



# **CITY OF HEWITT**

## **EMPLOYEE POLICIES & PROCEDURES MANUAL**

**Revised & Amended: December 2021**

# Personnel Policy Manual Acknowledgement

---

By signing below, I acknowledge that I have received a digital copy of the Employee Personnel Manual and understand that it is my responsibility to read the Employee Personnel Manual in its entirety. I agree to comply with the rules, policies, and procedures set forth herein, as well as any revisions made in the future. I also understand that if I violate the rules, policies, and procedures set forth herein that I may be subject to discipline, up to and including termination of my employment.

I fully understand that the Employee Policy Manual is not a contract of employment. I understand that the City retains the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to the employees and the City. I understand that I am an at-will employee and that my employment may be terminated by either myself or the City, at any time, with or without cause, and with or without notice.

The City reserves the right to revise, delete, and add to the provisions of this Employee Policy Manual at any time without further notice. I understand that no oral statements or representations can change the provisions of this Employee Policy Manual. I understand that this Employee Policy Manual is not intended to create contractual obligations with respect to any matters it covers and that the Employee Policy Manual does not create a contract guaranteeing that I will be employed for any specific time period. I understand nothing in this Employee Personnel Manual is created to infringe on any available legal rights.

I further understand that as a City of Hewitt employee, I am expected to provide quality service to the public; to work towards the highest degree of safety possible for my fellow workers, to continually make suggestions for improvements, and to display a spirit of teamwork and cooperation.

I understand that I may be subject to reasonable suspicion or post-accident drug and alcohol testing.

I understand that I am responsible for City equipment and property issued to me, and that I must return all such equipment/property to the City upon separation in good condition, normal wear and tear excepted. I agree and understand that failure to return City equipment and property or return of equipment or property in a damaged condition not associated with normal use for City business will give rise to a debt owed to the City by me for the prorated value of the equipment or property, or the cost of repair. I agree to the City deducting this debt from my final paycheck.

I have read these policies and understand these policies and I agree to abide by and adhere to these policies. If I have questions about the content or interpretation of the Employee Personnel Manual, I will ask my Supervisor or Human Resources.

---

Signature of Employee

---

Date

---

Printed Name of Employee

## INTRODUCTION

This manual and any amendments added have been prepared for the explicit purpose of providing information and setting guidelines. In no way does this manual establish a contract between the City of Hewitt and its employees. Employment by the City is at-will and may be ended by the City or the employee at any time for any reason. The City Manager may modify, amend, or delete these policies within the law to the extent deemed necessary in order to more effectively and efficiently promote the interests of the City and its employees. Each Department Director is responsible for enforcing the provisions of these policies.

The policies in this manual apply to all employees unless superseded by the state and federal constitutions, state, and federal legislation and/or regulations, city charter, and city code. Failure to comply with these policies or applicable departmental rules will be cause for appropriate corrective action. All City employees are charged with the responsibility of being thoroughly familiar with all provisions of this manual.

The Human Resources Department is authorized and directed to interpret, develop, and implement necessary procedures for the efficient administration of these policies within the scope of these policies, as amended.

Suggestions for proposed amendments are welcomed at any time from any employee. These suggestions must be submitted in writing to the City Manager through the Human Resources Department. Any amendments to these policies will be approved by the City Manager.

No discrimination will be made in the enforcement of these policies because of an individual's age, sex, gender, race, color, religion, creed, national origin, disability status, or other protected status.

**The issuance of this manual and these policies does not constitute a contract between the City and its employees, and all employees remain employees at will.** The at-will status of any employee may not be modified or rescinded by any oral or written statements by any person, including appointed or elected officials, any employee policy manuals, employment applications, City of Hewitt memoranda, or other materials provided to employees in connection with their employment. Similarly, the City's policies and practices with respect to any matter or benefit now offered may be terminated at any time and are not to be considered as creating any contractual obligation on the City's part.

Statements of specific grounds for termination set forth in this manual or other City documents are examples only, are not all-inclusive lists, and are not intended to restrict the City's right to terminate at will.

Completion of an introductory period does not change an employee's status as an employee-at-will or in any way restrict the City's right to terminate such an employee or change the terms or conditions of employment.

The most current version of the City of Hewitt's policies and procedures can be found online at [www.cityofhewitt.com](http://www.cityofhewitt.com).

