting a thorough investigation of the allegation(s) regarding harassment, the investigator shall report all findings, conclusions and recommendations to the Human Resources Director.

6. Within 5 work days of the conclusion of the investigation, the Human Resources Director will provide the Department Head with all documentation and summary conclusion regarding the validity of the complainant's allegation(s).

7. The decision regarding any possible disciplinary action will be made by the Department Head as soon as reasonably possible after receiving the findings and recommendations. This decision will be made after the Department Head has conferred with the City's legal counsel, Human Resources Director, Mayor, and any other necessary party.

8. A complainant may withdraw a complaint at any time. However, the City may still pursue the investigation and determine whether disciplinary action or other remedial measure is warranted.

9. If the validity or falsification of the allegations cannot be satisfactorily established, the Department Head, along with the appropriate supervisory personnel, shall decide on an appropriate action; which minimizes interference with departmental operations; and/or allows for the respondent and complainant to continue their work routines with minimal personal consequence/contact.

10. Should the City's investigation reveal that a violation of the City's harassment policy occurred, the City will take such disciplinary action, up to and including termination, or other remedial measure as it deems appropriate to stop the prohibited activity. Should the City's investigation determine that an employee made a deliberately false statement allegation in this process, that employee will be subject to disciplinary action up to and including termination.

### **3.11 STATEMENT OF POLICY ON INTERNET USE AND PRIVACY OF ELECTRONIC MAIL**

The City of Texas City provides computing and telecommunications facilities to employees for City of Texas City business purposes only. Employees are prohibited from using computing and telecommunications facilities for anything other than City of Texas City business. This policy applies to, but is not limited to mainframe electronic mail systems, electronic commerce, electronic bulletin boards, and both intra and inter enterprise communications such as the internet. Use of such City of Texas City facilities is a privilege. Employees who misuse them may have their communications privileges revoked and are subject to disciplinary measures, up to and including termination. Examples of misuse include attempts to misappropriate or damage computing resources; use for unlawful purposes or non-City of Texas City commercial purposes; advocacy of religious, social or political causes; and use of threatening, harassing, obscene, or abusive language.

a) **Discipline** - Employees may be disciplined up to and including termination for violation of E-mail policies or the violation of any other company policies through the use of the E-mail system.

b) **E-Mail Review** - All E-mail is subject to review by management. Your use of the E-mail system grants consent to the review of any of the messages to or from you in the system, in printed form or in any other medium.

Periodically, employee use of the network, E-mail and other communications systems may be monitored. Violations of City of Texas City policies detected through such monitoring can lead to disciplinary action, up to and including termination. For example, if you are using the system to abuse others, you may be disciplined. If you gain access to information in any unauthorized fashion, you may be disciplined.

c) **Harassment** - Foul, inappropriate or offensive messages such as racial, sexual or religious slurs are prohibited in E-mail. Violation of this policy will lead to disciplinary action up to and including termination.

E-mail messages are considered to be business records of the City. Accordingly, they may be used in administrative, judicial or other proceedings. E-mail messages may be subject to the Public Information Act.

Because of limitations on the amount of data that can be maintained in the computer network, E-mail messages may be deleted by the Director of Information Services. Whenever feasible you will be notified of pending deletions.

Employees are not authorized to conduct Internet access from modems that are directly attached to City of Texas City computer workstations. Authorized personnel will be tutored on the procedures to access the Internet from the City of Texas City computer network. Authorized employees will use a secure NT Firewall to the Internet that is available to the City of Texas City computer network.

The use of E-mail and Internet access may only be used by authorized personnel. If you have not been issued an E-mail/Internet address, you may not use the facility. Employees are not to use unauthorized codes, passwords or other means to gain access to E-mail belonging to others. Employees shall not disclose their codes or passwords to others.

Employees are responsible for compliance with the City of Texas City statement of policy on E-mail and Internet access. Executable file attachments received via electronic mail, Internet communications, or removable computer media can potentially contain dangerous computer viruses. Each person receiving executable files shall be held individually accountable for using appropriate measures to execute the integrity and safety of such files before their execution upon City of Texas City computing facilities.

Any questions regarding this policy should be directed to your supervisor prior to your use of electronic communications. Access authorizations to E-mail and/or the Internet are limited to the public from the Moore Memorial Public Library and to Department Heads from the City of Texas City computer network facilities. Department Heads may elect to designate employees in their staff to access E-mail and/or the Internet. Access authorizations will be established by the Director of Information Services. Written requests for access authorizations for employees should be forwarded to the Director of Information Services. Use of the City of Texas City computing and telecommunications facilities constitutes your acceptance of this City of Texas City policy.



### **3.12 INTENTIONAL COMPUTER CORRUPTION POLICY**

Actions will be taken against personnel intentionally corrupting City of Texas City computer systems.

The City of Texas City provides computing and telecommunications facilities to employees for City of Texas City business purposes only. The use of such facilities for other than City of Texas City business purposes is against the City's policy. This policy applies to but is not limited to mainframes, personal computers, electronic mail systems, electronic commerce, electronic bulletin boards and both intra and inters enterprise communications such as the Internet. Use of such City of Texas City facilities is a privilege. Employees who misuse them may have their communications privileges revoked and are subject to disciplinary measures, up to and including termination and subsequent laws of the State of Texas. Examples of misuse include attempts to misappropriate or damage computing resources including but not limited to the willful infection of systems by a computer virus; intentional corruption of City of Texas City computer information; use for unlawful purposes or non-City of Texas City commercial purposes; advocacy of religious, social or political causes; and use of threatening, harassing, obscene or abusive language.

a) **Discipline** - Employees may be disciplined up to and including termination for violation as well, as being subject to criminal charges under Texas Penal codes 33.01, 33.02 and 33.03. Such violations are considered to be a felony and will be enforced to the full extent of the law. Employees will be held responsible for any viruses that were downloaded from the Internet, or any other type of infection that occurs because of misuse of City systems. Any questions regarding this policy should be directed to your supervisor prior to your use of electronic communications or computer systems. The use of such systems constitutes your acceptance of City of Texas City policies and the laws set by the State of Texas.

