



**CITY OF GATESVILLE  
EMPLOYEE HANDBOOK**

**Last updated: NOVEMBER 2022**

# Welcome

Welcome to City of Gatesville! We are delighted that you have chosen to join our team and hope that you will enjoy a long and successful career with us.

The City of Gatesville (“the City”) has prepared this handbook to provide you with an overview of the City’s policies, benefits, and rules. PLEASE READ IT CAREFULLY. It is intended to familiarize you with important information about the City, as well as provide guidelines for your employment experience with us and to foster a safe and healthy work environment.

All personnel policies are a condition of employment and will apply in addition to any applicable laws and regulations. For assistance or questions regarding any of the policies contained in this handbook, feel free to ask your supervisor or contact the finance department.

## MISSION STATEMENT

Our mission is to provide outstanding service to our residents, to treat our residents and employees in a respectful and friendly manner, and to be a positive influence in the community.

We are dedicated to developing our employees personally and professionally. Our goal is to provide a dynamic work environment with an opportunity for training, education and guidance whenever possible.

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**Exhibits available from Supervisors for policies in force referenced in Handbook**

- Exhibit A: Sick leave Pool Policy**
- Exhibit B: CDL/ Safety sensitive Drug and Alcohol Policy**
- Exhibit C: Travel and Training Policy**
- Exhibit D: Tuition Reimbursement Policy**

## **Employment at Will**

Employment at the City is on an at-will basis unless otherwise stated in a written individual employment agreement signed by the Mayor.

This means that either the employee or the City may terminate the employment relationship at any time, for any reason, with or without notice.

Nothing in this employee handbook is intended to or creates an employment agreement, expressed or implied. Nothing contained in this or any other document provided to the employee is intended to be, nor should it be, construed as a contract that employment or any benefit will be continued for any period of time. In addition, no City employee is authorized to modify this policy for any employee or to enter into any agreement, oral or written, that changes the at-will relationship.

Any salary figures provided to an employee in hourly, annual, or monthly terms are stated for the sake of convenience or to facilitate comparisons and are not intended, and do not create an employment contract for any specific period of time.

Nothing in this statement is intended to interfere with, restrain, or prevent concerted activity as protected by the National Labor Relations Act. Such activity includes employee communications regarding wages, hours, or other terms or conditions of employment. City employees have the right to engage in or refrain from such activities.

# Equal Opportunity and Commitment to Diversity

## Equal Opportunity

The City provides equal employment opportunities to all employees and applicants for employment without regard to race, color, ancestry, national origin, gender, sexual orientation, marital status, religion, age, disability, gender identity, results of genetic testing, or service in the military. Equal employment opportunity applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

The City of Gatesville expressly prohibits any form of unlawful employee harassment or discrimination based on any of the characteristics mentioned above. Improper interference with the ability of other employees to perform their expected job duties will not be tolerated.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the City Manager. The City will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. If an employee feels he or she has been subjected to any such retaliation, he or she should bring it to the attention of the City Manager.

Retaliation means adverse conduct taken because an individual reported an actual or perceived violation of this policy, opposed practices prohibited by this policy, or participated in the reporting and investigation process described below. "Adverse conduct" includes but is not limited to:

- (1) shunning and avoiding an individual who reports harassment, discrimination or retaliation;
- (2) expressed or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination or retaliation; or
- (3) denying employment benefits because an applicant or employee reported harassment, discrimination or retaliation or participated in the reporting and investigation process.

Complaints of discrimination should be filed according to the procedures described in the Harassment and Complaint Procedure.

## **Americans with Disabilities Act (ADA) and Reasonable Accommodation**

To ensure equal employment opportunities to qualified individuals with a disability, the City will make reasonable accommodations for the known disability of an otherwise qualified individual, unless undue hardship on the operation of the business would result.

Employees who may require a reasonable accommodation should contact the department Supervisor. The City reserves the right to make all determinations as to whether or not an accommodation is reasonable and to assess health and safety factors. Employees who have a complaint involving a potential violation of the Americans with Disabilities Act must immediately report such complaint to such person's immediate supervisor, the City Manager or any member of management.

## **Immigration Law Compliance**

Federal Law requires all employees to present documentation confirming their identity and eligibility to work in the United States. New employees and re-hires must complete the I-9 Employment Eligibility Verification Form within three business days of their start date. It is the policy of the City to employ only those individuals entitled to work in the United States of America. In complying with the Immigration Reform and Control Act of 1986 (IRCA), it is against City policy to discriminate because of an individual's national origin, citizenship, or intent to become a U.S. citizen. All offers of employment will be conditional on providing proof of work eligibility and identification.

## **Open-Door Policy**

The City seeks to provide a work environment that encourages direct and open communication between employees and management. For this reason, the City has adopted a formal open-door policy. Open communication, feedback and discussion about any matter of importance to an employee is encouraged. Any question, problem, complaint or suggestion that may arise, as a result of his/her job should first be discussed with the supervisor, who will attempt to give an answer within a reasonable time. If no satisfactory answer is obtained, the employee should feel free to talk to the City Manager about the problem. Management at The City maintains this open-door policy and is committed to listening and responding to the issue.



## Commitment to Diversity

The City is committed to creating and maintaining a workplace in which all employees have an opportunity to participate and contribute to the success of the City and are valued for their skills, experience, and unique perspectives. This commitment is embodied in City policy and the way we do business at the City and is an important principle of sound business management.

## Harassment and Complaint Procedure

Sexual and other unlawful harassment is a violation of Title VII of the Civil Rights Act of 1964 (Title VII), as amended, as well as state laws. Harassment based on a protected characteristic such as race, color, ancestry, national origin, gender, sex, sexual orientation, gender identity, marital status, religion, age, disability, veteran status, or other characteristic protected by state or federal law, is prohibited.

It is The City's policy to provide a work environment free of sexual and other harassment. To that end, harassment of The City's employees by management, supervisors, coworkers, or nonemployees who are in the workplace is absolutely prohibited. Further, any retaliation against an individual who has complained about sexual or other harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. The City will take all steps necessary to prevent and eliminate unlawful harassment.

**Definition of Unlawful Harassment.** "Unlawful harassment" is conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of substantially and unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities because of the individual's membership in a protected class.

Unlawful harassment includes, but is not limited to, epithets; slurs; jokes; pranks; innuendo; comments; written or graphic material; stereotyping; or other threatening, hostile, or intimidating acts based on race, color, ancestry, national origin, gender, sex, sexual orientation, marital status, religion, age, disability, veteran status, or other characteristic protected by state or federal law.

**Definition of Sexual Harassment.** While all forms of harassment are prohibited, special attention should be paid to sexual harassment. "Sexual harassment" is generally defined under both state and federal law as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of any individual's employment or as a basis for employment decisions; *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.

Other sexually oriented conduct, whether intended or not, that is unwelcome and has the effect of creating a work environment that is hostile, offensive, intimidating, or humiliating to workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct that, if unwelcome, may constitute sexual harassment depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwanted sexual advances, whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comments about an individual's body, comments about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, or cartoons;
- Unwelcome leering, whistling, brushing up against the body, sexual gestures, or suggestive or insulting comments;
- Inquiries into one's sexual experiences; *and*
- Discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment and retaliation against individuals for cooperating with an investigation of sexual harassment complaint is unlawful and will not be tolerated at the City.

**Complaint Procedure.** Any employee who believes he or she has been subject to or witnessed illegal discrimination, including sexual or other forms of unlawful harassment, is requested and encouraged to make a complaint. You may complain directly to your immediate supervisor, the City Manager, or any other member of management with whom you feel comfortable bringing such a complaint. Employees are not required to go to the supervisor first. You are free to speak to anyone in the chain of leadership. Similarly, if you observe acts of discrimination toward or harassment of another employee, you are requested and encouraged to report this to one of the individuals listed above.

No reprisal, retaliation, or other adverse action will be taken against an employee for making a complaint or report of discrimination or harassment or for assisting in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to one of the persons identified above.

Any supervisor or member of City management who receives a report of sexual harassment shall immediately advise the Human Resource Director of the report. The Human Resource department shall then conduct an investigation of the matter reported. The Human Resource department shall consult as necessary with the City Manager and/or City's legal counsel. Upon completion of the investigation, the Human Resource department shall promptly report his/her findings to the City Manager. The City Manager may then conduct whatever additional review he/she deems necessary. If the City Manager finds the report to be reasonably supported, he/she

shall promptly take corrective action against the offending employee, which may include discipline up to discharge. In situations where the report cannot be reasonably sustained, steps may still be taken to avoid the possibility of future problems where possible and to stress the City's lack of tolerance for complained of behavior.

Any complaint of discrimination against the City Manager shall be made to the Human Resource Director. The Human Resource Director, or his/her designee, shall conduct an investigation of the matter reported. The Human Resource Director, or his/her designee, shall consult as necessary with the City's legal counsel. Findings of this investigation shall be reported to the Mayor, who may then conduct additional review as he/she deems necessary. If the Mayor finds the report to be reasonably supported, he/she shall promptly take corrective action. In the event the Mayor recommends termination, he/she shall represent that recommendation to the City Council who shall then act on the recommendation.

All complaints will be investigated promptly and, to the extent possible, with regard for confidentiality.

If the investigation confirms conduct contrary to this policy has occurred, the City will take immediate, appropriate, corrective action, including discipline, up to and including immediate termination.

## **Administrative Authority**

With the exception of matters reserved to the City Council by the Charter of the City, the general and final authority for personnel management rests with the City Manager, who shall set, administer and interpret personnel policies and procedures as they apply to all departments and employees. The City Manager may delegate such authority as he/she deems necessary and proper.

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

The City may conduct unannounced searches or inspections of the worksite, including but not limited to City property used by employees such as lockers, file cabinets, desks, and offices as well as computer and electronic files, whether secured, unsecured or secured by lock provided by the employee. PLEASE TAKE NOTICE THAT NO EXPECTATION OF PRIVACY EXISTS IN CITY WORK AREAS, CITY PROPERTY, CITY EQUIPMENT OR ON CITY SYSTEMS.

All searches must be authorized and conducted under the direction of the City Manager or his/her designee unless such is a law enforcement operation in which case the Chief of Police or his/her designee shall coordinate the search. Employees who refuse to cooperate with a search may be subject to corrective action up to and including termination.

# Conflicts of Interest and Confidentiality

## Conflicts of Interest

The City expects all employees to conduct themselves in a manner that reflects the highest standards of ethical conduct, professionalism, and in accordance with all federal, state, and local laws and regulations. Each employee should demonstrate respect for the rights of others. This includes avoiding real and potential conflicts of interests.

Exactly what constitutes a conflict of interest or an unethical business practice is both a moral and a legal question. The City recognizes and respects the individual employee's right to engage in activities outside of employment which are private in nature and do not in any way conflict with or reflect poorly on the City.

The list below suggests some of the types of activity that indicate improper behavior, unacceptable personal integrity, or unacceptable ethical conduct:

It is not possible to define all the circumstances and relationships that might create a conflict of interest. If a situation arises where there is a potential conflict of interest, the employee should discuss this with a supervisor for advice and guidance on how to proceed. All reports of unethical behavior will be investigated thoroughly. If the allegation is substantiated, management will determine the appropriate disciplinary action. Employees who violate ethical standards may be subject to discipline, up to and including termination.