# Table of Contents

Table of Contents.....	4
CHAPTER 1 EMPLOYEE GUIDELINES .....	7
1.0 PURPOSE.....	7
1.1 OBJECTIVES OF POLICIES .....	7
1.2 EQUAL OPPORTUNITY POLICY .....	7
1.3 AMERICANS WITH DISABILITIES ACT .....	8
1.4 EMPLOYMENT RELATIONSHIP .....	8
1.5 ADOPTION OF RULES AND REGULATIONS .....	8
1.6 AMENDMENT PROCESS .....	9
1.7 CIVIL SERVICE .....	9
1.8 SEVERABILITY .....	9
CHAPTER 2 EMPLOYMENT.....	10
2.0 RECRUITING AND SELECTION .....	10
2.1 PROOF OF EMPLOYMENT ELIGIBILITY .....	13
2.2 FAIR CREDIT REPORTING ACT.....	13
2.3 EMPLOYMENT STATUS DEFINITIONS .....	13
2.4 TEMPORARY/SEASONAL EMPLOYMENT .....	13
2.5 INTRODUCTORY PERIOD.....	13
2.6 RESIDENCY REQUIREMENT.....	14
2.7 ANTI-NEPOTISM POLICY .....	14
2.8 CONSENSUAL ROMANTIC RELATIONSHIPS .....	15
2.9 PHYSICAL FITNESS/MENTAL HEALTH.....	15
2.10 REEMPLOYMENT.....	16
2.11 EMPLOYEE RECORDS.....	16
2.12 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) .....	18
CHAPTER 3 COMPENSATION .....	20
3.0 EXEMPT/NON-EXEMPT EMPLOYEE STATUS .....	20
3.1 SALARY PROGRAM ADMINISTRATION .....	20
3.2 PAY/WORK SCHEDULES .....	20
3.3 OVERTIME.....	21
3.4 COMPENSATORY TIME OFF.....	22
3.5 EMERGENCY ON-CALL/CALLBACKS .....	22
3.6 ADVANCE PAY/LEAVE.....	22
3.7 CORRECT PAY IS EVERYONE’S RESPONSIBILITY .....	22
3.8 MEAL/REST BREAK PERIODS .....	24
3.9 MERIT INCREASES .....	25
3.10 LONGEVITY PAY .....	25
3.11 EDUCATIONAL INCENTIVE PAY .....	25
3.12 SEPARATION PAY.....	26
CHAPTER 4 BENEFITS AND SERVICES .....	28
4.0 PURPOSE.....	28
4.1 HOLIDAYS .....	28
4.2 VACATION.....	29
4.3 SICK LEAVE .....	31
4.4 BEREAVEMENT LEAVE.....	32
4.6 BLOOD DONATIONS .....	33
4.7 ADMINISTRATIVE LEAVE .....	33
4.8 UNPAID LEAVE OF ABSENCE .....	34
4.9 EMPLOYEE ASSISTANCE PROGRAM .....	35

4.10 INSURANCE.....	35
4.11 COBRA.....	35
4.12 RETIREMENT PLAN.....	36
4.13 MILITARY LEAVE.....	36
4.14 FAMILY AND MEDICAL LEAVE.....	37
4.15 WORKERS' COMPENSATION.....	42
4.16 SALARY CONTINUATION PLAN.....	42
4.17 MODIFIED DUTY.....	45
4.18 PAID QUARANTINE LEAVE.....	46
4.19 SICK LEAVE DONATION PROGRAM.....	48
CHAPTER 5 EMPLOYEE CONDUCT & DISCIPLINE.....	50
5.0 WORK STANDARDS.....	50
5.1 ETHICS.....	50
5.2 ATTENDANCE/TARDINESS.....	50
5.3 WORK FROM HOME PRIVILEGE.....	50
5.4 SOLICITATION.....	51
5.5 OUTSIDE EMPLOYMENT.....	51
5.6 PERSONAL APPEARANCE.....	51
5.7 CONFLICT OF INTEREST.....	51
5.8 GENERAL CONDUCT.....	52
5.9 INDIFFERENCE TOWARD JOB/WORK.....	52
5.10 UNSATISFACTORY WORK PERFORMANCE.....	52
5.11 INSUBORDINATION.....	52
5.12 VIOLATION OF SAFETY RULES.....	52
5.13 FAILURE TO REPORT POLICY VIOLATIONS.....	52
5.14 THEFT/DISHONESTY.....	53
5.15 ACCEPTING GIFTS.....	53
5.16 DISTURBANCE.....	53
5.17 ALCOHOL OR DRUGS.....	53
5.18 CONDUCT BRINGING DISCREDIT ON THE CITY.....	53
5.19 USE OF CITY EQUIPMENT.....	54
5.20 UNAUTHORIZED USE OF OFFICIAL BADGE/ UNIFORM.....	54
5.21 NON-EXHAUSTIVE LIST OF PROHIBITED CONDUCT.....	54
5.22 POLITICAL ACTIVITIES.....	55
5.23 CRIMINAL CHARGES.....	56
5.24 CORRECTIVE AND DISCIPLINARY ACTION.....	56
CHAPTER 6.....	59
DISCRIMINATION AND HARASSMENT.....	59
6.0 EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT.....	59
6.1 REPORTING AND INVESTIGATION PROCEDURES.....	60
6.2 OPEN DOOR POLICY.....	60
6.3 INVESTIGATION AND CORRECTIVE ACTION.....	61
CHAPTER 7 EMPLOYEE COMMUNICATIONS.....	62
7.0 PRIVACY EXPECTATIONS.....	62
7.1 OPEN DOOR/OPEN COMMUNICATIONS.....	62
7.2 WHISTLE BLOWER.....	62
7.3 PUBLIC COMMUNICATION.....	63
7.4 TELEPHONE USE.....	63
7.5 CELL PHONE USE.....	63
7.6 TECHNOLOGY USE ON CITY EQUIPMENT.....	64
7.7 USE OF SOCIAL MEDIA.....	66
7.8 GRIEVANCES.....	69

CHAPTER 8 TRAINING AND DEVELOPMENT .....	71
8.0 EMPLOYEE DEVELOPMENT .....	71
8.1 TRAINING .....	71
8.2 EMPLOYEE PERFORMANCE EVALUATIONS .....	71
8.3 PROMOTIONS .....	72
8.4 ADMINISTRATIVE TRANSFERS .....	72
8.5 TRAVEL POLICY .....	72
CHAPTER 9 SAFETY AND HEALTH.....	75
9.0 FIREARMS POLICY .....	75
9.1 TOBACCO FREE WORKPLACE .....	75
9.2 EMERGENCIES AFFECTING REGULAR BUSINESS OPERATIONS	76
9.3 VIOLENCE FREE WORKPLACE .....	77
9.4 DRIVING POLICY .....	78
9.5 DRUG AND ALCOHOL POLICY .....	80
9.6 LACTATION/BREASTFEEDING POLICY .....	82
9.7 EMPLOYEE ACCESS AND IDENTIFICATION BADGE POLICY .....	83
9.8 PARKING POLICY .....	83
CHAPTER 10 SEPARATION OF EMPLOYMENT .....	84
10.0 POLICY .....	84
10.1 RESIGNATION.....	84
10.2 LAYOFF .....	85
10.3 INCAPACITY .....	85
10.4 RETIREMENT .....	85
10.5 TERMINATION.....	85