### **3.13 INTOXICATION AND THE USE OF ALCOHOL AND DRUGS**

The City is committed to having a drug free workplace. The mere intake of illegal drugs or the abuse of prescription drugs is prohibited. Reporting to work or attempting to report to work under the influence of alcohol is also prohibited. Therefore, employees who are subject to emergency call must comply with the terms of this policy while on call. The City of Texas City Drug and Alcohol Abuse Policy is incorporated herein and applies in all aspects.

### **3.14 CITY ISSUED EQUIPMENT**

Cellular telephones, radios, laptop computers and other devices may be issued to employees to facilitate City business. Department Heads are authorized to approve issuance of radios. Cellular telephones, laptop computers and other devices shall require approval of the Department Head and the Mayor. Department Heads shall have the option of using City owned or personally owned cellular telephones and being reimbursed an approved amount. In accordance with Section 3.05, City owned property shall not be used for personal benefit unless authorized by the Mayor. Telephone logs are provided to the City by the service company and monitored to ensure proper use.

Employees are solely responsible for the City owned property issued to them and, depending on the circumstances, may be required to reimburse the City for the cost of the item if it is lost, damaged or stolen while in the employee's possession. This decision shall be made by the Department Head. City owned equipment issued to an employee shall be returned upon request or upon termination.

### **3.15 SOCIAL NETWORKING**

Social media refers to the means of interaction among people in which they create, share and exchange information and ideas in virtual communities and networks. Social networking sites include, but are not limited to: Facebook, LinkedIn, Blogs, Twitter, YouTube, Flickr, MySpace, etc. Social networking during work hours or while using the City's communication systems, unless the social networking is part of an employee's job, is prohibited. When an employee is promoting the City's products or services, the employee should make clear that he/she is employed by the City and never post personal opinions. When an employee posts his/her own personal views on networking sites, he/she should make clear that he/she is speaking for himself/herself and NOT the employer. Do not mention the employer's name on your personal social networking sites when posting personal opinion. **Employees should be mindful of the City of Texas City's personnel policies when using social network sites. Please see the City of Texas City Social Media Policy for more detailed information regarding social media.**

## **CHAPTER 4 PERFORMANCE MANAGEMENT**

### **4.01 ATTENDANCE**

Each employee has a responsibility to be on the job at the prescribed time every day. At each city facility, each employee has an important designated job to perform, and unexpected absences disrupt the City's operation.

- a) **Excused Absences** - All employees must notify their immediate supervisor prior to an absence. An absence is excused when the employee notifies the supervisor beforehand and the supervisor grants permission for the employee to be absent. Excused absences in excess of those allowed by sick leave, vacation, jury duty, or funeral leave shall be taken by the employee without pay. Chronic excused and unpaid absences shall be cause for disciplinary action, up to and including termination.
- b) **Unexcused Absences** - An unexcused absence occurs when an employee fails to notify the supervisor of an absence prior to the scheduled starting time and/or permission is not granted by the supervisor. The supervisor shall issue a written reprimand and enter it in the employee's personnel file after any unexcused absence. Any unexcused absence shall be cause for termination, except in rare cases of mitigating circumstances.
- c) **Tardiness** - Tardiness occurs when an employee is late arriving on the job. If an employee fails to notify the supervisor within one (1) hour after starting time, then the tardiness is considered an unexcused absence. If an employee is late three (3) times, the supervisor shall issue a written reprimand and enter it in the employee's personnel file.

Three (3) written reprimands for tardiness in a 12-month period shall be cause for disciplinary action, up to, and including termination.

#### **4.02 PROBATIONARY PERIOD OR ORIENTATION PERIOD**

Upon initial employment, full-time employees will serve a six (6) month probationary/orientation period. This period should be utilized to observe and evaluate the work of new employees and especially to encourage their effective adjustment to the new job and service to the City. A new employee may be dismissed at any time during the probationary/orientation period. Department Heads shall retain as full-time employees only those who meet an acceptable level of performance during this period. However, the completion of the probationary or orientation period does not guarantee continued employment thereafter nor does it alter the employment or at-will nature of the employment relationship.

At the discretion of the Department Head, and agreed upon in writing by the probationary employee, the probationary/orientation period can be extended beyond a six (6) month period to further observe and evaluate the individual.

Before the end of each employee's probation/orientation period, the Department Head shall either terminate the employee or such employee shall be transferred to full-time status.

#### **4.03 SENIORITY**

There shall be no accumulation of seniority during the first six (6) months of employment. Seniority will be retroactive to the first date of employment after successfully completing the probationary period. Seniority will be based on the number of years within the department. Seniority is used for vacation purposes only.

#### **4.04 PERFORMANCE APPRAISAL**

Performance appraisals will be scheduled as a minimum in odd numbered years. Written records of all appraisals will become a part of the employee's personnel file.

#### **4.05 PROMOTIONS/DEMOTIONS/REASSIGNMENTS/TRANSFERS**

Promotions will be awarded based on length of service, skill, job performance, initiative, merit and business needs as the City determines appropriate. Likewise, the City retains sole discretion in demoting or reassigning employees when necessary. An employee may request a voluntary reassignment, demotion or transfer by making such a request to his or her Department Head. However the City will grant voluntary reassignment or transfer requests only where it deems appropriate, in its sole discretion.

#### **4.06 CONDUCT AND WORK PERFORMANCE**

It is each employee's responsibility to follow the City's policies, procedures and job performance standards in carrying out his/her job duties. Violations of those policies or procedures or inadequate job performance may result in disciplinary action as the City deems appropriate. The following is a list of acts which may result in such disciplinary action. However, as it would be impossible to list every possible infraction of the City's standards of behavior or work performance, the list is not exclusive and is included only for purposes of examples of such infractions.