1. Simultaneous employment by another firm that is a supplier to the City.
2. Conducting City business with a firm in which the employee, or a close relative of the employee, has a substantial ownership or interest.
3. Holding a substantial interest in, or participating in the management of, a firm to which the City makes sales or from which it makes purchases.
4. Borrowing money from customers or firms, other than recognized loan institutions, from which the City buys services, materials, equipment, or supplies.
5. Accepting substantial gifts or excessive entertainment from an outside organization or agency.
6. Speculating or dealing in materials, equipment, supplies, services, or property purchased by the City.
7. Participating in civic or professional organization activities in a manner that divulges confidential City information.
8. Misusing privileged information or revealing confidential data to outsiders.
9. Using one's position in the City or knowledge of its affairs for personal gains.

10. Engaging in practices or procedures that violate antitrust laws, commercial bribery laws, copyright laws, discrimination laws, campaign contribution laws, or other laws regulating the conduct of City business.

## **Confidential Information**

The protection of confidential business information is vital to the interests and success of The City. Confidential information is any and all information disclosed to, or known by you, because of employment with the City that is not generally known to people outside the City about its business. This may include, but is not limited to, information relating to negotiations involving contracts or services, internal deliberations regarding development of City policies or practices, information regarding enforcement or development of ordinances, ongoing personnel matters, internal City decision-making or matters which may involve law enforcement or the filing of criminal charges.

The City shall abide by the provisions of the Texas Public Information Act.

# Employee Conduct

## Examples of Unacceptable Conduct

The following is a list of illustrative acts or omissions which do not demonstrate the high standard of conduct which is expected of employees of the City. This list is merely illustrative and does not encompass all prohibited practices or address all employment situations that could arise. Furthermore, the following list does not constitute any guarantee of continued employment as long as an employee does not participate in prohibited conduct. Employees of the City occupy an at-will status with the City under which either the City or the employee can terminate the employment relationship at any time for any reason not prohibited by law, or for no reason at all. Subject to the foregoing, The City employees are prohibited from:

1. Using their official positions to secure special privileges or exemptions for themselves or others;
2. Habitual tardiness or absenteeism;
3. Discourteous or offensive conduct toward fellow employees or to the public;
4. Insubordination, inefficiency or neglect or abandonment or duties;
5. Granting any special consideration, treatment, or advantage to any citizen, individual, or group beyond that which is available to every other citizen, individual, or group;
6. Theft, abuse or deliberate destruction or defacing of City property;
7. Using City property for any purpose other than conducting official City business;
8. Acting with carelessness or negligence in the operation of City equipment or in the performance of employment duties which results in the destruction or damage of property or injury or death to any person or endangers life or property;
9. Fighting or gambling in any form on work premises or during work hours;
10. Commission of any crime while on duty, on City premises, or in City vehicles;
11. Possessing unauthorized weapons or explosive materials on City premises or in City vehicles;
12. Racial, religious, sexist or ethnic slurs or remarks made while on City business and intended to harass or discriminate against another employee or a member of the public;
13. Sexual harassment in any form;
14. Insubordinate, discourteous or abusive conduct towards the City Manager, supervisors, department heads, City officials, or the City Council and/or its members;
15. Falsifying time records or any other official personnel record, or filling out another employee's time record;
16. Failure or refusal to cooperate with fellow employees or to follow instructions of supervisory officials;
17. Falsification, destruction or defacing of any official records of the City;
18. Unauthorized or unexcused absence from work;
19. Revealing, without authorization, confidential information in the course of employment, including confidential City records;
20. Accepting any commission, kick-back, discount or other things of value from persons or companies doing business with the City;

21. Abuse of sick leave or other authorized leave, or abuse of other privileges or benefit programs provided by the City;
22. Leaving work during working hours without the permission of the employee's supervisor or department head;
23. Participating in horseplay or practical jokes, or disorderly conduct of any kind while on work premises or during working hours, including the use of abusive, profane, or threatening language;
24. Carelessness or inefficiency in the performance of duties, including disregarding applicable safety or work regulations; or performing nonbusiness activities at a time when the employee is expected to perform only official business duties;
25. Operating City vehicles without possession of a valid and/or proper operator's license, or failure to maintain a satisfactory driving record if the employee is required to operate a vehicle as part of his/her job;
26. Misappropriation of City funds, property or assets;
27. Being under the influence of drugs, alcohol, controlled substances, or any other intoxicating substance or beverage while on duty or on call, or otherwise being in violation of the City's Drug and Alcohol Policy;
28. Abuse of office or position;
29. Receiving a gift, reward or any other form of compensation that compromises an employee's position and responsibilities with the City;
30. Failure to comply with notification requirements for absences; and
31. Acts of dishonesty in the performance of duties.

It is not possible to list all rules of work conduct, and the various forms of prohibited conduct identified in this provision are not necessarily inclusive of all forms of prohibited conduct. The City tries to avoid unnecessary restrictions on an employee's personal conduct because we feel certain that our employees will exercise common sense and follow the generally accepted customs of good taste and standards of ethical behavior. The degree of discipline imposed for a particular act or omission may vary and is within the discretion of the City. No guarantee of continued employment or "for cause" employment separation is made hereby.

# Employment Relationship

## Employment Classification

In order to determine eligibility for benefits and overtime status and to ensure compliance with federal and state laws and regulations, the City classifies its employees as shown below. The City may review or change employee classifications at any time.

**Exempt.** Exempt employees are not eligible to receive overtime pay. This status applies to a salaried department head, supervisor, professional or qualifying administrative employee who meets the standards for exempt employees under applicable Federal law.

**Nonexempt.** Nonexempt employees are eligible to receive overtime pay for overtime hours worked.

**Regular, Full-Time.** Employees who are not in a temporary status and work 40 hours weekly and maintain continuous employment status. Generally, these employees are eligible for the full-time benefits package and are subject to the terms, conditions, and limitations of each benefits program.

**Regular, Part-Time.** Employees who are not in a temporary status and who are regularly scheduled to work fewer than 30 hours weekly, but at least 20 hours weekly, and who maintain continuous employment status.

**Temporary, Full-Time.** Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work the City's full-time schedule for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status.

**Temporary, Part-Time.** Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work fewer than 30 hours weekly for a limited duration. This classification includes the lifeguards and other seasonal employees. Employment beyond any initially stated period does not in any way imply a change in employment status.

Certain employees are designated to be available for call out assignments twenty-four (24) hours a day, seven (7) days a week. These employees are considered to be "on call". All employees are subject to after hour assignments. Any employee who is either called out or given an overtime assignment is on duty, and will be paid for this time. All assignments of this type will be authorized by the supervisor.



## **Work Week and Hours of Work**

The standard workweek is from Monday 8:00 AM to Friday 5:00 PM and generally consists of 40 work hours. Office hours are 8:00 a.m. to 5:00 p.m., with an hour lunch break. Individual work schedules may vary depending on the needs of each department. The Police Department is open 24 hours a day, 7 days a week with employees scheduled to work shifts by Supervisor.

## **Meal and Rest Breaks**

Employees are entitled to an hour unpaid meal break each day. If a nonexempt employee is required to work through a meal break, he or she will be paid for the hour. Employees are also entitled to two 10-minute rest periods each day. One of these will be in the morning and the other in the afternoon. Meal and rest breaks will be scheduled by the department supervisor.

## **Inclement Weather**

If inclement weather is forecasted for the region during normal working hours, the City Manager will consult with the Chief of Police and Street Superintendent regarding road conditions. The City Manager will decide whether City Hall will be closed, or to authorize delayed reporting. The City Manager will inform Department Heads of the decision; Department Heads are responsible for notifying their employees. If the City Manager determines that closure of City Hall or delayed reporting is warranted, employees will be compensated for those hours at the normal rate of pay.

## **Training**

It is the policy of the City to assure the highest possible quality of service to the citizens by providing continuing education to employees. In departments where certification is a requirement, and an eligible employee shows interest and aptitude, the supervisor will request training for the employee. Any employee who is interested in getting continuing education to assist in the job that they are currently doing, may ask their supervisor to request this training. Only upon approval from the City Manager, will a supervisor arrange training for an employee who has not worked for the City at least six (6) months, or is not a full-time employee.

If the City provides training for an employee, and the employee does not complete the training or cannot pass the test for certification, after the second attempt, it becomes the responsibility of the employee to obtain this training on their own time and money.

If an employee's position description requires a license/certification, and the City pays for the training in order to obtain that license/certification, the employee acknowledges by their signature on the Employee Handbook Acknowledgement and Receipt form if the employee resigns or separates from employment within 12 months of the training that they will reimburse the City for the cost of the training using the following scale:

- Within one month of receiving the training: 100%
- Within six months of receiving the training: 50%

## **Time Records**

It is a job requirement that non-exempt employees must clock in at the beginning of their shift and clock out at the end of work each day. Additionally, employees are to clock out at the beginning of lunch breaks or when they leave the job site and clock back in when they return from lunch or when they return after being away from the job site. The City's payroll begins on a Thursday and ends on a Wednesday. Employees and Supervisors must approve their time on payroll morning (Thursday) by 9:00 am. Each employee shall enter their time worked by utilizing the official timekeeping system (Executime). All non-exempt employees must clock in at the beginning of their shift and clock out at the end of their shift. All non-exempt employees must clock in and out during their lunch break. All non-exempt employees must clock in and out for overtime and regularly scheduled weekend rounds. Time editing (entering leave forms and repairing missing punches) may be performed by an assigned person per the Department Head's discretion. However, once time edits have been performed, only the Department Head or City Manager may actually approve the time before it is turned into payroll for processing. This process will ensure that all exceptions and overtime are reviewed by the Department Head before payroll is processed. If there is a discrepancy, the Department Head and the employee must resolve the situation prior to submitting it to payroll. All full-time hourly (non-exempt) employees must have a minimum of 40 hours of compensatory time per week. Non-exempt full-time employees who work less than 40 hours in a week must use vacation, sick or bereavement time to equal a 40-hour week.

Under no circumstances may an employee enter time, or clock in/out for another employee, or fill in the information as to what hours were worked. To do so is cause for discipline, up to and including termination.

## **Overtime**

Only non-exempt employees are eligible for overtime compensation.

For purposes of calculating overtime, only hours actually worked will be considered. Hours paid but not actually worked (sick leave, vacation leave, citizenship leave, compensatory time, and the like) will not be counted as hours actually worked for purposes of determining entitlement to overtime compensation. It is the policy of the City to keep work in excess of the established scheduled at a minimum and to permit such work only when it is necessary to meet City operational requirements.

No employee, with the exception of police officers and telecommunicators, shall work overtime unless authorization is granted in advance by the employee's department head or shift supervisor.

Employees shall be compensated at the rate of time and one-half pay for overtime hours worked. If excess hours are accrued during the work period by an employee, supervisors are encouraged to adjust the employee's remaining work schedule for the work period to avoid incurrence of overtime. Supervisors are expected to use their best efforts to control overtime while still meeting the City's operational needs.

For all employees, a workweek shall be defined as a period beginning at midnight each Wednesday and ending seven consecutive twenty-four hour periods thereafter. All non-exempt employees receive overtime for hours actually worked in excess of 40 hours in a workweek.

Law enforcement employees may work a non-standard schedule that is different from non-law enforcement employees; for example, four 10 hour shifts instead of five 8-hour shifts. However, no overtime accrues except where the hours actually worked in a workweek exceed 40 hours.

## **Deductions from Pay/Safe Harbor Exempt Employees**

The City does not make improper deductions from the salaries of exempt employees and complies with the salary basis requirements of the Fair Labor Standards Act (FLSA). Employees classified as exempt from the overtime pay requirements of the FLSA will be notified of this classification at the time of hire or change in position.