# **CHAPTER 1**

## **EMPLOYEE GUIDELINES**

### **1.0 PURPOSE**

The City of Hewitt's Policy manual is a source of reference for supervisors and employees of the City. It is a series of comprehensive policies and procedures designed to provide a foundation for consistent and equitable human resources administration throughout the organization. It is the policy of the City to provide guidance to managers and supervisors in the areas of human resources management. Our policies are founded on the belief the City's success depends on our employees' dedication to our community.

### **1.1 OBJECTIVES OF POLICIES**

The purpose of these policies is to bring into the service of the city a high degree of understanding, cooperation, efficiency, and unity which comes through systematic application of good procedures in personnel administration, and to provide a uniform policy for all employees with all the benefits such a program insures. The basic objectives of these policies are:

- A. Promote and increase efficiency, productivity, responsiveness to the public, and economy in service of the City.
- B. To provide fair and equal opportunity to all qualified applicants to enter city employment on the basis of demonstrated qualifications, merit and fitness as ascertained through fair and practical methods of recruitment and selection.
- C. To develop a program of recruitment, advancement, and tenure which will make employment with the city attractive as a career and encourage each employee to render their best services to the city.
- D. To establish and promote high morale among city employees by providing a good working environment, uniform personnel policies, opportunity for advancement, and consideration for employee needs and desires.
- E. To assist Department Directors/Supervisors in dealing with daily issues as they may arise.
- F. Provide each employee with a safe working environment.

### **1.2 EQUAL OPPORTUNITY POLICY**

In an effort to ensure no person is discriminated against as a result of their race, ethnicity, color, ancestry, religion, sex, sexual orientation, national origin, marital status, or disability, and to ensure all matters impacting an employees' terms and conditions of employment are administered in compliance with federal, state, and local law, the Human Resources department will ensure all persons protected under Title VII of the Civil Rights Act of 1964 receive equal treatment.

Discrimination on the basis of age, sex, sexual orientation, or physical disability is prohibited, except where specific age, sex, or physical requirements are a bona fide occupational qualification necessary to the proper and efficient operation of the City. In addition, no candidate for employment or employee will be discriminated against because of citizenship, political opinion, religion, pregnancy, veteran status, or any other legally protected classification.

### **1.3 AMERICANS WITH DISABILITIES ACT**

To ensure compliance with the Americans with Disabilities Act, the City offers equal employment opportunity to qualified individuals and strictly prohibits discrimination against qualified individuals on the basis of disability. The City will provide a reasonable accommodation to the known physical or mental impairments of an otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position at issue. The City will not deny employment opportunities on the basis of the need to provide reasonable accommodation to the individual's physical or mental impairments, unless it would cause an undue hardship to the City or constitute a threat to the safety of the disabled person or other persons. 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.

If an accommodation is needed, it is the employee's responsibility to let his/her Supervisor know. Supervisors must report the matter to Human Resources. Any employee seeking a reasonable accommodation for a disability that affects the employee's ability to perform the essential functions of the position shall make a written application on a form provided by Human Resources.

Interactive communication between the employee and the City, through Human Resources, on the need for accommodation and the reasonableness of any accommodation should take place. The interactive process is administered by Human Resources in partnership with the employee's Supervisor. This interactive process may require the employee to provide information to determine whether the person has a disability-related need for an accommodation and the specific type of accommodation needed — including information from healthcare providers. Any medical records or other protected healthcare information received in the process must be kept by Human Resources confidentially, securely, and separately from the personnel file.

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

### **1.4 EMPLOYMENT RELATIONSHIP**

The nature of the employment relationship which exists between the City and its employees is at will and may be terminated by either employee or the City at any time with or without cause. No policy or provision in this manual is intended to change the at will employment relationship which exists between the City and its employees.

### **1.5 ADOPTION OF RULES AND REGULATIONS**

Having been adopted by the Hewitt City Council and approved by the City Manager, this manual alone will serve as the official Policies & Procedures Manual for the City of Hewitt employees. The authority for future changes to this Manual is delegated to the City Manager.

Under the direction of the City Manager, the Human Resources Department will advise management in all areas of personnel administration, including but not limited to, employee relations, training and career development, employee health, safety, compensation, performance appraisal, and employee hiring and termination procedures.



## **1.6 AMENDMENT PROCESS**

The City reserves the right to revise and revoke, or add to any or all of the policies, procedures and statements contained in this Manual without prior notice. Any modification to these policies must be submitted in writing and approved by the City Manager through the Human Resources Department.

## **1.7 CIVIL SERVICE**

To the extent that these policies conflict with the City of Hewitt Police Officers' Rules and Regulations and/or Chapter 143 of the Local Government Code, those latter control for civil service employees to the extent required by law.

## **1.8 SEVERABILITY**

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

## **CHAPTER 2 EMPLOYMENT**

### **2.0 RECRUITING AND SELECTION**

All recruitment and selection procedures will comply with applicable Federal, State, and local laws. Appointments are made to positions on the basis of qualifications and the ability to perform the essential functions. Recruitment is planned to assure open competition and is conducted by the Human Resources Department.