- a) Violation of the criminal laws of the United States or any state or municipality thereof;
- b) Any conduct contrary to the City's equal employment opportunity policy, including verbal or physical conduct constituting sexual or other prohibited harassment;
- c) Violation of any provisions of the Statutes, ordinances, these policies or any rules or regulations which may be prescribed by the Mayor or Department Head;
- d) Dishonest or fraudulent conduct, including but not limited to fraud, theft, misappropriation of, or unauthorized removal of the City's or fellow employees' funds or property;
- e) Improper or unauthorized use of City vehicles, equipment, or property;
- f) Falsification of the City's business records, including but not limited to employee time records, expense reports, and requests for reimbursement or any other information required by the City;
- g) Claim of sick or emergency leave under false or misleading pretenses;
- h) Insubordination, the refusal to comply with instructions, or the failure or refusal to perform assigned duties;
- i) Unsatisfactory job performance; inability to perform job duties; neglect of duty or loitering while on duty;
- j) Violation of the City's Alcohol and Drug Abuse Policy;
- k) Failure to observe health and safety rules or properly report accidents or personal injuries;
  - l) Habitual absenteeism or tardiness;
- m) Physical violence or threats of violence, or insulting, intimidating, coercive, abusive or obscene language or gestures toward the public, City officers or other employees;
- n) Inability or unwillingness to cooperate with other employees when performing assigned tasks, or any interference with the performance of job duties by fellow employees;
- o) Disorderly conduct, such as "horseplay" practical jokes, which may endanger the City's operations or the well-being of any employee, citizen or visitor;
- p) Neglect or carelessness resulting in damage to City and/or Citizen's property or equipment;
- q) False, vicious, or malicious statements or criticism of the City, its employees, or its services that interferes with productivity, job performance, or with the respectful and professional treatment of employees or the public;
- r) Unauthorized solicitation of money, goods or services from the public by an employee of the City;
- s) Abuse of any leave policy;
- t) Working another job while on sick leave or workers' compensation injury leave;
- u) Not reporting to work from illness or injury when released from the doctor or tampering with such release;
- v) Violation of the City's policies regarding confidential information and conflicts of interest, or any conduct which is in conflict with the City's standards of appropriate business and professional ethics; and
- w) Failure to adhere to the rules of operation and conduct established by the City, including but not limited to those practices and procedures set forth in this manual and any other written employment policies.

#### **4.07 DISCIPLINARY ACTION**

The City will take disciplinary action against an employee who violates any of the City's policies or procedures or otherwise has employment or performance problems. Such action may include oral or written reprimands, probation, suspension or termination as the City, in its sole discretion deems appropriate.

#### **4.08 GRIEVANCES**

Employees of the City who feel that disciplinary action has been improperly taken against them shall have the right to file a grievance. Action or results which occur that are beyond the control of the City or which relates to policy matters of the City Commission shall not be considered grounds for grievance.

The following procedures must be followed by employee(s) who are contesting a **disciplinary action**. The action must be filed within seven (7) working days of the disciplinary action and no adverse action shall be taken against any employee for exercising his/her rights under this procedure.

**None of the steps should be omitted or compressed, except where the employee's immediate supervisor is the Department Head or an Executive Committee Member.**

##### **Step A**

1. Employee makes an appointment to informally discuss disciplinary action taken with immediate supervisor and informs supervisor this is Step A.
2. Supervisor decides what action, if any, to be taken and notifies the employee of the decision in writing.

If **Step A** does not result in a satisfactory resolution to the grievance, the employee may proceed to **Step B** within three (3) working days after Step A above.

##### **Step B**

1. Employee prepares a written statement outlining details of the disciplinary action, the grievance regarding the disciplinary action, and stating specific remedial action requested.
2. Employee hand-delivers written statement to immediate supervisor.
3. Supervisor reviews the facts, and makes a decision.
4. Supervisor notifies the employee in writing within five (5) working days of his/her decision.

If **Step B** does not result in a satisfactory resolution to the grievance, or if the supervisor fails to respond within five (5) working days, the employee may proceed to **Step C** within three (3) working days.

### **Step C**

1. Employee submits a written copy of the grievance to the Department Head or Superintendent, along with a copy of the decision made by the Supervisor or a statement that the Supervisor failed to provide a decision within the five (5) working day limit.
2. The Department Head and/or Superintendent reviews the details and within five (5) working days, after receipt, provides in writing to the employee a statement of the action, if any, to be taken.

If **Step C** does not result in a satisfactory resolution to the grievance, or the Department Head or Superintendent fails to respond within five (5) working days, the employee may take the grievance to the next step within three (3) working days.

### **Step D**

1. Employee submits a written copy of the grievance to the Department Head, if they are the Executive Committee member, or to the Executive Committee member over the Department Head, along with a copy of the decision made by the Department Head in Step C or a statement that the Department Head failed to provide a decision within the five (5) working day limit.
2. Executive Committee member reviews details of the grievance and within five (5) working days, provides the employee with a written statement of what action, if any, is to be taken to resolve the issue.

If **Step D** does not result in a satisfactory resolution of the grievance, or if the Executive Committee member fails to respond within five (5) working days, the employee may take the grievance to the next step within three (3) working days.

### **Step E**

1. Employee submits a copy of the grievance to the Mayor along with copies of any decisions made in the previous Steps or statements of a failure to respond by the Supervisor, Department Head and/or Executive Committee Member.
2. Mayor gathers any additional information and/or discusses with members of the City Commission, or the Mayor may appoint the grievance committee who are the same members of Civil Service Commission, or alternates appointed by the Mayor, to make a recommendation to the Mayor of what action to be taken.
3. Mayor provides the employee with a written copy of the decision within ten (10) working days after receipt. If a grievance committee is appointed, then the Mayor will provide the employee a written copy of the decision within five (5) working days after the grievance committee meets.
4. Completion of Step E is the end of the internal Administrative grievance process.

#### **4.09 STOPPING THE GRIEVANCE PROCEDURE**

- a) The employee who has filed the grievance shall be able to stop the grievance procedure either by action or inaction.
- b) The grievance procedure shall be stopped if:
  1. The employee indicates they are satisfied with the action to resolve the grievance at any level of the grievance procedure;
  2. The employee, for any reason, indicates that they no longer wish to continue the grievance procedure;
  3. The employee fails to take action to continue with the next step of the procedure within three (3) working days of completion of the prior step; or
  4. The grievance relates to City policies.

#### **4.10 MEDICAL INFORMATION CONFIDENTIALITY POLICY**

The City of Texas City strives to protect the privacy of its employee's medical information to the greatest possible extent. To accomplish this, the City of Texas City and its managers and employees are required to follow these guidelines regarding the confidentiality of medical information.