**Permitted deductions.** The FLSA limits the types of deductions that may be made from the pay of an exempt employee. Deductions that are permitted include:

- Deductions that are required by law, e.g., Federal income taxes, Medicare, social security, garnishments or TMRS;
- Deductions for employee benefits when authorized by the employee, e.g. Medical Insurance, Dental, Vision, Supplemental life, Flex Spending Accounts, Fitness Membership;
- Absence from work for one or more full days for personal reasons other than sickness or disability;
- Unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions.

During the week an exempt employee begins work for the City or during the last week of employment, the employee will only be paid for actual hours worked. In addition, an employee may be paid only for hours worked during a period when the employee is using unpaid leave under the Family and Medical Leave Act (FMLA).

**Improper deductions.** If an employee classified as exempt believes that an improper deduction has been taken from his or her pay, the employee should immediately report the deduction to the Finance Department. The report will be promptly investigated and if it is found that an improper deduction has been made, the City will reimburse the employee for the improper deduction.

## **Paychecks**

The City's pay period for all employees is biweekly beginning on Thursday, ending on Wednesday. Direct deposits will be deposited on the Thursday after the pay period ends. If a pay day falls on a federal holiday, employees will receive their paycheck on the preceding workday. Paychecks are directly deposited into your checking and/or savings accounts.

If an error is discovered on payroll after completion, it is the policy of the administration to make any corrections on the next regular payroll. In cases where the error was made by the Finance department and of a size that would cause an undue hardship on the employee, a new payroll deposit may be issued on the approval of the City Manager.

## **Access to Personnel Files**

Employee files are maintained by the Finance department. Managers and supervisors may have access to personnel file information. Personnel file access by current employees and former employees upon request will generally be permitted within 3 days of the request unless otherwise required under state law. Personnel files are to be reviewed in the Finance department. Employee files may not be taken outside the department. Representatives of government or law enforcement agencies, in the course of their duties, may be allowed access to file information. The City will comply with the provisions of the Texas Public Information Act.

## **Employment of Relatives and Domestic Partners**

Relatives and domestic partners of current employees may be hired by the City if (1) the persons concerned will not work in a direct supervisory relationship, and (2) the employment will not pose difficulties for supervision, security, safety, or morale. For the purposes of this policy, "relatives" are defined as spouses, children, siblings, parents, or grandparents. A "domestic partnership" is generally defined as a committed relationship between two individuals who are sharing a home or living arrangements.

Current employees who marry each other or become involved in a domestic partnership will be permitted to continue employment with the City provided they don't work in a direct supervisory relationship with each other or otherwise pose difficulties as mentioned above. If employees who marry or live together do work in a direct supervisory relationship with each other, the City will attempt to reassign one of the employees to another position for which he or she is qualified, if such a position is available. If no such position is available, the employees will be permitted to determine which one of them will resign from the City.

## **Promotions**

Whenever possible, the City management will strive to fill vacancies in staffing by promoting from within. Factors considered by the City in deciding whether an individual is qualified for a particular position include professional certification(s)/ the ability to do the job and previous performance.

All employees are encouraged to prepare themselves for positions of greater responsibility.

## **Separation from Employment**

In all cases of voluntary resignation (one initiated by the employee), employees are asked to provide a written notice to their supervisor at least 10 working days (2 calendar weeks) in advance of the last day of work. The 10 days must be actual working days. Holidays and paid time off will not be counted toward the 10-day notice. Employees who provide the requested amount of notice will be considered to have resigned in good standing and generally will be eligible for rehire, and any sick pay at one quarter of accrued balance.

The Department Head will meet with the employee on or before the last day of employment to collect all City property, and the Finance Department will be available to discuss final pay and elected benefits. If applicable, information regarding benefits continuation through the Consolidated Omnibus Budget Reconciliation Act (COBRA) will be sent to the employee's home address. On the last day of employment you will be required to surrender all company property. If an employee voluntarily quits or resigns, all wages will be paid on the next regular scheduled pay date. If an employee is involuntarily terminated, wages will be paid within a week.

Should it become necessary because of business conditions to reduce the number of employees or work hours, this will be done at the discretion of the City Manager.

# Workplace Safety

## Drug-Free and Alcohol-Free Workplace

It is the policy of the City to maintain a drug- and alcohol-free work environment that is safe and productive for employees and others having business with the City. The City of Gatesville will strictly enforce these procedures to reduce the accidents, fatalities, injuries and property damage that may result from employee use of controlled substances, except when the use of controlled substances is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the individual's ability to safely operate a City vehicle or perform other safety-sensitive job functions. This policy is intended to comply with Federal and State statutes, including but not limited to the Americans with Disabilities Act and the Family Medical Leave Act. If for any reason it is deemed that this policy is not consistent with applicable law, the policy shall be considered revised to the extent necessary to comply with the applicable law, but shall otherwise remain in full force and effect.

Drug and/or alcohol testing will be conducted prior to employment and during employment:

- Post job offer
- On a random basis for certain safety-sensitive positions.
- Due to reasonable suspicion.
- Following involvement in work-related accidents.
- Promotion or transfer to a safety-sensitive position from a non-safety-sensitive position.

The City of Gatesville prohibits the use, possession, sale, purchase, transfer, or concealment of controlled substances or consumption of alcohol by City employees anywhere on City premises at any time. Employees should report to work when scheduled or "on call" neither impaired nor under the influence of a controlled substance or alcohol. Employees who test positive or who refuse (or fail to cooperate) to be tested for a controlled substance or alcohol as directed by this policy will be subject to discipline, including but not limited to termination. Job applicants who test positive for a controlled substance, or who refuse (or fail to cooperate) to be tested for controlled substances, will be ineligible for employment with the City and may not apply or be considered for any other City position for a minimum of six (6) months from testing date for non-safety-sensitive positions. Subject to the minimum six (6) months from testing date, the Police Department will determine the moratorium on applications for those that fail a pre-employment test for public safety positions.

### **APPLICABILITY**

This policy applies to all employees and pre-employment finalists who are not otherwise subject to the drug and alcohol testing regulations of the U. S. Department of Transportation (DOT).

For each incident or event, before drug or alcohol testing occurs, a determination will first be made as to whether the DOT regulations apply to the employee and the situation. If the DOT regulations apply, then the Drug and Alcohol Testing: Department of Transportation

Administrative Directive takes precedence over this policy. If the DOT regulations do not apply, testing will be conducted according to this policy.

## **DEFINITIONS**

- A. **Alcohol** means ethyl alcohol. Alcohol, as used herein, includes any beverage, mixture or preparation containing ethyl alcohol.
- B. **City Premises or Facilities** means all property of the City (owned or leased), including but not limited to the following:
- Offices
  - Buildings
  - Equipment
  - Vehicles
  - Parking lots/garages
  - Storage areas

City premises also include any location where City employees may be performing contract services.

- C. **Controlled Substance** means a drug or substance which the use, possession, sale, transfer, attempted sale or transfer, manufacture or storage of it is illegal under any federal, state or local law or regulation and includes, but is not limited to inhalants, marijuana, cocaine, narcotics, opiates, opium derivatives, hallucinogens and any other substances having either a stimulant or depressant effect on the central nervous system such as amphetamines or barbiturates. Also included in this definition are prescription drugs used for any reason other than a legitimate, prescribed medical reason and inhalants used illegally. All references to "drugs" throughout this policy mean the same as "controlled substance".
- D. **Impaired** means an employee's diminished capacity to perform any duties of the employee's job.
- E. **Under the Influence** means the condition existing after voluntary introduction of any amount of controlled substance into the employee's body or alcohol at/or above the blood alcohol concentration (BAC) limit of 0.02%.
- F. **Medical Review Officer (MRO)** means a licensed doctor of medicine or osteopathy who has knowledge of substance abuse disorders and who has the appropriate medical training to interpret and evaluate an individual's positive test result together with his medical history and any other relevant biomedical information.
- G. **Motor Vehicle Accident** means any incident involving a motor vehicle in which there is injury to a person or damage to a City vehicle, other vehicle, or property and includes:
- An accident in which a City employee was driving his personal vehicle in the course and scope of their employment.

- Any accident involving a City vehicle where damage occurs to a City vehicle or any property that is greater than \$500 as determined by the Department Director. This does not include damage to a City Vehicle when parked.
- H. **Positive Test Result** means the result reported by a laboratory indicating that an individual is under the influence of a controlled substance or alcohol.
- I. **Reasonable Suspicion** means a belief that the actions, appearance or conduct of a person are indicative of the use of a controlled substance or alcohol. A reasonable suspicion situation is any situation in which an employee’s job performance is in conflict with established job standards relating to safety and efficiency. This may include accidents, near-accidents, erratic conduct suggestive of drug or alcohol use, boasting on social media sites of drug use, any unsafe performance behaviors and unexplained deviation from productivity.
- J. **Safety-Sensitive Position** for purposes of this policy means a position in which impairment due to drugs or alcohol could constitute an immediate or direct threat to public health or safety, to the employee’s health or safety, or a position in which a momentary lapse in attention or judgment could result in injury or death to another person. Examples of such positions include, but are not limited to, those which require driving of city vehicles, carrying of firearms, and operation of heavy equipment, responsibility for the safety or security of another person. Whether a position qualifies as a safety-sensitive shall be left to the reasonable discretion of the City.

**CONDITIONS REQUIRING TESTING**

- **Post Job Offer**

Pre-employment drug testing shall be required of application finalists who have otherwise completed the employment screening process and to whom a conditional job offer has been extended and accepted. Each offer of employment is contingent upon the applicant’s passing a drug test, regardless of the position. Applicants who refuse to be tested, who fail to cooperate with the testing process, or who test positive for a controlled substance will be immediately disqualified and barred from employment for a minimum of the next six (6) months, depending on the applicable moratorium. Applicants shall be notified of this policy at the time of application.

- **Procedures**

- **Timeline** - Job applicants (finalists) subject to pre-employment drug testing shall be required to report for drug testing within 48 hours of receiving and accepting a job offer unless the drug test is included in a pre-employment physical/test that cannot be scheduled within 48 hours; exceptions to this policy must be approved by the Finance & Human Resources Director.



- **Scheduling** - The hiring department shall contact the Human Resources Department as soon as the applicant has accepted the job offer in order for testing to be timely scheduled. The Human Resources Department will contact the applicant to arrange for the test. If the applicant is also subject to a pre-placement physical exam, the drug test may be scheduled to occur at the same visit as the pre-placement physical.

#### K. **Post-Accident**

- **Policy**

Drug and alcohol testing shall be required after motor vehicle accidents involving a City vehicle when:

- An employee's personal vehicle (used in the course and scope of City employment) and a non-City vehicle.
- Any accident causing injury to any person involving a City Vehicle or City equipment.
- Any accident involving a City vehicle resulting in damage to the vehicle or other property that is greater than \$500, as determined by the employee's department director.

No drug or alcohol testing will be required if the employee's vehicle is lawfully parked at the time of the accident or unavoidably damaged by debris.