This policy applies to all positions, with the exception of Civil Service Police Officers and Firefighter positions. Civil Service positions shall be filled in accordance with Local Government Code Chapter 143 and the City's local Civil Service Rules and Regulations.

Whether a non-civil service position is to be posted internally only, or externally also will be the decision of the City Manager in consultation with Human Resources.

#### **A. VACANCIES**

1. Department Directors will notify the Human Resources Department immediately when job vacancies occur in their department. Only those vacancies allocated in the annual budget or new positions authorized by the City Council shall be filled.
2. Requests should be made in writing to the Human Resources Department by email and should indicate the following:
  - a. Position title
  - b. Position fund
  - c. Position hours/shift
  - d. Reason for opening
  - e. Any special recruitment advertising instructions
3. Departments requesting a change in a position's job requirements, title, education, and/or experience must submit a request to Human Resources for review and approval.

Human Resources shall publicly announce, by appropriate means, City job vacancies. This includes vacancies to be filled by transfers, promotions, demotions, or reinstatement. Job opportunity announcements shall be prepared, posted, and distributed only when there is or will soon be a vacancy.

4. All recruitment activities should be coordinated through the Human Resources Department.
5. Applications will be accepted for a period of time to ensure an adequate number of applicants has been recruited or until filled.
6. For the purposes of internal only job postings - temporary or seasonal employees currently working for the City may apply.

#### **B. APPLICATIONS**

Applications for employment or reinstatement shall be submitted on forms as prescribed by the City

of Hewitt. Only applications officially received in the prescribed manner shall be considered. All information submitted in connection with applying for city positions is subject to verification.

The City of Hewitt only accepts applications when a vacancy is announced.

1. An applicant is defined as any individual, including both current City employees and non-City employees, who has submitted a properly completed application to the Human Resources Department and who meets the requirements of acceptance established in this policy. Resumes are accepted as an enhancement to, but not in lieu of, a completed application.
2. The hiring department and Human Resources shall work through the application process jointly to ensure all applicants are treated equally.
3. The Human Resources Department is responsible for contacting the applicant's references.
4. An applicant must have reached the age of 17 in order to be considered for a full-time, non-civil service position. Special considerations may be given if the position is deemed non-hazardous and the applicant meets the minimum qualifications for the position.
5. Departments are not authorized to retain applications and resumes regardless of the manner and source of receipt. Upon selection of the final candidate, all completed interview guides shall be returned to the Human Resources Department.
6. For a job posted internally only, only applications from current employees of the City will be accepted.

### **C. DISQUALIFICATION**

An applicant shall be disqualified from consideration if they:

1. do not fully complete the application and supplements.
2. do not meet the qualifications necessary for performance of the duties of the position involved.
3. have made any false statement of fact on the application, depending upon the seriousness, willfulness, and applicability of the false information to the position.
4. failing to fully disclose information relating to criminal convictions.
5. are not lawfully authorized to work in the United States.
6. would be in violation of the nepotism policy or laws; or
7. fail a required post-offer drug and alcohol test and/or medical examination.

An applicant may also be disqualified from consideration upon other grounds.

### **D. TESTING**

The Human Resources Department will have the responsibility for evaluating and approving all employment related tests.

## **E. INTERVIEW PROCESS**

Applications will be reviewed at the discretion of the hiring department. All applications received by the hiring supervisor should be considered for employment. The hiring department shall adhere to the following guidelines:

1. No interview may be granted to an applicant unless an application has been received.
2. The hiring department must complete interview questions and note disposition of all referred applicants. If the hiring department needs assistance, the hiring department may request interview questions from the Human Resources Department. The completed interview questions should be submitted to the Human Resources Department for record keeping purposes.
3. Interviews shall be conducted at the discretion of the hiring department and may include a representative from the Human Resources Department upon request.
4. Preference may be given to current employees over non-employees who meet the necessary qualifications.
5. Interviewers shall not ask about marital status, children, religious affiliation, political affiliation, national origin, or other such subjects.

## **F. VERIFICATION**

The Human Resources Department shall verify the following:

1. Confirmation of education requirements.
2. Clearance for employment based upon results of the criminal background check; and
3. Clearance for employment based upon driving history and driver's license verification for positions which require driving on a full-time or part-time basis.

The Human Resources Department will conduct criminal history checks on all selected applicants, including those in full-time, part-time, seasonal, temporary, and intern positions. The criminal conviction history is only one of several factors considered in the application and hiring process and does not automatically disqualify a candidate.

## **G. JOB OFFER**

The Human Resources Department shall make all written job offers of employment for the selected applicant.

Human Resources will coordinate the hire date with the Department Director and notify the applicant after the completion of the post-offer physical, as decided by the City's designated physician, and passing the post-offer drug test.

Departments shall not hire, promote, transfer, or **allow an employee to begin working** until all required documentation has been received and approval given by the Human Resources Department.

Departments are responsible for developing and conducting department specific orientations that cover departmental policies and procedures. Supervisors of new employees are responsible for orienting and training new employees, explaining working conditions, and teaching proper use of equipment.

## **2.1 PROOF OF EMPLOYMENT ELIGIBILITY**

In compliance with the Immigration Reform Control Act of 1986, the City shall employ only American citizens and aliens who are authorized to work in the United States. The City of Hewitt will only accept documentation that is approved by the U.S. Citizenship and Immigration Services, a division of the Department of Homeland Security, for use in completing an Employment Eligibility Verification form known as the “I-9”. This information must be provided within three business days of beginning work. If not so provided, the employee must be discharged.