1. All medical information concerning employees will be maintained in separate confidential medical files that are stored apart from regular personnel records. Only authorized employees will have access to such files, and access will be provided solely on a need-to-know basis. Furthermore, such access shall be granted only in accordance with applicable law, which includes (but is not limited to) the Americans with Disabilities Act, the Occupational Safety and Health Act, the Family and Medical Leave Act, the Federal Rehabilitation Act, state workers' compensation law and state privacy laws.
2. Employees are hereby notified that medical information concerning employees is absolutely confidential under state and federal laws and may not be discussed at any time with any person under any circumstances. Exceptions are if an employee needs to do so in order to carry out his or her job duties, or if the person discussing the information is talking with the subject of the information at that person's invitation. If an employee is concerned about a co-worker's possible medical condition, the employee should direct these concerns only to the Human Resources Director and no one else.
3. Any employee who is found to have discussed medical information about another employee in violation of this policy, or who is found to have released such information without authorization, will be subject to disciplinary action, up to and including immediate termination from employment. In addition, employees who violate medical information confidentiality may be subject to civil and criminal liability under state and federal laws.
4. Any access to medical records must be approved by the Human Resources Director. If an employee believes that this medical information confidentiality policy has been violated, he or she should contact the Human Resources Director. If it is believed that the Human Resources Director has violated the policy, the employee should contact the City Attorney.
5. Medical records will not be provided to outsiders, except when the City is properly served with a valid subpoena. When possible, the City will notify the employee of the proper service of a subpoena.

## CHAPTER 5 COMPENSATION

### **5.01 PAY DAYS**

All employees are paid on a bi-weekly basis (26 pay periods per year). The pay periods are 10 working days or 80 hours. Non-exempt hourly pay periods end every other Wednesday with the actual pay date the following Friday. Salaried exempt and non-exempt pay periods end every other Friday with the actual pay date on Friday. If an observed holiday falls on a pay date, the payroll department will issue checks accordingly.

### **5.02 WORKWEEK**

The workweek for non-exempt employees is a fixed period designated by the City consisting of seven (7) consecutive 24-hour periods. The term "workweek" referred to herein shall be as follows:

a) **Civilian Police Dispatchers & Jailers**

Workweek is Sunday through Saturday (12:01 a.m. each Sunday until 12:00 midnight of the following Saturday).

b) **All other non-exempt employees except classified employees of the Police and Fire Departments:**

Workweek is Monday through Sunday (12:01 a.m. each Monday until 12:00 midnight of the following Sunday).

### **5.03 OVERTIME WORK AND PAY**

Overtime work will be performed only to the extent necessary and with prior approval of the Department Head to meet essential operating requirements.

a) **Non-exempt** - Non-exempt employees are subject to the provisions of the Fair Labor Standards Act and are paid overtime at the rate of one and one-half (1-1/2) times the regular hourly rate for hours worked in excess of the 40 hour workweek as described herein. Holiday pay is the only non-work payment that the City counts as hours worked when an employee works outside of their schedule. Hours received as sick pay, vacation, jury duty, funeral leave, etc., will not be considered in calculating overtime pay.

Overtime is earned and paid in 15 minute intervals (1/4 hour), with the first interval being 15 full minutes and subsequent intervals are rounded off to the nearest 1/4 hour. Employees should not punch in more than 15 minutes prior to their scheduled starting time to avoid confusion as to overtime.

b) **Compensatory time** - Non-exempt employees working over forty (40) hours in a workweek are eligible for comp time off at a rate of one and one-half (1-1/2) hours for all overtime worked. With the approval of the Department Head the employee may receive comp time off instead of overtime pay. Compensatory reimbursement shall be made by allowing time and one-half (1.5) off for actual time worked. The accumulation and use of comp time shall be recorded and maintained by the respective department and shall not exceed the maximum of 40 hours. Note: Some departments do not authorize comp time because of the record keeping involved. Any employee terminating with accrued comp time shall be paid for any unused time.



c) **Double-time** - When a non-exempt employee works six consecutive days totaling 48 or more hours in a workweek and is scheduled to work the 7th day, he/she will be paid double time for all hours worked on the 7th day.

d) **Call out** - Non-exempt employees who are called to work without prior notice, and who are requested to report to work outside of their regular work schedule, shall receive the overtime rate applicable for all hours actually worked or a minimum of 3 hours at the overtime rate applicable if the time spent in call-out status is less than 3 hours. In the event the call out time provided herein extends into the employee's regular work schedule, the employee shall be entitled to the minimum 3 hours overtime rate but the pay for such overlap time shall not be combined in addition to the regular scheduled pay.

e) **Exempt Employees** - Overtime pay or comp time is not granted to exempt personnel. The need to allow time off for excessive work time should arise only when special events or activities outside of ongoing duties of the job require substantial additional hours of work. Any work beyond that which must be performed to complete the ongoing duties of the job, such as for special events, must be approved in advance by the Department Head. If, in his/her discretion, the Department Head determines that some future time off is warranted, the Department Head may give the exempt employee such time.

f) **Meal allowance** - Any employee who is required to work continuously more than ten (10) hours because of overtime will be furnished a hot meal.

**5.04 LENGTH OF SERVICE PAY/LONGEVITY**

Full-time non-exempt, hourly employees will receive length of service pay after they top out in their respective classification, and have at least 5 years continuous service with the City.

5 Years	\$25.00/month
10 Years	\$50.00/month
15 Years	\$75.00/month
20 Years	\$100.00/month
25 Years	\$125.00/month
30 Years	\$150.00/month

**5.05 EDUCATIONAL PAY**

Full-time regular employees who hold a degree from an accredited school recognized by the U.S. Department of Education will receive educational pay at one of the levels below:

Associates Degree	\$50.00/month
Bachelors Degree	\$100.00/month
Masters Degree	\$150.00/month
Doctorate Degree	\$175.00/month

Employees must provide a copy of the diploma, degree or transcript evidencing completion of degree requirements.

**5.06 BILINGUAL PAY (After 6-month Probation)**

The City shall compensate any employee certified as bilingual in the amount of seventy five (75) dollars for each month of service, prorated the first year after the date tested.

Bilingual Employee: Bilingual employee shall speak, write and read any language other than English and also be capable of translating that language into English or sign in any language, to the satisfaction of the tester.