- **Procedures**

- **Timeline** - An employee subject to post-accident drug and alcohol testing should be tested as soon as possible following an accident, at least within two (2) hours of the accident if possible. Testing may be delayed for the employee to call for emergency assistance, render aid to others involved in the accident, or to receive medical attention for injuries resulting from the accident.
- **Documentation/Authorization Consent** Prior to the employee reporting to the medical facility the supervisor shall call Human Resources for test authorization. Human Resources shall maintain a list of City personnel who can authorize a drug and/or alcohol test and who can receive test results.
- **Scheduling** -
  1. **Timely Testing and Failure to Test Timely** - In the event that an alcohol test (if authorized) is administered, it should be conducted within 8 hours of the accident. A drug test shall be administered within 32 hours of the accident. In the event that an alcohol test (if authorized) is not administered within 8 hours of the accident, the supervisor shall document the reasons why the test was not administered within 8 hours; there will be no further attempt to test for alcohol due to that

particular accident. In the event that a drug test is not administered within 32 hours of the accident, the supervisor shall document the reasons why the test was not administered; there will be no further attempt to test for drugs due to that particular accident.

- 2. Transportation to and from Test Collection Site** - The employee should be transported to the collection site and back to the City of Gatesville's premises by his supervisor or by other means arranged by his supervisor. Following the test(s), if the employee's supervisor believes that the employee is under the influence of drugs or alcohol and unfit to drive or return to work, the supervisor shall arrange alternate transportation for the employee to get home, by calling a family member, friend, taxi, etc. If the reasonable suspicion test result is negative, the City will reimburse the employee for the cost of the taxi ride home.
- 3. Compensation and Leave** - Time that the employee spends at the accident site, traveling to the test collection site, and submitting to the test(s) is compensable as regular time worked. If physically able and medically released, if appropriate, following the test they will return to work but will be prohibited from any driving assignments in a city or personal vehicle until final results are received.
- 4. City Vehicle** – The driver of the city vehicle will be required to consent to post-accident drug/alcohol testing if the accident results in a fatality, outside medical attention is required for any party involved in the accident, if there is damage to the vehicle or property involved in the accident that is greater than \$500, as determined by the director; and/or the employee received a citation.
- 5. Personal Vehicle** - If the employee was driving his own vehicle while on City business, he will be required to consent to post-accident drug/alcohol testing if an accident results: (a) in a fatality; (b) outside medical attention is required for any party involved in the accident; (c) in damage to the vehicle or property involved in the accident that is greater than \$500, as determined in the sole discretion of the director; and/or (d) the employee received a citation. The employee should, if possible, park and lock the vehicle in the nearest public parking lot or City Lot for pick-up at a later time or arrange to have a friend or family member drive the vehicle away from the scene of the accident.
- 6. Use of Law Enforcement Tests** - In post-accident situations, the City of Gatesville reserves the option to substitute a blood or breath alcohol test and a blood or urine drug test performed by local law enforcement officials, using procedures required by their jurisdictions, providing such test results are received directly from the local jurisdiction or the driver.

If the City substitutes a blood or breath alcohol test and a urine drug test performed by law enforcement in lieu of other procedures described herein for a post-accident test, it may rely on and take appropriate action based on the results.

7. **After Hours Testing** – If testing is necessary after regular business hours or on the weekend, the employee should be taken to the approved/contracted City testing site. Additionally, the supervisor should contact the Finance and Human Resources Director of the name of the employee tested, date, and time.

#### L. **Reasonable Suspicion**

- **Policy**

Drug and/or alcohol testing shall be conducted whenever there is reasonable suspicion that an employee has engaged in any conduct prohibited under this policy. Reasonable suspicion shall be based on the specific, contemporaneous, articulated observations of the employee's supervisor concerning the appearance, behavior, speech or body odors of the employee, which may include indications of the chronic and withdrawal effects of controlled substances or alcohol. Reasonable suspicion, as determined by the employee's supervisor, must be corroborated by the direct observations of another supervisor, prior to a request that the employee be tested. Testing must be authorized by the employee's department director (or designee), with the concurrence of the Finance & Human Resources Director or the City Manager (or designee).

- **Procedures**

- **Timeline** - An employee subject to reasonable suspicion drug and alcohol testing should be tested within 2 hours from the time that authorization is obtained.
- **Documentation/Authorization/Consent** – A request for testing due to reasonable suspicion must be initiated by the employee's supervisor, who shall complete the Reasonable Suspicion Report form to document the reasons for testing. Such form should be signed and dated (with time) by both the employee's supervisor and department director (or designee). Testing must be authorized by the employee's department director (or designee), with the concurrence of the Human Resources Director.

- **Scheduling**

1. The manager or supervisor will immediately notify the Department Director when reasonable suspicion occurs. The manager or supervisor shall document in writing the facts constituting reasonable suspicion that the employee in question is under the influence of drugs or alcohol. This information shall be stated on the Reasonable Suspicion Report Form. Once this form has been

completed the Department Director will notify the Finance & Human Resources Director for approval to proceed.

2. The manager or supervisor shall hold a confidential meeting with the employee to discuss the reasonable suspicion and carefully note any explanations offered. The manager or supervisor shall also note any additional observations that may confirm the reasonable suspicion.
3. Managers and supervisors shall also notify the Department Director when they have reasonable suspicion that an employee may have illegal drugs in his or her possession or in an area jointly or fully controlled by the City. After obtaining the Department Director's approval, managers and supervisors may provide information to the Police Department regarding the possible possession.

**Transportation to and from Test Collection Site-** The employee should be transported to the collection site and back to the City of Gatesville's premises by his supervisor or by other means arranged by his supervisor. Following the test(s), if the employee's supervisor believes that the employee is under the influence of drugs or alcohol and unfit to drive or return to work, the supervisor shall arrange alternate transportation for the employee to get home, by calling a family member, friend, taxi, etc. If the alternative transportation arranged causes the employee to expend funds and the test result is negative, the City will reimburse the employee for the cost of the alternative transportation.

- **Compensation and Leave** - Time that the employee spends at the accident site, traveling to the test collection site, and submitting to the test(s) is compensable as regular time worked. If physically able and medically released, if appropriate, and if not otherwise engaging in disruptive or insubordinate conduct, following the test they will return to complete the work day in a non-sensitive position.
- **Failure to Test Timely** - In the event that an alcohol test (if authorized) is not administered within 8 hours of the authorization to test, the supervisor shall document the reasons why the test was not administered within 8 hours; there will be no further attempt to test for alcohol based on that particular event that created reasonable suspicion. In the event that a drug test is not administered within 32 hours of the event, the supervisor shall document the reasons why the test was not administered; there will be no further attempt to test for drugs based on that particular event that created reasonable suspicion.

## **M. Self-Disclosure**

Employees may voluntarily self-disclose their need to seek medical attention for alcohol and/or drug dependence. At the time of self-disclosure, in accordance with the City's leave policies, the employee will be relieved of his or her duties and placed on leave until the employee has completed the necessary treatment and provides the City with a note from the employee's treating physician that includes a return-to-work date and restrictions, if any. Employees who self-disclose alcohol and/or drug dependence will be referred to HR and the Employee Assistance Program ("EAP").

The City complies with the Americans with Disabilities Act Amendments Act ("ADAAA") and, upon the employee's return to work, the City will assist the employee in fulfilling his or her job duties, with or without reasonable accommodations. As a reasonable accommodation and in accordance with the ADAAA, employees in safety-sensitive positions who return to work after self-disclosure of alcohol and/or drug dependence will be required to undergo periodic drug and/or alcohol testing for the subsequent six (6) month period. Employees in safety-sensitive positions are also subject to ongoing random testing for drugs and/or alcohol as provided by this policy.

If an employee self-discloses his or her need to seek medical attention for an alcohol and/or drug dependence after the employee has been (1) randomly selected to submit to a drug and alcohol test; (2) directed to submit to a post-accident drug and alcohol test; or (3) directed to submit to a drug and alcohol test after the City determines it has reasonable suspicion that an employee is under the influence of drugs and/or alcohol, the employee is required to submit to the drug and alcohol testing. Refusal to submit to drug and alcohol testing as directed under this policy is conduct subject to termination, as provided in Section VI, Subsection A of this policy. **Testing positive for alcohol or controlled substances will result in an adverse employment action, up to and including termination, as specified in section VI, subsection A of this policy, subject to the provisions of the ADAAA.**

Further, in accordance with the ADAAA, if at any time the City considers an employee to be a "current" drug user, after the employee has self-disclosed once, the City may take adverse employment action up to and including termination.

### **PRESCRIBED MEDICATIONS**

Exceptions to this policy may be made for employees that appear to be impaired by medication taken according to a prescription legal in the State of Texas in the employee's name, obtained from a licensed physician and used in the manner prescribed. The City of Gatesville reserves the right at all times to judge the effect that a legal drug, including medications not requiring a prescription, may have upon an employee's work performance and to restrict the employee's work activity or presence at the workplace accordingly. The City also reserves the right to have a physician of its choice determine whether a medication at the prescribed or recommended dosage produces impairs or adversely affects the employee's work activity.

## **PROHIBITED ACTIVITIES**

### **N. Conduct Subject to Termination**

Employees, except Police Officers performing authorized law enforcement activity, will be subject to immediate termination of employment for any violation of this policy, including but not limited to:

- Being impaired by or under the influence of alcohol or controlled substances when reporting to work, while on duty, while operating a City vehicle/equipment or personal vehicle while conducting City business.
- Testing positive for alcohol or controlled substances when subjected to testing under this policy.
- Using, possessing, selling, purchasing, transferring, concealing, or transporting controlled substances anywhere on City premises at any time, whether on or off duty.
- Using, possessing, selling, purchasing, transferring, concealing, or transporting alcohol in a City vehicle at any time.
- Using or selling alcohol on City premises at any time, whether on or off duty.
- Using controlled substances or consuming alcohol during the employee's scheduled work hours, including meal breaks and on-call assignments.
- Refusing to submit to a reasonable request for drug and/or alcohol testing as directed by this policy.

### **O. Conduct Subject to Disciplinary Action**

Employees will be subject to disciplinary action up to and including termination of employment for any of the following reasons, including but not limited to:

- Using controlled substances or consuming alcohol outside of work hours while wearing City of Gatesville uniforms or any apparel that would identify the individual as a City employee.
- Being involved with drugs or alcohol off duty in a way that is damaging to the City's reputation, or in a way that is inconsistent with or in conflict with the performance of the employee's job duties.
- Failing to report, as soon as possible, a job-related motor vehicle accident to the employee's supervisor.

## **RESPONSIBILITIES**

### **P. Managers/Supervisors**

- **Consistent Enforcement**

Managers and supervisors are responsible for consistent enforcement of this policy. Any supervisor who knowingly permits a violation of this policy by employees under his direct supervision will be subject to disciplinary action including but not limited to dismissal.

- **Investigation of Reasonable Suspicion**

Managers and supervisors will request that an employee submits to a drug and/or alcohol analysis when a manager or supervisor has a reasonable suspicion, (see reasonable suspicion definition), that an employee is impaired by or under the influence of drugs or alcohol.

When reasonable suspicion exists, managers and supervisors may request, as part of an investigation, that an employee removes any and all controlled substances from his/her being or in his/her possession. If an employee refuses to do so, the employee is refusing to participate in the investigation. Anytime an investigation reaches this stage, both the Department Director and Finance & Human Resources Director or City Manager must be involved. Refusal by an employee to cooperate in an investigation is considered serious misconduct and may subject the employee to immediate dismissal from employment.

Managers and supervisors will not confiscate, without consent, prescription drugs or medications from an employee as long as the prescription is in the employee's name.