## **2.2 FAIR CREDIT REPORTING ACT**

The Fair Credit Reporting Act (FCRA) requires employers utilizing consumer reports for employment purposes to notify applicants, in writing, that a consumer report may be obtained. A written authorization of the applicant or employee is required prior to requesting the report. Before rejecting an applicant or taking other adverse action, provide the applicant or employee a notice that includes a copy of the consumer report relied upon in making the decision and notice of their rights under the Act. After adverse action is taken, notify the applicant or employee that the adverse action is taken based on the consumer report.

## **2.3 EMPLOYMENT STATUS DEFINITIONS**

- A. Full-Time (FT)** – works an average of forty (40) work hours per week on a continuous basis.
- B. Variable Full-Time (FT30+)** - works an average of 30+ hours per week (or whose service hours equal at least 130 hours a month for more than 120 days in a year) on a continuous basis.
- C. Part-Time (PT)** – works on the average of less than 20 hours per week on a continuous basis and is limited to a maximum of 1000 hours in a calendar year.
- D. Temporary (TP)** - Employees hired to work on temporary assignments as needed. They may be called to work as many hours as needed in a work week. Temporary employees are not eligible for and do not accrue benefits.
- E. Seasonal (SE)** – Employees hired during certain times of the year. Positions may be either full- time or part-time. When the seasonal position is over, the employee is terminated. Seasonal employees are not eligible for and do not accrue benefits.

## **2.4 TEMPORARY/SEASONAL EMPLOYMENT**

Department Directors may request hiring a temporary employee to perform a specific job assignment on a part-time or seasonal basis, as a temporary employee. A temporary appointment requires approval of the City Manager, or designee. These assignments are not to exceed three months. A qualified person may be appointed to a temporary assignment without a job posting or other advertisement, however, is subject to the same post offer employment procedures as a regular employee. Temporary and Seasonal employees are not eligible for and do not accrue benefits.

## **2.5 INTRODUCTORY PERIOD**

The introductory period begins on the first day of employment, transfer, promotion, or demotion. The purpose of the introductory period is to provide a time by which both the employee and the immediate supervisor decide whether or not the employee is effective in the position. The introductory period for all employees is twelve (12) months. This time frame is to be utilized to examine and evaluate all aspects of the employee's performance. A formal evaluation will be conducted at the end of the twelve (12) month period. The performance evaluations shall be submitted to the Human Resources Department.

Employees failing to meet the requirements of the introductory period may be subject to disciplinary action up to and including termination and have no opportunity to appeal. Meeting the requirements of the introductory period does not change the employee's status as an "at will" employee.

## **2.6 RESIDENCY REQUIREMENT**

There shall be no absolute residence requirements for city employment except as provided by the City Charter and for those employees likely to be called to work in cases of emergency may be required to reside within reasonable commuting distance of their place of work.

## **2.7 ANTI-NEPOTISM POLICY**

The intended purpose of this policy is to prevent conflict of interest, to avoid perceptions of favoritism, and bias among related employees and to facilitate an open, competitive hiring selection environment. If an individual has a concern regarding a conflict of interest, favoritism, biased conduct because of the employment or potential employment of relatives in the workplace, they shall inform their Department Director, Human Resources, or the City Manager of their concern.

- A. No person related to the Mayor, a member of the City Council, the City Manager, or Human Resources within the third degree by consanguinity (blood) or affinity (marriage) shall be eligible to work for the City of Hewitt.
- B. No employee may work under the direct or indirect supervision within the same departmental division of another employee within the third degree by consanguinity (blood) or affinity (marriage).
- C. The restriction in this section does not apply to anyone appointed or employed before the election or appointment of the officials set forth in this section.
- D. These restrictions against nepotism apply to hiring a "natural person," whether as an employee or as an independent contractor.
- E. These nepotism prohibitions generally do not apply to the hiring of corporations unless the corporation is merely a relative's alter ego.
- F. These restrictions apply to all paid positions.
- G. Should a relationship that is prohibited by this policy develop between City employees, each such employee(s) is required to inform their supervisor immediately of the relationship, date it began, and the names as well as the positions of each employee(s) that may be affected. The employee(s) will be given an opportunity to voluntarily comply with this policy through application for a transfer or promotion if a position exists for which the employee is qualified, or resignation in accordance with City policy. However, after sixty (60) calendar days from the date the relationship began, the City employee(s), who

created the prohibited relationship, must resolve the conflict with this policy or the employee(s) will be terminated from employment with the City.

- H. This policy will not be enforced to prevent promotions of employees whose present employment situations conflict with the terms of this policy. However, an employee who is employed in the same departmental division as a relative will not be eligible for promotions to a position in which that employee would be supervising, directly or indirectly, their relative. Additionally, this policy will not be enforced if an organizational change or reorganization by the City Management or City Council would otherwise create a conflict with this policy.
- I. Failure to comply with the provisions established by this nepotism policy may result in disciplinary action, up to and including termination of employment.

	Blood (Consanguinity)	Marriage (Affinity)
First Degree	Son Daughter Mother Father	Spouse
Second Degree	Brother Sister Grandchild Grandparent	Mother-in-law Father-in-law Daughter-in-law Son-in-law
Third Degree	Uncle Aunt Nephew Niece Great Grandparent Great Grandchild	Grandparent-in-law Brother-in-law Sister-in-law

## 2.8 CONSENSUAL ROMANTIC RELATIONSHIPS

It is prohibited for any City employee and his/her Supervisor to have a consensual romantic or sexual relationship.