Bilingual employees shall be certified as such after testing. The tester shall notify the City in writing of the status of any employee who has been tested and the employee shall be notified by the City as to his/her status.

**CHAPTER 6  
LEAVES**

**6.01 HOLIDAYS**

All regular full-time employees receive eight (8) hours at their regular rate of pay for the following designated holidays:

New Years Day	M.L.K.Jr. Birthday	Good Friday	Memorial Day	Independence Day
Labor Day	Thanksgiving Day	Day after Thanksgiving	Christmas Eve	Christmas Day

Non-exempt hourly employees are eligible for holiday pay after completion of their six (6) month's probationary period and non-exempt salaried and exempt employees are eligible immediately.

To be eligible for such pay, an employee must work the last regularly scheduled work day immediately preceding the holiday and the first regular scheduled work day immediately following the holiday unless the absence is excused.

An employee who is instructed to work on a holiday but fails to work and does not have an acceptable excuse, will receive no pay for the holiday and may be subject to disciplinary action.

If an employee is scheduled to work on a holiday during the workweek in which the total hours worked by them is less than 40 hours, they shall be paid for those hours worked at straight time.

**6.02 VACATION**

- a) **Eligibility** - In order to earn vacation leave, a full-time employee must have completed requisite years of service as set forth below.

- b) **Accrual** - An employee's full-time hire date will be recorded as the anniversary date for purposes of determining vacation amounts. Regular full-time employees earn vacation days based upon completed years of uninterrupted years of employment service.

**Employees hired on or after 01/01/2016:**

<b>Years of uninterrupted service</b>	<b>Vacation days</b>
Up to Completion of 1 year	10 days (80 hours)*
1 to 7 years	10 days (80 hours)
8 to 17 years	15 days (120 hours)
18 to 24 years	20 days (160 hours)
25+ years	25 days (200 hours)

\*Full-time employees will earn, and are eligible to begin using 40 hours of vacation after successfully completing their six (6) month probationary period. On the employee's one year anniversary date an additional 40 hours will be granted and must be used before the end of the calendar year.

**Employees hired prior to 01/01/2016:**

<b>Years of uninterrupted service</b>	<b>Vacation days</b>
Completion of 1 year	5 days (40 hours)
2 to 7 years	10 days (80 hours)
8 to 17 years	20 days (160 hours)
18 or more years	24 days (192 hours)

Except as provided herein below, vacations must be taken during the calendar year in which they are earned. Employees may not carry over unused vacation from one calendar year to another unless approved in writing by the Mayor's Office. Employee shall not receive pay in lieu of earned vacation unless their employment with the City is terminated. Upon termination of service with the City, an employee is entitled to payment for unused accrued vacation for the current calendar year.

If an employee is absent from work, for any reason other than vacation, in excess of one (1) month [approximately twenty (20) working days], the employee will not accrue vacation during the days of absence.

- c) **Vacation Scheduling** - Vacation requests shall be granted on the basis of departmental seniority and staffing requirements and shall be subject to schedules determined by each employee's Department Head. The Department Head must provide for adequate levels of staffing at appropriate time and may designate the total number of employees allowed to take vacation at the same time. The Department Head may also designate specific periods during the year when vacations cannot be taken, depending on the business needs of the department.

- d) **Unearned Vacation** - For scheduling purposes only, the City may permit an employee to take vacation days prior to earning same. Any vacation time taken prior to earning it will be automatically deducted from the vacation earned on the next anniversary date. If an employee leaves the service of the City prior to actually earning

vacation, the City is authorized to deduct the unearned-but-used vacation pay from the employee's last paycheck.

### **6.03 SICK LEAVE**

Sick leave is designed to protect against the loss of income due to personal illness or injury, or an illness or injury of a member of an employee's immediate family. The following are considered immediate family for use of sick leave: current spouse, child or parent that depends on you for care.

Any employee who is absent from duty and reports sickness as the reason for such absence shall be required to present a return to work slip/physicians release upon their return to work, for absences of 2 or more consecutive work days.

Non-exempt hourly employees who report off sick shall be paid sick leave benefits beginning the second (2nd) day, unless hospitalized or scheduled for an outpatient procedure, in which case they will be paid from the first (1st) day of sickness.

Non-exempt salaried and exempt salaried employees are paid from the first (1st) day.

- a) **Notice of Leave** - Notice that an employee is sick and cannot report for duty will be made in every case to the immediate supervisor or Department Head. This notice should be made by the employee reporting sick, at least one (1) hour before reporting time.
- b) **Application for Sick Leave Benefits** - In order to receive sick leave benefits pay, an employee must submit a "Sick Leave Benefits" form to his/her supervisor each pay period if the employee is off two (2) consecutive work days. This form is completed by the employee, physician and the supervisor and turned into the Payroll Department the day the pay period ends. If the employee fails to turn in this form by the specified date, then he/she does not receive sick leave benefit pay and could be charged with an unexcused absence.
- c) **Illness while on duty** - When an employee becomes sick while on duty to the extent that he/she must leave his/her work, he/she shall immediately notify their supervisor.
- d) **Probationary employees** - Hourly non-exempt employees who are still serving their probationary period shall accrue sick leave as provided; however sick leave pay will only be granted to employees who have completed their probationary period. Salaried non-exempt and exempt employees may use sick leave at the discretion of the Department Head as long as they have accumulated sick leave available.
- e) **Accumulation** - Only regular full-time employees shall be entitled to receive sick leave pay. Employees accumulate sick leave at the rate of 1 day per month for each month worked. Sick leave accumulates to a maximum of 1,440 hours and an employee may only use 90 days of sick leave per personal circumstance. A rehire may not receive credit of paid sick leave which may have been previously accumulated.

f) **Abuse of benefits** - Use of sick leave for a purpose other than that for which it was approved, requested or intended, or for a reason that is not in compliance with this policy may be considered an indication of an employee's inability to perform the job and may constitute grounds for disciplinary action up to and including termination. Evidence of abuse of sick leave can include, but is not limited to:

- a. Excessive absenteeism;
- b. Evidence of malingering;
- c. Frequent absences on Friday and/or Monday;
- d. Exhausting sick leave as it is accrued; or
- e. Frequent absences prior to or following a holiday.