### **Q. Employees**

Every City of Gatesville employee is to do the following:

- Report to work during regularly scheduled hours or "on call" not impaired by or under the influence of alcohol or controlled substances.
- Not possess or use, or have the odor of alcohol or drugs on his breath during working hours, breaks, meal periods, while on City property in an official capacity or while operating any City vehicle/equipment.
- Report any motor vehicle/equipment accident immediately to the supervisor.
- Not directly or through a third party sell or provide drugs or alcohol to any person or any other employee while either employee or both employees are on duty, or on-call.
- Submit immediately to reasonable requests for alcohol and/or drug analysis when requested by a supervisor.

- At the beginning of the work shift, declare to the supervisor the use of any over-the-counter or prescription medication which may interfere with the safe and effective performance of his/her duties or the operation of City equipment.
- Provide within twenty-four (24) hours of the request by the employer a current, valid prescription for any drug or medication identified when a drug screen/analysis is positive. If the prescription is not in the employee's name, the employee will be subject to discipline.
- Report any suspicious behavior which may be indicative of the use of alcohol or controlled substances to their Supervisor.

## **TESTING METHODOLOGY**

### **R. Alcohol**

Tests will be conducted by a trained breath alcohol technician (BAT), using an evidential breath-testing device (EBT) or blood sample. A screening test is conducted first. If the alcohol concentration is 0.02g/dL or greater, a second confirmation test will be conducted, the results of which will determine any actions taken. A confirmed alcohol concentration of 0.04g/dL or more will be considered a positive test result. Tests will generally be conducted by a contract medical services provider. Results of alcohol testing will usually be available immediately after the test.

### **S. Controlled Substances (Drugs)**

A screening test may first be conducted before a blood or urine test is administered. Urine specimens will be initially tested for the use of controlled substances by an immunoassay screen, which will eliminate negative urine specimens from further consideration. Any urine specimen identified as positive on the initial screen will be confirmed by a second analytical procedure independent from the initial test and which will use gas chromatography/mass spectrometry (GC-MS) or other legally admissible methodology to confirm initial positive results.

## **INABILITY TO PROVIDE SPECIMEN**

### **Inability to Provide an Adequate Urine Specimen**

In the event an employee is unable, or claims to be unable to provide an amount of urine sufficient to permit a valid drug test because of a medical condition, the collector will instruct the employee to drink not more than 24 ounces of fluids and, after a period of up to two hours, again attempt to provide a complete sample using a fresh collection container. The original insufficient specimen shall be discarded. If the employee is still unable to provide an adequate specimen, the insufficient specimen shall be discarded, testing discontinued, and the City of Gatesville so notified. The MRO shall refer the individual for a medical evaluation to develop pertinent information concerning whether the individual's inability to provide a specimen is genuine or constitutes a refusal to test. (In pre-employment testing, if the City of Gatesville does not wish to hire the individual, the MRO is not required to make such a referral.) Upon completion of the examination, the MRO shall report his/her conclusion to the City of Gatesville in writing.



Until a written evaluation by a City of Gatesville approved physician is received, the employee will be removed from his/her safety-sensitive functions.

### **Failure to Cooperate**

Any employee required to provide a urine sample will be expected to sign a consent or release form authorizing the collection of the specimen, analysis of the specimen for designated controlled substances, and release of the results to the City of Gatesville. The employee will not be required to waive liability with respect to negligence on the part of any person participating in the collection, handling or analysis of the specimen or to indemnify any person for the negligence of others. If an employee refuses to cooperate during the collection process (e.g., refusal to provide a complete specimen, complete paperwork, initial specimen), the collection site person will inform the City of Gatesville representatives and document the employee's conduct on the Urine Custody and Control Form. Employees are expected to exercise good faith and cooperate during the collection process and failure to do so will subject the employee to immediate dismissal. Any manager or supervisor encountering an employee who refuses to submit to a drug and /or alcohol analysis upon reasonable request shall remind the employee that the refusal to take the test will be considered "insubordination/serious misconduct" and will result in termination of employment. Then the supervisor should again request the employee to take the test. If the employee still refuses, the supervisor should complete a Refusal to Provide Specimen Form. The supervisor should notify the Finance & Human Resources Director and the employee will be placed on administrative leave as termination is evaluated.

### **MEDICAL REVIEW OF TEST RESULTS**

The City of Gatesville will ensure that each positive or negative test results are reviewed by an MRO. The purpose of the review will be to rule out the possibility of any alternative medical explanation for the confirmed positive test result. The MRO will also review the chain of custody to ensure that it is sufficient and complete and on its face.

The Duties of the MRO will be:

1. Review the results of all drug testing prior to being reported to the City of Gatesville.
2. Review and interpret each confirmed positive test result as follows to determine if there is an alternative medical explanation for the confirmed positive test result:
  - a. Conduct a medical interview with the individual tested. If the individual cannot be reached, the MRO will contact the City of Gatesville and the City of Gatesville will contact the individual and instruct him/her to contact and discuss the results of the drug test with the MRO. If, after making reasonable efforts the City of Gatesville is still unable to contact the individual, the City of Gatesville will dismiss the individual.
  - b. Review the individual's medical history and any relevant biomedical factors. Review all medical records made available by the individual tested

to determine if a confirmed positive test resulted from legally prescribed medication.

- c. Upon request of the employee, require the split sample to be analyzed to determine the accuracy of the reported test result.
- d. Verify that the laboratory report and assessment are correct. The following rules will govern MRO determination:
  1. If the MRO determined after the appropriate review that there is a legitimate medical explanation for the confirmed positive test result, the MRO will take no further action.
  2. If the MRO determines after appropriate review that there is no legitimate explanation for the confirmed positive test result, the MRO will so inform the designated City of Gatesville officials.
  3. Based on a review of the laboratory inspection reports, chain-of-custody, quality assurance and quality control data, the MRO may conclude that a particular drug test result is scientifically insufficient for further action. Under these circumstances, the MRO will conclude that the test is negative.
  4. For opiate positives, the City of Gatesville will also require the MRO to determine if there is clinical evidence in addition to the drug test of unauthorized use of any opium, opiate, or opium derivative. The clinical evidence may include a medical history and a physical examination.

### **NOTIFICATION**

The City of Gatesville will notify each covered employee of this policy through New Hire Orientation where they will be provided with information that will guide them to the location of this policy. Each employee will acknowledge in writing the receipt and understanding of this policy.

The City of Gatesville will notify each employee of the results of random, reasonable cause and post-accident drug and alcohol tests when the test results are positive. The employee will also be advised what drug class was discovered and be removed from performing a safety-sensitive function.

### **CONFIDENTIALITY**

Laboratory reports or test results will be maintained in the Human Resources Department in a confidential medical file separate from the employees' official personnel file. The reports or test results may be disclosed to City management on a strictly need-to-know basis and to the tested employee/applicant upon request. Disclosures, without patient consent, may also occur when:

- The information is compelled by law or by the judicial or administrative process.

- The information has been placed at issue in a formal dispute between the City and the employee.
- The information is to be used in administering an employee benefit plan.
- The information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize disclosure.

### **CONTINUOUS CALL-BACK EMPLOYEES**

Employees subject to continuous emergency call back are required to declare to their supervisors at the time they are called in the use of alcohol or controlled substances, including prescribed or over-the-counter medications that might affect their ability to perform under the emergency. The supervisor will determine if the employee is fit to work and in what capacity. However, if an accident occurs the employee will be tested. If the test indicates they were under the influence or impaired by a controlled substance or alcohol dismissal will occur.

### **SOCIAL FUNCTIONS**

Employees attending training and conferences may participate in social functions associated with the conference. This includes the consumption of alcohol, so long as the employee's conduct does not reflect adversely upon the City. Employees who consume alcohol at these functions are encouraged not to drive; they will not operate a city owned or rented vehicle.

### **RECREATION AREAS**

The use or possession of alcohol outside of work hours at City recreation facilities is regulated by City Ordinance and policies.

### **BAR FROM EMPLOYMENT**

An applicant or employee who violates this policy or resigns in lieu of separation from employment due to a violation or suspected violation of this policy will be barred from employment with the City for a minimum period of six months, depending on applicable departmental policy and employee's position at the time of the violation or alleged violation.

## **Smoke-Free Workplace**

Smoking is not allowed in City buildings, City vehicles or work areas at any time. "Smoking" includes the use of any tobacco products (including chewing tobacco), electronic smoking devices, and e-cigarettes.

Smoking is only permitted during break times in designated outdoor areas. Employees using these areas are expected to dispose of any smoking debris safely and properly.

## **Domestic Violence**

Domestic violence is a serious problem that adversely affects the well-being and productivity of all employees who are victims, as well as their co-workers. The City will assist employees who are victims of domestic violence and will take measures to create a safe working environment for them. To the extent authorized by law, all sensitive information will be kept confidential to maintain respect for the privacy of the reporting employee(s).

## **Workplace Violence Prevention**

The City is committed to providing a safe, violence-free workplace for our employees. Due to this commitment, we discourage employees from engaging in any physical confrontation with a violent or potentially violent individual or from behaving in a threatening or violent manner. Threats, threatening language, or any other acts of aggression or violence made toward or by any employee will not be tolerated. A threat may include any verbal or physical harassment or abuse, attempts to intimidate others, menacing gestures, stalking, or any other hostile, aggressive, and/or destructive actions taken for the purposes of intimidation. This policy covers any violent or potentially violent behavior that occurs in the workplace or at City-sponsored functions.

All The City employees bear the responsibility of keeping our work environment free from violence or potential violence. Any employee who witnesses or is the recipient of violent behavior should promptly inform their supervisor, Human Resources Department, or City Manager. All threats will be promptly investigated. No employee will be subject to retaliation, intimidation, or discipline as a result of reporting a threat in good faith under this guideline.

Any individual engaging in violence against the City, its employees, or its property will be prosecuted to the full extent of the law. All acts will be investigated, and the appropriate action will be taken. Any such act or threatening behavior may result in disciplinary action up to and including termination.

Unless specifically authorized by the City Manager, no employee, other than a licensed peace officer or animal control officer, shall carry or possess a firearm or other weapon on City property or in a City vehicle. The City prohibits employees from carrying or using any weapons, concealed or otherwise, on City property or in a City vehicle. This ban includes keeping or transporting a weapon in any vehicle in a City-provided parking area. Employees are also prohibited from carrying a weapon while on duty or at any time while engaging in City-related business. Prohibited weapons include firearms, clubs, explosive devices, knives with blades exceeding 5 ½ inches, switchblades, etc. Any employee violating this policy is subject to discipline up to and including dismissal for the first offense.

The City reserves the right to inspect all belongings of employees on its premises, including packages, briefcases, purses and handbags, and personal vehicles on City property. In addition, The City may inspect the contents of lockers, storage areas, file cabinets, desks, and work stations at any time and may remove all City property and other items that are in violation of City rules and policies.

## **Commitment to Safety**

The City takes employee safety very seriously. Every effort will be made to provide a safe environment in which to work.

All employees have the opportunity and responsibility to contribute to a safe work environment by using commonsense rules and safe practices and by notifying management when any health or safety issues are present. All employees are encouraged to partner with management to ensure maximum safety for all.

Any minor cuts or bruises occurring while on duty can be taken care of by the employee's supervisor or fellow employee. If the supervisor decides it is a more serious injury, and an appointment needs to be made with a doctor or the employee needs to be taken to a hospital emergency room that accepts worker's compensation claims.

Any employee who is injured while on the job (no matter how minor) must notify their supervisor immediately to be eligible for coverage provided under the Workmen's Compensation Act. At that point, the supervisor or the employee should report to the Finance Department to fill out the proper paperwork.