If such a relationship develops, it must be reported to Human Resources immediately. Depending on the nature of the position and the timing of the report of the relationship; the employees may continue to work for the City in different departments if a position for which the relevant employee qualifies is vacant in another department and the Department Head of that department agrees to the transfer. If this option is not available or is not approved by the Department Head of the department to which the transfer would be made, the employee with the least amount of time of service with the City of Hewitt will be terminated, unless the City Manager finds that the circumstances justify terminating the Supervisor based on past conduct, lapse of professional judgment, and/or relative involvement in initiating the relationship; in which case the Supervisor will be terminated.

## 2.9 PHYSICAL FITNESS/MENTAL HEALTH

- A. A person who has received a conditional offer of employment from the City is required to take a medical and physical examination at city expense given by a doctor designated by the city. The offer of employment will be conditioned upon the results of the physical examination. The scope of the physical examination will be specific and limited to the job tasks the employee will be expected to perform.
- B. It is the responsibility of each employee to maintain the standards of physical fitness required for performing the duties of their position. When it is suspected the mental health or physical fitness condition of an employee alters the state of readiness to perform employment duties, the employee may be instructed to undergo an occupational physical and/or mental health assessment at the expense of the City.
- C. Specific Department Directors, such as police and fire may require employees to undergo periodic examinations as part of their continued employment.
- D. Any employee who becomes aware of any physical/mental disability that may impact their ability to perform their assigned job function should inform their Department Director and the Human Resources Department immediately.
- E. An employee may be separated for incapacity for medical reasons when the employee no longer meets the standards of fitness required for the position with or without reasonable accommodation from the City in accordance to Chapter 10 - Separation of Employment in this policy manual.

## **2.10 REEMPLOYMENT**

A person who resigned in good standing may be reinstated at the discretion of the City Manager or designee. The City of Hewitt does not bridge time if a former employee is reinstated. Benefits based on length of service will be calculated using the rehire date.

## **2.11 EMPLOYEE RECORDS**

Employee records are stored and maintained by the Human Resources Department. It is the responsibility of supervisors to ensure all necessary employment related documentation, including medical is forwarded to the Human Resources Department. Human Resources will determine what documentation will be included in employee records. Medical records must be kept separate from the standard employee file.

### **A. ACCESS TO EMPLOYEE FILES**

In accordance with State law, most information contained within an employee's official employee record is considered to be public information, with the exception of:

1. Information, that if distributed would by law constitute an unwarranted invasion of personal privacy, and
2. If proper election is made, home address, home telephone number, social security number and information that reveals whether the person has family members, and
3. Employee records or files not deemed public in accordance with Chapter 143 and the City's local Civil Service Rules and Regulations.



Information contained in an employee's record that may be given to the public includes but is not limited to; an employee's name, sex, date of hire, position title, salary, department, date of termination (if applicable), disciplinary history, and evaluations.

An employee shall contact the Human Resources Department to review personnel files not less than 24 hours of the desired review time. In accordance with the public information act, any other requests for personnel records shall be submitted in writing through the City Secretary's office. Notwithstanding the above provision, Civil Service employees will comply with rules set forth in Chapter 143 of the Texas Local Government code concerning employee records and the City's local Civil Service Rules and Regulations.

Employee files may be reviewed by:

1. City Manager, City Attorney, Department Directors, Supervisors, Human Resources, City retained Legal Counsel, and employees performing tasks within the scope of their assigned duties.
2. Members of the public, utilizing the Public Information Act.
3. An employee wishing to review their own record.
4. A designated agent of an employee, with written permission.
5. Other parties when the employee has voluntarily given written permission.
6. A supervisor when it is necessary to complete their job duties.
7. A designee assigned by a court of competent jurisdiction.
8. An agent of the federal, state, or other political subdivision of the state when a court order for the record is presented, or an employee has provided voluntary written consent of release.
9. Auditors and other regulatory agencies acting in their official capacity of verifying employment and other data.

## **B. ACCURACY OF RECORDS**

Employees are responsible for submitting timely and accurate personal information to the Human Resources Department. This information includes but is not limited to:

1. Home address.
2. Primary phone number.
3. Beneficiary status.
4. Name changes.
5. Social Security Number.
6. Driver's license number and class of license.

## **C. DISPUTED INFORMATION**

When an employee has identified information in their employee file which they believe to be in error or otherwise misleading, they may submit a written response to the Human Resources Department, requesting to have the information removed, changed, or explained. Requests should include what specific information they believe to be in error, and why. Request should be based upon factual information. Because the records are subject to the Public Information Act and state retention schedules, generally such information cannot be removed unless Chapter 143 of the Local Government Code or other law allows removal for civil service employees. The employee may submit a response to the disputed information and request that it be placed in his/her personnel file.

The Human Resources Department will investigate the issue and render a decision within five (5) business days of receiving the request. When an employee is not satisfied with the decision of the Human Resources Department, they may submit the same request to the City Manager. The City Manager will render a final decision within five (5) business days.

#### **D. EMPLOYEE EMPLOYMENT VERIFICATIONS**

All inquiries received either by telephone or in writing regarding present or past employees are to be referred to the Human Resources Department. Human Resources will only provide the following referral information:

1. Dates of employment
2. Verification of last rate of pay
3. Title of last job held

Additional information will be provided only if an employee submits a signed authorization to release information, requesting in writing the specific information to be released. This pertains to both present and past employees. However, in order to minimize the City's liability regarding negligent referral practices, other pertinent information may be required to be released if the past employee caused injury to another employee (or third party), exhibited violent or abusive behavior, or harassed another in any way.