Employees who are disciplined for abusing sick leave may be required to bring a doctor's note when using any sick leave.

#### **6.04 SUPPLEMENTAL INJURY LEAVE**

The City provides paid leave to full-time, regular employees to make up the difference between Workers' Compensation benefits (Temporary Income Benefits) and gross pay under the City of Texas City's Disability Management and Supplemental Leave Policy.

#### **6.05 FAMILY AND MEDICAL LEAVE OF ABSENCE (FMLA)**

a) **General** - Employees are eligible to take up to 12 work weeks of unpaid family or medical leave within any 12-month period (as specified in this policy) and be restored to the same or equivalent pay upon return from leave provided the employee has worked for the City for at least 12 months and for at least 1250 hours in the 12 months before the leave is requested. To determine the 12-month period in which leave entitlement occurs, the City will use a rolling 12-month period measured backward from the date an employee uses any FMLA leave under this section.

Absences on account of a brief health condition should be handled, to the extent possible, in accordance with the City's sick leave policy. However, if the employee is, or expects to be, unable to work over an extended period of time because of a serious health condition, a leave of absence under this policy may be requested.

b) **Reasons** - Employees may take FMLA leave for any of the following reasons:

1. For incapacity due to pregnancy, prenatal medical care or child birth;
2. To care for the employee's child after birth, or placement for adoption or foster care;
3. To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
4. For a serious health condition that makes the employee unable to perform the employee's job.

c) **Military Family Leave** - Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12 week leave entitlement to address certain qualifying exigencies. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period.

Leave because of reasons “1” or “2” must be completed within the 12-month period beginning on the date of birth or placement. In addition, spouses employed by the City who request leave because of reasons “1” or “2” or to care for an ill parent may only take a combined total of 12 weeks leave during any 12 month period. Leave because of reason “4” will be administered through the Disability Management and Supplemental Leave Policy. Once the reason for a FMLA leave ends (e.g., a serious health condition no longer exists) an employee is no longer eligible for leave under this policy, and is expected to promptly return to work.

d) **Notice of Leave** - If the need for FMLA leave is foreseeable, the employee must give the Department Head 30 days’ prior notice. If 30 days’ notice is not possible or the need is unforeseeable, the employee must at least give notice within 1 to 2 business days of learning the need for leave, except in extraordinary circumstances. Failure to provide such notice may be grounds for delay of leave. Requests for leave should be made on a form available from the Human Resources department. The request should state the reason for the requested leave, the anticipated duration of the leave and the anticipated start of the leave.

e) **Medical Certification** - If requesting leave because of his/her own or a covered family members serious health condition, an employee must provide a medical certification. A medical certification form may be obtained from the Human Resources department. When an employee requests leave, the City will notify the employee of the requirement for medical certification, which will be due at least 16 days after the request for leave. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided. The City, at its expense, may require an examination by a second health-care provider designated by the City, if it reasonably doubts the medical certification initially provided. If the second health care provider’s opinion conflicts with the original medical certification, the City, at its expense may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. The City may require subsequent medical recertification on a reasonable basis, which shall be no more often than every 30 days.

f) **Reporting While on Leave** - If an employee takes leave because of his/her own serious health condition or to care for a covered family member, the employee must contact the Department Head at least every 2 weeks (if applicable), of the status and intention of the employee to return to work. The employee should also notify the Department Head of his/her intent to return to work at least 5 days before the expiration of the period of leave or recovery from the serious health condition, (if applicable), or if the employee will not be able to return to work on the specified date of return.

g) **Unpaid Leave** - FMLA leave is unpaid; however, other city-provided benefits such as sick leave, supplemental injury leave, comp time, or vacation may under certain circumstances provide some amount of pay during the leave. If an employee takes leave because of birth, adoption or foster care placement of a child, or to care for a covered family member with a serious health condition, any accrued paid vacation leave first will be substituted for any unpaid family or medical leave. If any employee takes leave because of the employee’s own serious health condition, any accrued sick leave and

vacation will first be substituted for any unpaid medical leave. The substitution of paid leave time for unpaid FMLA leave time does not extend the 12-week leave period.

h) **Benefits** - During FMLA leave the City will maintain an employee's health benefits, as if active employment continued. If paid leave is substituted for unpaid FMLA leave, the City will deduct the dependent's portion of the health plan premium as a regular payroll deduction. If the leave is unpaid, the employee must pay that portion of the premium at the same time as it would be paid if made by payroll deduction. Health care coverage will cease if the premium payment is more than 30 days late. If the employee elects not to return to work at the end of the leave period, he/she will be required to reimburse the City for premiums paid while the employee is on unpaid leave unless the employee cannot return to work because of a serious health condition or other circumstances beyond his/her control. The taking of leave will not result in the loss of any employment benefits accrued prior to the date on which leave commenced. However, the employee will not accrue seniority or other employment benefits, such as sick leave, vacation, etc., during any period of unpaid FMLA leave.

i) **Intermittent and Reduced Schedule Leave** - Leave because of a serious health condition may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the number of hours of work per workweek or workday) if medically necessary. If leave is unpaid the City will reduce the employee's salary based on the amount of time actually worked. In addition, while the employee is on an intermittent or reduced leave schedule, the City may temporarily transfer the employee to an alternate position which better accommodates the recurring leave and which has equivalent pay and benefits.

j) **Returning from Leave** - If an employee takes FMLA leave because of his/her own serious health condition, the employee is required to provide a medical certification that the employee is able to resume work. Employees may obtain medical certification forms from the Human Resources department. Employees failing to provide the medical certification form will not be permitted to resume work until it is provided.

k) **Reinstatement** - In general, an employee who returns from an authorized period of FMLA leave will be restored to the same position held by the employee when the leave began or to a position equivalent in pay, benefits and other terms and conditions of employment.

l) **Violations** - FMLA leave may not be provided or the employee may not be reinstated if:

1. The employee advises the City that he/she will not return to work, in which case the employment relationship is deemed terminated and the employee's entitlement to reinstatement, continued leave, and health benefits ceases;

2. The employee fraudulently obtains leave, in which case the City will not restore the employee's job or maintain health benefits;

3. The employee accepts other employment while on leave, in which case the employee will not be entitled to benefits under this section and employment may be terminated.

m) **Other matters** - Women affected by pregnancy, childbirth or related medical conditions shall be entitled to a leave of absence on the same basis as employees affected by other medical conditions.