## **Workplace Guidelines**

### **Working Together**

Today, just about everything that gets done is done through teamwork-done by people working together. As you well realize, it takes many different kinds of skills and abilities to provide proper service and protection to the citizens of Gatesville. In getting things done by teamwork, the overall operation of the City are divided and subdivided so that special groups can do each phase of the work. Each group does a specific and essential phase of the whole job.

When employees work as a team, someone must plan and direct the work. Your supervisor is responsible for the work of your department. In turn, other management employees help direct the work of several departments.

### **Employee Responsibility**

Employment means a two-way responsibility. Both you as the employee and the City have certain obligations.

You expect consistent treatment; the City expects you do your job well.

The City will strive to provide regular hours, and maintain a safe and healthy place for you to work.

In return, as an employee, you are expected to give full time and ability to your job during working hours; conduct yourself so as to reflect credit to both yourself and the City; observe the City rules; and work cooperatively and safely with others in your department

## **Attendance**

Daily attendance is a condition of employment. All employees are expected to arrive on time, ready to work, every day they are scheduled to work. All employees should regard coming to work on time, working their shift as scheduled and leaving at the scheduled time as essential functions of their job, i.e., good attendance habits are an integral part of every employee's job description.

If an employee will be absent for an entire day, the employee must contact the supervisor prior to 8:00 a.m. if at all possible. If unable to arrive to work on time, the employee must contact the supervisor, inform them of the reason and an expected time of arrival at work. Excessive absenteeism or tardiness will result in discipline up to and including termination. Failure to show up or call in for a scheduled shift without prior approval may result in termination. If an employee fails to report to work, or call in to inform the supervisor of the absence, for 3 consecutive days or more, the employee will be considered to have voluntarily resigned and termination papers will be processed.

## **Job Performance**

Communication between employees and supervisors is very important. Discussions regarding job performance are ongoing and often informal. Employees should initiate conversations with their supervisors if they feel additional ongoing feedback is needed.

## **Work From Home Policy**

In response to extraordinary circumstances caused by a public health or safety crisis, the City may implement a work-from-home policy to allow certain employees to work outside the office environment, subject to certain conditions.

**Eligibility.** Not all work performed by the City lends itself to being performed at home; the City Manager will approve all requests to work remotely. The work performed must align with the tasks in the employee's position description.

### **Rules and Policies.**

- If authorized to work from home, employees who experience technical issues (computer, internet, etc.) will notify their supervisor immediately. If required, employees working from home may be required to return to their normal work site as required by the needs of their supervisor.

- All rules and policies set forth in the City of Gatesville Employee Handbook apply while working from home.
- Employees must follow their regularly assigned work schedule. Employees will accurately record all hours worked and submit accurate time records to their Department Head. Any overtime hours worked remotely require the advance approval of the employee's Department Head/supervisor.

The City will attempt to provide the required resources needed to work from home such as computers and telephones.

## **Outside Employment**

Employees are permitted to work a second job as long as it does not interfere with their job performance with the City. Employees with a second job are expected to work their assigned schedules. A second job will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If a Department Head desires outside employment, approval by the City Manager is required, with a written consent form signed by the City Manager

If outside work activity causes or contributes to job-related problems, it must be discontinued, or the employee may be subject to disciplinary action, up to and including termination.

## **Dress and Grooming**

The City provides a casual yet professional work environment for its employees. Even though the dress code is casual, it is important to project a professional image to our customers, visitors, and coworkers. All employees are expected to dress in a manner consistent with good hygiene, safety, and good taste. Please use common sense. If it is a job requirement than an employee wear a Self-Contained Breathing Apparatus (SCBA) the employee may not have a beard or goatee that would prevent a proper face seal test.

### **Office Attire**

Proper attire for office employees include skirts, split skirts, capris, dress leggings, jeans, pants and clothing that covers the back and midriff. Button shirts, blouses, tunics and sleeveless blouses are acceptable. T-shirts are acceptable if they are free of logos, or if it is to support a current local event.

Proper footwear for office employees include heels, flats, loafers, boots, sneakers (as long as they are clean and in good condition), sandals and flip flops (not to include plastic shower shoes).

### **Utility Worker Attire**

Employees working in the field or the plants are provided with uniforms. These uniforms are provided to the employees at no cost upon completion of ninety (90) days of employment.

If an employee does not wear the uniforms they must wear attire that is appropriate for the job. This includes jeans, pants, button shirts or City appropriate T-shirts. Shorts and tank tops are not appropriate for these jobs.

Adequate foot protection that encloses the entire foot and heels is required in these jobs. Some jobs may require safety shoes or boots.

If an employee will be working on or around rotating, reciprocating, and/or press type equipment, they must comply with the following safety grooming rules:

Hair length that falls below the base of the neck or tip of the nose requires the use of a hairnet, bandana or clasp to hold the hair close to the head.

Beards or goatees in excess of one and one-half inches are not permitted.

Shirt, sweater or blouse sleeves are to be tightly rolled up to the elbow.

Dangling earrings, necklaces, bracelets, watches, rings, other than wedding or engagement rings, or jewelry that protrudes are not permitted.

### **Police Attire**

Uniforms for police officers are provided upon employment. Three (3) sets of uniforms, including pants and long sleeve shirts are issued. Officers also receive a bulletproof vest. Each officer is responsible for obtaining his/her own duty weapon. Animal Control and Code Enforcement Officers receive three (3) shirts, pants, and jackets. Dispatchers receive three (3) shirts.

### **Lifeguards**

Lifeguards will wear a swimsuit that is issued by the City. If the employee prefers to buy one themselves, it must be approved by the pool manager as appropriate.

ALL employees are required to report to work clean and groomed appropriately for the position. Any questions or complaints regarding the appropriateness of attire should be directed to the department supervisor. Decision regarding attire will be made by individual department supervisors.

### **Social Media Acceptable Use**

The City encourages employees to share information with co-workers and with those outside the City for the purposes of gathering information, generating new ideas, and learning from the work of others. Social media provide inexpensive, informal, and timely ways to participate in an exchange of ideas and information. However, information posted on a website is available to the public and, therefore, the City has established the following guidelines for employee participation in social media.

**Note:** As used in this policy, “social media” refers to blogs, forums, and social networking sites, such as Twitter, Facebook, LinkedIn, YouTube, Instagram, and Snap Chat, among others.



**Off-duty use of social media.** Employees may maintain personal websites or weblogs on their own time using their own facilities. Employees must ensure that social media activity does not interfere with their work. In general, the City considers social media activities to be personal endeavors, and employees may use them to express their thoughts or promote their ideas. However, unprofessional posts such as posts about the employee's overindulgence and the use of alcohol or posts derogatory towards a certain race, ethnicity or religion can bring discredit upon the employee and/or the City. Derogatory posts about another agency can bring discredit upon the harm and harm interagency cooperation. It is impossible to catalog every situation that could create an issue. Discretion and good judgment must be exercised.

**On-duty use of social media.** Employees may engage in social media activity during work time provided it is directly related to their work or approved by their supervisor. Any personal use of social media should not be done on City equipment.

**Respect.** Demonstrate respect for the dignity of the City, its Council, its customers, its vendors, and its employees. A social media site is a public place, and employees should avoid inappropriate comments. For example, employees should not divulge The City confidential information such as client lists, or information restricted from disclosure by law on social media sites. Similarly, employees should not engage in harassing or discriminatory behavior that targets other employees or individuals because of their protected class status or make defamatory comments. Even if a message is posted anonymously, it may be possible to trace it back to the sender.

**Work Information.** Do not post information obtained by virtue of your position on social media. Obviously, confidential information must never be disclosed on social media or otherwise by an employee who is not expressly authorized to do so by the City Manager. Please remember that new ideas related to work or the City's business belong to the City. Do not post them on a social media site without the City Manager's permission.

**Links.** Employees may provide a link from a social media site to the City's website during employment (subject to discontinuance at the City's sole discretion).

**Trademarks and copyrights.** Do not use the City's or others' logos on a social media site, or reproduce the City's or others' material without first obtaining permission.

**Legal.** Employees are expected to comply with all applicable laws, including but not limited to, Federal Trade Commission (FTC) guidelines, copyright, trademark, and harassment laws.

**Discipline.** Violations of this policy may result in discipline up to and including immediate termination of employment.

*Note:* Nothing in this policy is intended to prevent fair comment on matters of public concern. However, great care should be used in assuming that a matter is a matter of public concern.

## **Bulletin Boards**

All required governmental postings are posted on the boards located in City Hall and at all other City facilities.

## **Computers, Internet, Email, and Other Resources**

The City provides a wide variety of communication tools and resources to employees for use in running day-to-day business activities. Whether it is the telephone, voice mail, fax, scanner, Internet, e-mail, text messaging, or any other City-provided technology, use should be reserved for business-related matters during working hours. All communication using these tools should be handled in a professional and respectful manner.

Employees should not have any expectation of privacy in their use of City computer, phone, or other communication tools. All communications made using City-provided equipment or services including email and internet activity, are subject to inspection by the City. Employees should keep in mind that even if they delete an email, voicemail or other communication, a copy may be archived on the City's systems.

Employee use of City-provided communication systems, including personal e-mail and internet use, that are not job-related, have the potential to drain, rather than enhance, productivity and system performance. You should also be aware that information transmitted through e-mail and the internet is not completely secure or may contain viruses or malware, and information you transmit and receive could damage the City's systems. To protect against possible problems, delete any e-mail messages prior to opening that are received from unknown senders and advertisers. It also is against City policy to turn off antivirus protection software or make unauthorized changes to system configurations installed on City computers. Violations of this policy may result in disciplinary action up to termination.

The City encourages employees to use e-mail only to communicate with citizens, fellow employees, suppliers, customers, or potential customers regarding City business. Internal and external e-mails are considered business records and may be subject to federal and state recordkeeping requirements as well as to discovery in the event of litigation. Be aware of this possibility when sending e-mails within and outside the City.

All use of City-provided communications systems, including e-mail and internet use, should conform to our City guidelines/policies, including but not limited to the Equal Opportunity, Harassment, Confidential Information, and Conflicts of Interest. So for example, employees should not engage in harassing or discriminatory behavior that targets other employees or individuals because of their protected class status or make defamatory comments. Similarly, employees should not divulge confidential information restricted from disclosure by law on social media sites.

Because e-mail, telephone and voice mail, and internet communication equipment are provided for City business purposes and are critical to the City's success, your communications may be accessed without further notice by City management to ensure compliance with this guideline.

The electronic communication systems are not secure and may allow inadvertent disclosure, accidental transmission to third parties, etc. Sensitive information should not be sent via unsecured electronic means.

Office telephones are for business purposes. While the City recognizes that some personal calls are necessary, these should be kept as brief as possible and to a minimum. Personal use of the City's cell phones or long-distance calls are strictly prohibited. Abuse of these privileges is subject to corrective action up to and including termination.

## **Expense Reimbursement**

See "Exhibit C" Travel and Training

## **Personal Property**

The City does not assume responsibility for any personal property located on its premises, in vehicles or in parking areas. Employees need to use their own discretion when choosing to bring personal property to the workplace and do so at their own risk.

## **Personal Information Changes**

Employees are responsible for promptly notifying the Finance Department of any change in personal information. This includes address, telephone number, marital status, name change, tax withholding allowances, emergency contact information, insurance beneficiary, or dependent insurance coverage. Changes in personal data may affect employee benefits, so prompt reporting of these changes is important.