#### **2.12 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)**

The Health Insurance Portability and Accountability Act (HIPAA) requires the City to ensure that all medical information regarding an employee is maintained in a confidential manner; and protects health insurance coverage for employees and their families when they change or lose their jobs. In compliance with this Act, the City maintains all medical information separate from all personnel files; and provides employees with notices regarding their rights to continued coverage and ensures the City health insurance providers comply with this Act. It is the policy of the City to limit the use or disclosure of protected health information (1) only as permitted or required by the Privacy Rule, as described in the Notice of Privacy Practices; or (2) as authorized in writing by the individual who is the subject of the information.

This policy applies only to those administrative functions by the City associated with health, dental, vision, prescription drug, and flexible spending account benefits provided by the City of Hewitt.

This policy does not apply to the responsibilities of the carriers that provide the City's health, dental, vision, prescription drug, and flexible spending benefit plans to comply with the Privacy Rule. Further, this policy does not apply to individually identifiable health information that is maintained by the City in its role as employer. For example, this policy does not apply to information learned during pre-employment or drug testing, in processing workers' compensation, or in complying with the Family Medical Leave Act. As such, the City is considered a "hybrid entity" under the provisions of the Privacy Rule, and this policy shall apply only to the health care components previously described.

The City will maintain reasonable and appropriate administrative, technical, and physical safeguards to protect the privacy of protected health information. These safeguards reasonably prevent the intentional or unintentional use or disclosure of protected health information and limit incidental use and disclosure of protected health information.

Neither HIPAA nor this policy protect individually identifiable health care information required for life

insurance, disability insurance, workers' compensation, or employment records kept by the City in its capacity as an employer.

## **CHAPTER 3 COMPENSATION**

### **3.0 EXEMPT/NON-EXEMPT EMPLOYEE STATUS**

Definitions of exempt and non-exempt status are based on provisions of the Fair Labor Standards Act (FLSA) and state law. These definitions are summarized as follows:

#### **A. EXEMPT**

Exempt employees primarily include those individuals occupying bona fide executive, administrative, and professional positions under the FLSA.

#### **B. NON-EXEMPT**

Non-exempt employees include hourly employees (where pay is directly related to the number of hours worked) and some non-exempt salaried workers (clerical, supervisory, and paraprofessional job categories).

- a) In cases where the exempt/non-exempt status of an employee is in doubt, the Human Resources Department will review position duties and responsibilities against FLSA exemption tests.
- b) The City Manager will make the final decision in all cases.

### **3.1 SALARY PROGRAM ADMINISTRATION**

Subject to the approval by the City Council, the Human Resources Department shall prepare and administer a written compensation plan for use by the City Manager. This compensation plan shall be prepared annually and submitted to the City Council for approval at the time of adoption of the annual city budget. City employees shall be paid salaries or wages in accordance with the compensation plan. In preparing the compensation plan, consideration shall be given to prevailing rates of pay among public and private employers; the duties, responsibilities and qualifications required for the position; and other relevant factors. It is the City's policy to keep its pay rates equitable and competitive and to administer its pay program in a fair and consistent manner.

### **3.2 PAY/WORK SCHEDULES**

#### **A. HOURS OF WORK**

The working time per week for full-time non-civil service employees shall be 40 hours with special provisions made in departments that require additional hours to meet existing conditions or emergencies.

1. The work period for Civil Service Police Officers is 80 hours. A “workday” for purposes of leave accruals is 8 hours.
2. 3/4-time employees typically work a minimum of 30 hours per week.
3. 1/2-time employees typically work less than 20 hours per week.

#### **B. WORK WEEK**

For pay/overtime purposes the work week for most general employees begins on 12:01 a.m. Saturday and ends on 11:59 p.m. Friday.

### **C. WORK PERIOD**

Firefighters are subject to the 7K partial exemption from overtime. Firefighters do not earn overtime until they have worked more than 212 hours in the 28-day work period. Firefighters' work period starts on a 12:01 a.m. Monday and ends on 11:59 p.m. Sunday, 28-days later.

Texas Government Code 142.0015(j) states that if a majority of police officers and dispatchers working for a municipality sign a written waiver of the prohibition in Subsection (f) (requiring employees to be scheduled no more than 40 hours a week), the municipality may adopt a work schedule for police officers and dispatchers requiring them to work more than 40 hours in a work week. Under this State Law, the employee is entitled to overtime pay if the officer works more hours in the normal work month of the majority of the employees of the municipality other than police officers.

Police Department Employees' work week begins on 12:01 a.m. Monday and ends on 11:59 p.m. Sunday.

### **D. WORK SCHEDULE**

The City Manager determines the hours City offices and departments are open for business. Department Directors and supervisors develop and implement operating schedules to meet general City guidelines and specific requirements of their department. Employees may work different hours or shifts, as directed, to meet their department needs. All employees will work additional hours beyond the normal schedule when assigned and will be compensated according to City policy. An employee refusing to work beyond the regular schedule when required is a violation of this policy and may result in disciplinary action, up to and including termination.

### **E. PAY PERIOD**

The pay period shall be bi-weekly (every other Wednesday) with generally twenty-six (26) pay periods per year. In the event the scheduled payday falls on a holiday, paychecks will be distributed the day preceding the holiday.

### **F. ROUNDING**

For the purposes of clocking in and out the times will follow the 7-minute rule. Under the 7-minute rule, clock in and clock out times on timecards are rounded to the nearest quarter hour. Employee time from 1 to 7 minutes shall be rounded down, and thus not counted as hours worked, and employee time from 8 to 14 minutes shall be rounded up and counted as a quarter hour of work time.