Notwithstanding any provision of the policy to the contrary, this policy will at all times be construed in a manner consistent with the Family and Medical Leave Act, the Americans with Disabilities Act and other applicable laws.

#### **6.06 DEATH OF A FAMILY MEMBER LEAVE (Funeral Leave)**

A full-time employee who has completed the probationary period shall be granted up to three (3) days off in the case of the death of a member of the immediate family. The three (3) days referred to herein are to be taken during a two week time period limited to the two weeks following the death of the immediate family member. The leave will be paid at the employee's regular rate of pay. If any additional time off is needed by the employee for related business then the employee may use vacation or leave without pay with Department Head approval.

Proof of death and family relationship is required by the City in order to claim this benefit. A member of the immediate family shall mean: father, mother, grandparents, husband, wife, brother, sister, brother-in-law, sister-in-law, son, daughter, father and mother of spouse, grandparents of spouse, legal guardian of an employee or spouse, grandchildren, and son-in-law or daughter-in-law.

#### **6.07 JURY DUTY**

The City shall grant jury duty leave for an employee summoned to serve on any grand, petit, or municipal court jury. Jury duty leave will also be granted for an employee who has been subpoenaed on behalf of the City. The City shall not discharge an employee from employment because of the nature or length of the employee's jury service. When an employee is on jury leave, he/she shall continue to receive his/her regular rate of pay in addition to any per diem received by the employee from the state or the court for jury service. The time spent on jury duty that coincides with the employee's regular work time is counted as straight time for overtime calculation purposes. If an employee is chosen as a juror, they must notify their supervisor immediately and fulfill the citizenship obligation. If the employee is not selected as a juror, the employee is required to report back to work upon being released from service. If more than 50% of the employee's shift remains at the time the employee is released from service, the employee is expected to report back to work during that shift. If less than 50% of the employee's shift is left at the time the employee is released from service, the employee is expected to report to work on their next scheduled shift. All employees must provide proof of attendance from the presiding court to their supervisor upon their return to work. Proof of attendance must be attached to the employee's time sheet.

#### **6.08 MILITARY LEAVE**

The City provides leave with pay for full-time employees to attend authorized military training exercises not to exceed 15 days per calendar year. Military Leave will be granted in accordance with applicable state and federal laws. Employees preparing to take



authorized Military Leave will furnish their supervisor with a copy of the military orders or appropriate certification as far in advance of the leave as possible.

### **6.09 LEAVE WITHOUT PAY**

In addition to such leave of absence an employee may be entitled to under the City's Family and Medical Leave (FMLA) Policy, the Department Head may grant any regular employee in his/her department a leave of absence without pay for a period not to exceed seven (7) calendar days. Leave of absence of an employee for a period beyond the seven days granted by the Department Head shall be presented to the Department Head for recommendation. The request shall state the entire additional time desired and the reasons thereof. The Department Head shall forward the request, with their recommendation to the Mayor. The Mayor shall have the sole authority to grant such request and his ruling shall be final. No leave will be granted under this policy for the purpose of enabling employees to accept outside employment. No employee shall be given a leave to take a position outside the City service for more than sixty (60) days in any calendar year, unless it clearly appears that the public interest is to be served by such a leave.

### **6.10 PERSONAL DAY (Full-Time Only)**

(This section does not apply to employees covered under a collective bargaining agreement.)

- a) **Accrual** - Each employee who successfully completes one year, twelve (12) calendar months, of no lost time for personal illness or injury and no lost time due to an on the job injury, shall accrue eight (8) hours of pay or an additional day off without loss of pay. This day off shall be referred to as a personal day. The twelve (12) calendar month period referred to herein shall be January 1 through December 31 of each year.
- b) **Scheduling** - Scheduling of a personal day shall at all times be subject to departmental staffing requirements as determined by the Department Head or designee. The Personal Day must be taken within the following twelve (12) month period, January 1, through December 31, and may not be carried over from year to year.

## **CHAPTER 7 TERMINATION**

### **7.01 TERMINATION OF CITY EMPLOYMENT**

All employees who leave the services of the City will be required to surrender and return to their departments or other proper source all records and/or property of the City of Texas City which may be in their possession or custody.

### **7.02 RESIGNATION**

Any employee who terminates his/her position with the City of his/her own accord. The City requests that departing employees give at least two (2) weeks' notice of resignation. On the next regular pay day the employee is eligible to be paid for unused vacation as provided by the vacation policy. The employee will not be paid for unused sick leave unless they are a Civil Service employee.

### **7.03 TERMINATION/DISCHARGE**

Any employee whose employment is terminated by the City for any reason. Within six (6) days of the termination the employee will be paid for unused vacation as provided by the vacation policy. The employee will not be paid for unused sick leave.

### **7.04 LAY-OFF**

Any employee whose employment is terminated due to unfavorable business conditions, e.g., budget constraints. Within six (6) days of the lay-off the employee will be paid for unused, accrued vacation time. The employee will not be paid for unused sick leave. All lay-offs because of reduction in force shall be in inverse order of seniority by classification within the department. Re-employment shall be in inverse order of lay-offs, for a period of 90 days after lay-off. However, nothing shall prevent the City from laying off those with more seniority but less qualifications.

### **7.05 ABANDONMENT/INVOLUNTARY RESIGNATION**

An employee who is absent for more than three (3) consecutive scheduled workdays without approval and notification to their supervisor is considered to have abandoned his employment. This applies to an employee during the normal course of employment as well as the scheduled return from vacation or leaves of absence. On the next scheduled pay day the employee will be paid any unused vacation as provided by the vacation policy. The employee will not be paid for unused sick leave.

### **7.06 RETIREMENT**

An employee who qualifies under the guidelines of the Texas Municipal Retirement System or the Texas City Fireman's Relief and Retirement Fund to receive a monthly annuity payment is considered an eligible retiree from the City of Texas City. An eligible retiree will be paid for unused vacation as provided by the vacation policy and unused accrued sick leave up to a maximum of 45 days upon retirement. Eligible retirees who retire after January 1, 1994 have the right to purchase a continuation of health benefits coverage at the time of retirement, as per Chapter 175, Local Government Code.