## **Personal Use of City Property**

Personal use of City property or equipment is not permitted unless otherwise approved by the City Manager. An employee may use a City vehicle **only when on duty/on-call** and in the discharge of his/her duties except as follows:

1. The employee is on call and is called out to perform a service.
2. The vehicle is used solely for transportation between the employee's workplace and the employee's residence subject only to a minimal number of stops in route.
3. The transportation occurs immediately following the employee's duty hours and immediately preceding the employee's duty hours.
4. The vehicle, with the exception of call outs during off duty hours and transportation permitted as above, remains parked at the employee's residence, and
5. The City Manager has, in advance, approved in writing, off duty use of the vehicle by the employee in question.

At no time shall an employee transport in a City vehicle any person other than another City employee or other person reasonably related to and in the discharge of the employee's duties. Abuse of the use of a City vehicle or equipment is grounds for dismissal.

## **Security Incident Reports**

Written reports should be prepared by supervisors and submitted to the City Manager immediately after a security-related incident has occurred or been discovered. The report should cover any and all information relating to the who, what, when, where, why and how aspects of the incident. If time is a critical factor the report should be made first over the telephone and later confirmed in writing.

The following types of incidents must be reported:

1. Criminal acts on City property.
2. Bomb threats via telephone, mail, etc., or actual incidents.
3. Theft or misappropriation of City assets.
4. Damage to City property or an employee's personal property while on City premises involving actual or suspected mischief, vandalism, or criminal negligence.
5. Natural or man-made disasters.
6. Attempts by persons to misrepresent themselves as employees.
7. Any riot, civil disorder, or insurrection.
8. Any threats to employees of any nature.

## **Disciplinary Procedure**

The City expects all employees to comply with the standards of behavior and performance and to correct any noncompliance with these standards. When an employee deviates from the rules and standards, the City reserves the right to take corrective action. Infractions that may result in discipline include, but are not limited to, performance-related problems, violations of City Rules and policies, and for behaviors that the City deems unacceptable.

Depending upon the facts and circumstances, disciplinary actions may include counseling sessions, verbal warnings, written warnings, suspension, probation or termination. The disciplinary process will be determined by management in light of the facts and circumstances of each case. The City reserves the right to alter the order of disciplinary action described above, eliminate disciplinary steps, or to implement new disciplinary measures. An employee may also be immediately terminated based on certain policy violations, the seriousness of the misconduct and the employee's past record.

Conduct that may result in immediate termination includes, but is not limited to, insubordinate behavior, theft, destruction of company property, untruthfulness about personal background, being under the influence of drugs or alcohol, or threats of violence. These are just some

examples, but not a complete list, of offenses for which an employee may be subject to immediate termination.

Under normal circumstances, the City endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right to administer discipline in any manner it sees fit. This policy does not modify the status of employees as employees-at-will or in any way restrict the City's right to bypass the disciplinary procedures suggested.

The following are suggested steps in the disciplinary procedure. All steps taken should be documented in the employee's personnel file.

**Step 1: Informal Discussion.** When a performance problem is first identified, the nature of the problem and the action necessary to correct it should be thoroughly discussed with the employee.

**Step 2: Counseling and Written Notice:** If a private informal discussion with the employee has not resulted in corrective action, the supervisor should meet with the employee and (a) review the problem, (b) permit the employee to present his or her views on the problem, (c) advise the employee that the problem must be corrected, (d) inform the employee that failure to correct the problem will result in further disciplinary action which may include discharge, and (e) issue a written warning to the employee. Provide the original paperwork to the Finance Department/HR to be placed in the employee's file.

**Step 3: Suspension:** If satisfactory performance and corrective action are not achieved under Steps 1 and 2, the supervisor and his or her superior should meet with the employee in private and proceed via (a) through (d) above, and suspend the employee for a reasonable number of days. This suspension may be with or without pay.

**Step 4: Termination.** Failure to improve performance or behavior after the written warning or suspension may result in termination. Termination may also result from a violation of these policies, a violation of City ordinance or law, or other violation as described in these policies.

The progressive disciplinary procedures described above also may be applied to an employee who is experiencing a series of unrelated problems involving job performance or behavior.

In cases involving serious misconduct, or any time the supervisor determines it is necessary, the procedures contained above may be disregarded. Typically, the supervisor may suspend the employee immediately (with or without pay) and an investigation of the incidents leading up to the suspension should be conducted to determine if any further action, such as termination, should be taken.

## **Grievance and Appeal Procedures**

**Grievance Procedures.** Employees shall be encouraged to informally take any job-related complaints or problems to their immediate supervisors. Following informal discussions, an employee remaining dissatisfied with a working condition or some other aspect of employment, not subject to appeal of corrective action procedures, may submit a written grievance to his or her immediate supervisor within fifteen (15) calendar days after the cause of the grievance arises or becomes known to the employee.

It shall be the responsibility of the immediate supervisor to study the grievance and attempt to resolve it within ten (10) calendar days and further discussions with the grievant shall be encouraged. Supervisor and employees should make every effort to resolve grievances at the lowest level possible. Employees shall be kept informed of the status of their grievances. Punitive action shall not be taken against an employee for submitting a grievance.

**Appeal Procedures.** If a person in the supervisory chain fails to resolve or refer a grievance within ten (10) calendar days, the employee may present the grievance directly to the next higher level of supervision.

An employee who receives corrective/disciplinary action may file a written appeal with the next higher supervisor that has originated the corrective action within ten (10) calendar days.

If the grievance or appeal cannot satisfactorily be resolved within ten (10) calendar days, the appropriate supervisor shall refer it with comments and/or recommendations to the next higher level of supervision, up to the City Manager if necessary. The Employee's right of final appeal shall rest with the City Manager. The City Manager's determination is final.

The grievance process does not apply to terminations. However, a terminated employee who believes his/her termination was based on unlawful discrimination shall use the process established in the Harassment and Complaint Procedure found at page 8 above, but shall file their complaint directly with the Human Resources Director within fifteen (15) business days of termination.

A terminated employee not complaining of discrimination may request in writing that the City Manager review his/her termination *IF* the City Manager was not the person who discharged the employee. The request must be made within five (5) business days of termination. The City Manager's decision is final.

# Time Off and Leaves of Absence

## Holidays

The City observes and allows time off with pay for the following holidays:

- New Year's Day January 1
- Martin Luther King Day 3<sup>rd</sup> Monday in January
- Presidents' Day 3<sup>rd</sup> Monday in February
- Good Friday Friday before Easter
- Memorial Day Last Monday in May
- Juneteenth 3<sup>rd</sup> Monday in June
- Independence Day July 4
- Labor Day 1<sup>st</sup> Monday in September
- Columbus Day 2<sup>nd</sup> Monday in October
- Veteran's Day November 11
- Thanksgiving Day 4<sup>th</sup> Thursday in November
- Day after Thanksgiving 4<sup>th</sup> Friday in November
- Christmas Eve December 24
- Christmas December 25
- Employee's Birthday On Day of or Floating

If one of these holidays falls on a Sunday, it will be observed on the following Monday. If the holiday falls on a Saturday, the City Manager will select either the following Monday or the preceding Friday as a substitute holiday.

**Holiday pay.** All full-time regular and hourly employees are eligible for holiday pay. Part-time and temporary employees, including summer employees, are not eligible for holiday pay.

Holiday pay shall be at the employee's regular straight-time rate times his regularly scheduled hours (not to exceed 8 hours).

**Unexcused Absence Preceding or Following a Holiday.** An employee who has an unexcused absence on the day immediately preceding or following a holiday(s) may be subject to disciplinary action. This does apply to an employee who has called in sick and has approval from his Supervisor.

**Religious observances.** Employees who need time off to observe religious practices or holidays not already scheduled by the City should speak with their supervisor. Depending upon business needs, the employee may be able to work on a day that is normally observed as a holiday and then take time off for another religious day. Employees may also be able to switch a scheduled day with another employee, or take vacation time, or take off unpaid days. The City will seek to reasonably accommodate individuals' religious observances.

## Vacation

The City recognizes the importance of time off from work to relax, spend time with family, and enjoy leisure activities. The City provides paid vacation time to full-time employees for this purpose and employees are encouraged to take vacation during the year. Full-time employees will accrue paid vacation according to the following schedule:

<u>Years of Employment</u>	<u>Months</u>	<u>Hours per Month</u>
Up to 2 years	0-23 mos	7 hours
2-5 years	24-60 mos	8 hours
6-10 years	61-120 mos	9 hours
11-15 years	121-180 mos	10 hours
16-20 years	181-240 mos	12 hours
21 years and above	241 + mos	14 hours

Employees should submit vacation plans to their supervisor, up to the limit of the accrued vacation, for approval. Vacations should be taken at a time that, as determined by the Supervisor, will not impair the operation of the department. When taking vacation, an employee must take a minimum of one (1) hour, and must have the approval of the employee's immediate supervisor. Vacation time shall not be advanced to employees. Vacation credits are not transferable between employees.

Vacation should be used in the year it is earned. Employees will be permitted to carry-over up to 30 days (240 hours) of accrued vacation to the following calendar year. At the end of the calendar year, any employee with vacation time over the 30 days (240 hours) will forfeit it. Employees whose employment terminates during the year will be paid for unused vacation time, up to the 30 days (240 hours).

## Sick Leave

The City provides full-time employees with paid sick time, which accrues at the rate of 8 hours per month. Sick days are not intended to be used as a substitute for vacation days, but this time may be used if an employee is ill and unable to come to work, provide care for a sick child, or needs to provide care for an immediate family member who is ill. Sick time may also be used if an employee needs time off for scheduled medical procedures.

Employees who are unable to report to work due to illness or injury, should notify their immediate supervisor as soon as possible. If an employee misses 3 or more consecutive days because of illness, the City may require the employee to provide a doctor's excuse and written



permission to return to work. Failure to provide such certification may result in time off without pay.

Employees may carry accrued sick days over from one year to the next. The maximum accrual allowed for full-time employees is 57 days (456 hours). In December of each year, the City will compensate the employee for any hours in excess of 45 days (360 Hours) at a rate of 50% of the employee's regular pay, reducing the accumulated balance back to 45 days. Each year, the employee may accumulate 8 hours each month until the above-mentioned December settlement.

Sick leave shall be for permitting an employee to be relieved of his/her duties during actual illness and certain emergencies, and may not be used for any other circumstances without approval from the City Manager. Employees who use their sick leave without just cause may be dismissed from employment with the City.

Upon favorable resignation or retirement, the employee may be compensated for accumulated sick leave at 25% of the employee's regular pay rate for his/her current balance of sick leave up to the 360 hours.

## **Sick Leave Pool**

The City of Gatesville's Sick Leave Pool Policy is attached as Exhibit A.

## **Military Leave**

The City supports the military obligations of all employees who serve in the National Guard or Reserves, and grants leaves for uniformed service in accordance with applicable federal and state laws. Any employee who needs time off for uniformed service should immediately notify the Finance department and his or her supervisor, who will provide details regarding the leave. If an employee is unable to provide notice before leaving for uniformed service, a family member should notify the supervisor as soon as possible.

Upon return from military leave, employees will be granted the same seniority, pay, and benefits as if they had worked continuously. Failure to report for work within the prescribed time after completion of military service will be considered a voluntary termination.

All employees who enter military service may accumulate a total absence of 5 years and still retain employment rights.

## **Family and Medical Leave**

The City complies with the federal Family and Medical Leave Act (FMLA), which requires employers to grant unpaid leaves of absence to qualified workers for certain medical and family-related reasons.

Please note there are many requirements, qualifications, and exceptions under these laws, and each employee's situation is different. Contact the Human Resources department to discuss options for leave.