### **7.07 DEATH**

In the event of an employee's death, the designated beneficiary will receive any earned salary, unused vacation as provided by the vacation policy and unused accrued sick leave up to a maximum of 45 days. The Human Resources Director will assist the family of the deceased, executor or designated beneficiary to expedite the processing of any City provided life insurance benefits or retirement benefits, if any.

## **CHAPTER 8 BENEFITS**

### **8.01 HEALTH, DENTAL AND VISION INSURANCE**

After a 3 month waiting period, probationary employees can participate in group medical, dental and vision plans provided by the City under the terms of such plan. The City pays

a portion of the employee's coverage for health, dental and vision insurance. Additional coverage for spouses, eligible children or whole family coverage is available if applied for at the time the employee applies, open enrollment or within 30 days of a qualifying event. If the employee applies for dependent coverage, the City will pay a portion of the additional coverage. Any premium for dependents paid for by the employee is paid through payroll deduction and is tax exempt under a Cafeteria Plan, Section 125 of the Internal Revenue Code (I.R.C.). Dependent coverage will be governed by the Health Plan and Section 125 of the I.R.C.

Detailed information and handbooks of the plan are available in the Human Resources department.

### **8.02 LIFE AND DISABILITY INSURANCE (L&D)**

After the 6 month probationary period, full-time employees receive 3 x their annual salary of life insurance (minimum \$50,000 - maximum \$150,000). The plan provides for disability replacement income of up to 60% of their salary coordinated with other types of income after a 6 month waiting period for a covered disability. The employee and City contribute to this plan which is based on a percentage of salary. (Does not apply to Firefighters)

Detailed information and handbooks of the plan are available in the Human Resources department.

### **8.03 RETIREMENT**

All employees are covered by some form of retirement plan since the City does not participate in Social Security. Seasonal and summer employees whose positions are temporary or less than 1000 hours per year will contribute to a Section 457, Deferred Compensation plan with 7% of their salary put into their account, with no contribution by the City. All other employees except Firefighters will be enrolled in the Texas Municipal Retirement System. Employees will contribute 7% of their salary, tax deferred. The City has a 2 to 1 matching ratio for the City's contributions and has the following requirements for retirement:

- a) 5 years of service and age 60; or
- b) 20 years of service at any age.

Retirement contributions begin immediately upon employment to provide for retirement benefits when eligible. A handbook is available in the Human Resources department.

### **8.04 STATUTORY BENEFITS**

All full-time, part-time and temporary employees are covered by statutory benefits. Statutory benefits include:

Medicare portion of Social Security - All employees hired after 4/1/86 are covered under the federal guidelines.

- **Workers Compensation** - the City carries workers' compensation insurance which extends to any employee injured in the course and scope of their employment. Reporting is covered under the City of Texas City's Safety Policy.

- **Unemployment Compensation** - The City participates in the state's Unemployment Insurance Program.

**8.05 VOLUNTARY PAYROLL DEDUCTIONS**

The City agrees to withhold deductions that an employee requests, provided that the request is in writing and approved by the City. Some of those deductions approved by the City are as follows:

- **Deferred Compensation** - Offers 2 types of products, a fixed annuity and a variable annuity, and offers the employee the opportunity to defer compensation until retirement or other occasion for distribution of benefits as provided in accordance with the City's Plan Document and the provisions of the Internal Revenue Code.
- **Allstate** – Supplemental insurance for products approved by the City at the employee's expense. (Accident, Cancer, Critical Illness, Short Term Disability, Traditional Life Insurance and Universal Life Insurance.)
- **Union Dues**
- **Marathon Republic Federal Credit Union**
- **United Way**

**8.06 TUITION REIMBURSEMENT/ EDUCATIONAL ASSISTANCE**

This policy applies to all regular, full-time employees provided their plan of study does not interfere with their work schedule. In addition, the eligible participant must have completed six months of continuous service with the City before starting the course. The course must be business-related, approved by the Department Head and must be through an accredited college or university. The maximum course load is limited to six credit hours/units at any one time per semester and the maximum reimbursement per hour/unit will be \$500. The City will reimburse an employee for one associate degree, undergraduate (bachelor) degree, graduate (master) degree and doctorate degree.

The employee must provide the degree plan indicating a major area of study to their Department Head for approval. A "Tuition Reimbursement/Educational Assistance" form must be submitted prior to the beginning of the class. The form will be approved by the Department Head, forwarded to the Human Resources Director for review and then given to the Mayor for final approval. It is the responsibility of the employee to register and pay for the courses. If the form is not submitted and approved prior to the beginning of the class reimbursement will be denied.

Employees already entitled to educational aid extended by a governmental agency (Veteran's Administration, etc.), private agencies, foundations, scholarships, or other such programs are ineligible under this plan. After successful completion of the approved course(s), an employee must submit final grade(s), receipts for tuition, registration, and fees required for the course to the Human Resources Director. The Human Resources Director will then review the documentation and approve the amount the city will reimburse the employee based on the following:

Grade A (100-90)	4.0	100% reimbursement
Grade B (89-80)	3.0	80% reimbursement
Grade C (79-70)	2.0	70% reimbursement

The City invests in tuition reimbursement/educational assistance to employees with the expectation that the investment will be returned through enhanced job knowledge and performance. Tuition reimbursement payments are conditional upon the employee's continued employment with the City for a minimum of 2 years from the date of the last reimbursement. In the event the employee leaves employment with the City for any reason prior to the fulfillment of the 2 years of employment, the employee will be responsible for reimbursing the City the amount of their reimbursements according to the schedule below:

- Leaves employment with the City less than 1 year from the date of the last reimbursement will require reimbursing the City the full tuition that was paid in the previous 2 year period.
- Leaves employment with the City less than 2 years but more than one year from the date of the last reimbursement will require reimbursing the City 50% of the tuition that was paid in the previous 2 year period.

This amount will be deducted from the employee's final paycheck. In the event the employee's final paycheck will not cover the reimbursement, the employee and the City will enter into a repayment schedule agreement.