The FMLA requires private employers with 50 or more employees and all public agencies, including state, local, and federal employers, and local education agencies (schools), to provide eligible employees up to 12 weeks of unpaid, job-protected leave, in any 12-month period for certain family and medical reasons. To be eligible for FMLA, an employee must have worked at least 1250 hours during the 12 month period immediately preceding the start of the leave. The 12-month period is a rolling period measured backward from the date an employee uses any FMLA leave, except for leaves to care for a covered service member with a serious illness or injury. For those leaves, the leave entitlement is 26 weeks in a single 12-month period, measured forward from the date an employee first takes that type of leave.

**Military Family Leave Entitlements.** Eligible employees with a spouse, son, daughter, or parent on active duty or called 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. Qualifying exigencies may include addressing issues that arise from (1) short notice of deployment (limited to up to seven days of leave); (2) attending certain military events and related activity; (3) arranging childcare and school activities; (4) addressing certain financial and legal arrangements; (5) attending certain counseling sessions; (6) spending time with covered military family members on short-term temporary rest and recuperation leave (limited to up to five days of leave); (7) attending post-deployment reintegration briefings; (8) arranging care for or providing care to a parent who is incapable of self-care; and (9) any additional activities agreed upon by the employer and employee that arise out of the military member's active duty or call to active duty.

The 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. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties and for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

**Basic Leave Entitlement.** The FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for 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 adoption, 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 work.

**Benefits and Protections During FMLA Leave.** During FMLA leave, the City will maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. However, an employee on FMLA leave does not have any greater right to reinstatement or to

other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

Certain highly compensated key employees also may be denied reinstatement when necessary to prevent “substantial and grievous economic injury” to the City’s operations. A “key” employee is an eligible salaried employee who is among the highest paid ten percent of the City’s employees. Employees will be notified of their status as a key employee, when applicable, after they request FMLA leave.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

**Employee Eligibility.** The FMLA defines eligible employees as employees who: (1) have worked for the City for at least 12 months; (2) have worked for the City for at least 1,250 hours in the previous 12 months; and (3) work for an employer which has 50 or more employees.

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

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

**Use of Leave.** An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced work schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations. Leave due to qualifying exigencies also may be taken on an intermittent or reduced work schedule basis.

**Substitution of Paid Leave for Unpaid Leave.** Employees may choose or employers may require the use of accrued paid leave while taking FMLA leave. Accordingly, the City requires employees to use any accrued paid vacation and sick days during an unpaid FMLA leave taken because of the employee’s own serious health condition or the serious health condition of a family member or to care for a seriously ill or injured family member in the military. In addition, the employee must use any accrued paid vacation or sick days during FMLA leave taken to care for a newborn or newly placed child or for a qualifying exigency arising out of a family member’s active duty or call to active duty status in support of a contingency operation. In order to use paid leave for FMLA leave, employees must comply with the City’s normal paid leave procedures found in its Vacation and Sick Leave sections.

**Employee Responsibilities.** Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the City's normal call-in procedures. The City may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave, absent unusual circumstances preventing the notice.

Employees must provide sufficient information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also are required to provide a certification and periodic recertification supporting the need for leave. The City also may require a second, and if necessary, a third opinion (at the City's expense) and, when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work. The City also may delay or deny approval of leave for lack of proper medical certification.

**City Responsibilities.** The City will inform employees requesting leave whether they are eligible under the FMLA. If they are, the notice will specify any additional information required as well as the employees' rights and responsibilities. If employees are not eligible, the City will provide a reason for the ineligibility.

The City will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's FMLA leave entitlement. If the City determines that the leave is not FMLA-protected, the City will notify the employee.

**Other Provisions.** Under an exception to the Fair Labor Standards Act (FLSA) in the FMLA regulations, hourly amounts may be deducted for unpaid leave from the salary of executive, administrative, and professional employees, and certain highly compensated employees who are exempt from the minimum wage and overtime requirements of the FLSA, without affecting the employee's exempt status. This special exception to the "salary basis" requirements for the FLSA's exemptions extends only to eligible employees' use of FMLA leave.

Employees may not perform work for self-employment or for any other employer during an approved leave of absence, except when the leave is for military or public service or when the City has approved the employment and the employee's reason for FMLA leave does not preclude the outside employment.

**Unlawful Acts by Employers.** The FMLA makes it unlawful for any employer (1) to interfere with, restrain, or deny the exercise of any right provided under the FMLA; or (2) to discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

**Enforcement.** An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

## **Bereavement Leave**

Employees with more than 3 months' service may take **up to 3 days** of paid bereavement leave upon the death of a member of their immediate family, and with the approval of the Department Head. "Immediate family members" are defined as an employee's spouse, domestic partner, parents, stepparents, siblings, children, stepchildren, grandparent, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or grandchild.

The City may require verification of the need for the leave. The employee's supervisor and City Manager will consider this time off on a case-by-case basis.

Payment for bereavement leave is computed at the regular hourly rate to a maximum of 8 hours for 1 day. Time off granted in accordance with this policy shall not be credited as time worked for the purpose of computing overtime.

## **Jury Duty/Court Appearance**

The City supports employees in their civic duty to serve on a jury. Employees must present any summons to jury duty to their supervisor as soon as possible after receiving the notice to allow advance planning for an employee's absence.

Nonexempt employees will be paid for up to 2 weeks of jury duty service at their regular rate of pay. Exempt employees are subject to the same 2-week limitation. All employees may use any accrued time off if required to serve more than 2 weeks on a jury.

If an employee is selected for jury duty, contact his/her supervisor each day to keep City informed of expected time to finish the service.

If an employee is released from jury duty after 4 hours or less of service, he or she must report to work for the remainder of that work day.

Time for appearance in court for personal business will be the individual employee's responsibility. Normally, vacation days will be used for this purpose.

Upon return to work, employee must bring a copy of the certificate from the court clerk to the supervisor.

## **Time Off for Voting**

The City recognizes that voting is a right and privilege of being a citizen of the United States and encourages employees to exercise their right to vote. In almost all cases, you will have sufficient time outside working hours to vote. If for any reason you think this won't be the case, contact your supervisor to discuss scheduling accommodations.

## **Absence Without Leave**

Unauthorized absence without leave for three (3) or more consecutive days, or failure to return at the expiration of a leave is considered to be an automatic resignation or job abandonment. An automatic resignation may be rescinded by the Department Head if the employee presents satisfactory reasons for the absence within three (3) days of the date the automatic resignation became effective.

## **Leave Without Pay**

With the approval of the City Manager, an employee may be granted a leave of absence without pay. An employee is eligible to request leave without pay only after all vacation and sick leave have been exhausted. All requests must be submitted in writing to the employee's supervisor as far in advance as possible. If allowed by applicable benefit contracts, employee benefits will continue during the leave of absence; however, the employee who is taking the leave of absence shall reimburse the City for all elective payroll deductions. When an employee is on leave of absence, no sick leave or vacation leave will be accrued during that time. No leave will be granted under this section for the purpose of accepting temporary employment with another employer. An unpaid leave of absence may not be authorized unless there is reasonable expectation that the employee will return to employment with the City at the end of the approved leave period. In order to obtain the leave without pay, the employee shall provide whatever information requested to the City Manager regarding the need for such leave. All vacation time, sick leave and accumulated compensatory time must be used prior to authorization of leave without pay.

## **Employee Benefits**

The City recognizes the value of benefits to employees and their families. The City supports employees by offering a comprehensive and competitive benefits program. Each full-time employee is offered the option of participation in the plan. The benefits listed in this handbook are meant to be a general description only, and may be modified or eliminated at any time, in whole or in part, without notice. For more information regarding benefit programs contact the Finance department.

## **Fringe Benefits**

A fringe benefit is something of value provided in connection with the performance of a service. Items considered fringe benefits are:

1. Personal Use of Employer's vehicle. Commuting to and from work is a taxable fringe benefit and will be taxed at a rate of \$1.50 each way. Clearly marked police and fire vehicles are exempt from taxation as well as unmarked police vehicles.
2. Cell Phones. Excess expenses for personal use of phone must be reimbursed by the employee "except to the extent that calls made on the phone, whether within the contract plan or excess, are work related." Failure to reimburse the City for the additional charges will result in that portion becoming taxable to the employee.

## **Medical and other Insurance**

Full-time employees working 40 hours or more per week are eligible for insurance on the first of the month following 30 days of service. To keep coverage in force, every insured employee must continue to work 40 hours per week.

The City pays a portion of the premium cost for the employee or family plan. The remaining portion of the premium is the responsibility of the employee to be paid through payroll deduction. The amount of premium covered by the City is determined by the City Council annually. As with all policies in this handbook, health coverage may change at any time.

Continued coverage under the City's group medical plan, following termination of employment, may be available to employee or qualified beneficiaries under COBRA (Consolidated Omnibus Budget Reconciliation Act). The cost of coverage is paid solely by the former employee and may be subject to an administrative fee.

Other insurance plans are available through the City including; Dental, Vision, Supplemental Life Insurance, and Flexible Spending Accounts all paid by the employee through payroll deduction.

## **COBRA (Consolidated Omnibus Budget Reconciliation Act)**

Continued coverage under The City's group medical plan following termination of employment may be available to you or your qualified beneficiaries under applicable law. The cost of coverage is paid solely by the former employee and may be subject to an administrative fee.

## **457 Plan**

The City recognizes the importance of saving for retirement and offers eligible employees a 457 plan. This plan is completely optional to the employee and the City does not match any funds deposited into this plan.

## **TMRS (Texas Municipal Retirement System)**

The City full-time employees are required to participate in TMRS. The City currently participates in a 2:1 program. For every 7% withheld from the employee's gross paycheck, the City matches with 14%. This deduction is tax deferred, meaning taxes are not figured on the deduction. The funds are sent to TMRS and held in an account in the employee's name. Further information is available in the TMRS handbook or on the TMRS website. Individuals who are contemplating

retirement should contact the Finance Department regarding their benefits approximately sixty (60) days prior to the retirement date.

As a full time employee of the City enrolled in TMRS, there is no participation in Social Security. Employees are still required to participate in Medicare. Part-time employees must participate in both Social Security and Medicare.

## **Workers' Compensation**

Workers' compensation is a "no-fault" system that provides compensation for medical expenses and wage losses to employees who are injured or who become ill because of employment.

The City pays the entire cost of workers' compensation insurance. The insurance provides coverage for related medical and rehabilitation expenses and a portion of lost wages to employees who sustain an injury on the job.

The City abides by all applicable state workers' compensation laws and regulations.

If an employee sustains a job-related injury or illness, it is important to notify the supervisor and the Finance Department immediately. The supervisor will complete an injury report with input from the employee and return the form to the Finance department. Finance will file the claim with the insurance company. In cases of true medical emergencies, report to the nearest emergency room, and complete paperwork at a later time.

Workers' compensation benefits (paid or unpaid) will run concurrently with FMLA leave, if applicable, where permitted by state and federal law. In addition, employees will not be paid vacation or sick leave for approved absences covered by the company's workers' compensation program, except to supplement the workers' compensation benefits such as when the plan only covers a portion of the employee's salary as allowed by state law.

## **Disclaimer**

The City of Gatesville reserves the right to modify, alter, delete, suspend or discontinue all or any part of this policy at any time, with or without prior notice to employees. Nothing in this Policy constitutes a contract of employment, implied or express, and nothing in this policy alters the at-will employment status of employees.