## **3.3 OVERTIME**

The City will compensate all overtime hours through pay or compensatory time off in accordance with the Fair Labor Standards Act (FLSA). Employees must get prior approval from their supervisors to work overtime. Working unauthorized overtime is a violation of this policy and will result in disciplinary action, up to and including termination.

### **A. NON-EXEMPT EMPLOYEES**

All non-exempt employees (excluding firefighters and police officers) working in excess of 40 hours in a work week will be paid one and one-half (1.5) their normal pay rate for hours worked in excess of 40 except as noted below.

## **B. FIREFIGHTERS**

The Fire Department operates on a 28-day work period under section 207 (k) of the FLSA. Non-exempt shift firefighters will be paid on an hourly basis with each 28-day work period's wages intended to cover all scheduled hours worked during that 28-day work period, *i.e.*, 212 hours per 28-day work period.

Firefighters will be paid any additional pay, such as but not limited to longevity and certification pay per paycheck. Firefighters will be paid overtime at the rate of one and one half (1.5) times their hourly rate for all hours worked in excess of 212 hours within a given 28-day work period on their second paycheck.

## **C. POLICE OFFICERS**

Civil Service Police Department employees who are assigned to work 12-hour shifts will have a work period of 14 days. Regardless of shift duration, overtime will be paid at the rate of one and one-half (1.5) times the employee's regular hourly pay rate for all hours worked in excess of 80 during the 14-day work period. Other non-exempt employees in the Police Department will be paid overtime at one and one half (1.5) times their regular hourly rate after 40 hours during a 7-day work period.

### **3.4 COMPENSATORY TIME OFF**

In lieu of receiving overtime pay, employees may request that overtime pay be converted to compensatory time off. If approved, compensatory time will be recorded as straight time or overtime pay. If it qualifies as overtime pay it will be paid at the rate of one and one half (1.5) hours. A non-exempt employee may not accrue compensatory time in excess of 40 hours. Upon separation from employment, employees will be paid for compensatory time earned in the total amount accrued.

### **3.5 EMERGENCY ON-CALL/CALLBACKS**

Eligible employees may be designated to serve on-call (not compensated) for a specific period of time. A non-exempt employee who is called back to work will be paid for (2) two hours or the actual time worked, whichever is greater. Pay will be calculated from time of notification. This policy does not apply to any pre-scheduled hours assigned outside of an employee's normal shift (*i.e.*, mandatory open enrollment, biometric wellness screenings, onsite vaccinations, training, departmental meetings, etc.).

### **3.6 ADVANCE PAY/LEAVE**

No advance payment of salary or leave will be made to any employee.

### **3.7 CORRECT PAY IS EVERYONE'S RESPONSIBILITY**

Ensuring that employees are paid what they are due requires teamwork and communication. Obviously, the City, as the employer, has an obligation to use its best efforts to make sure that each employee's pay is correct.

However, employees also are responsible for properly recording and reporting their time and for pointing out any mistakes or uncompensated time relating to their pay.

The City makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to the City's attention, the City will promptly make any corrections necessary. Please review pay stubs when received to make sure it is correct. If an employee believes that a mistake has occurred or has any questions, they are to contact Human Resources at (254) 666- 6171. If there is an overpayment, the City will make the necessary corrections at the next payroll.

Employees who are classified as non-exempt employees must maintain an accurate record of the total hours worked each day. It is the responsibility of each employee to verify that their time entry is correct. Employee time entries must accurately reflect all regular and overtime hours worked, any absences, late arrivals, early departures, and meal breaks. Do not provide authorization by signature or electronic signature for the time entry if it is not accurate. Each time a paycheck is received, employees should immediately verify that payment was correct for all regular and overtime hours (if applicable) worked.

Non-exempt employees, unless authorized by their immediate Supervisor, should not work any hours that are not authorized. Do not start work early, finish work late, work during a meal break, or perform any other extra or overtime work unless previously authorized to do so. All time worked is to be recorded on the time entry.

Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work performed but was not reported on the employee's timecard. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination. If anyone directs an employee to work without documenting time worked, it must be reported to Human Resources *immediately* by the employee.

It is a violation of City policy for any employee to falsify a time entry, or to alter another employee's time entry. It is also a serious violation of City policy for any employee, Supervisor, or official to instruct another employee to incorrectly or falsely report hours worked, or to alter another employee's time entry to under- or over-report hours worked. If anyone is instructed to –

- (1) incorrectly or falsely under- or over-report hours worked, or
- (2) alter another employee's time entry to inaccurately or falsely report that employee's hours worked,

it should be reported *immediately* to Human Resources at 200 Patriot Court, Hewitt, TX 76643 or by calling (254) 666-6171.

Every report will be fully investigated, and corrective action will be taken where appropriate, up to and including discharge, for any employee who violates this policy. In addition, the City will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the City's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy may result in disciplinary action, up to and including termination.

Persons classified as an exempt salaried employee will receive a salary which is intended to compensate for all hours worked for the City. This salary will be established at the time of hire or when the employee becomes classified as an exempt employee. While it may be subject to review and modification from time to time, the salary will be a pre-determined amount that will not be subject to deductions for variations in the quantity or quality of the work performed.

For exempt employees, the salary may also be reduced for certain types of deductions such as: the individual's portion of health, dental, or life premiums; state, federal or local taxes; social security; retirement; voluntary contributions to a deferred compensation plan; and court ordered deductions allowed by law. In any work week in which any work was performed, wages may be reduced for any of the following reasons:

1. Absence from work for one or more full days for personal reasons, not related to sickness or disability.
2. Full day disciplinary suspensions for infractions of our written policies and procedures.
3. Full day disciplinary suspensions for violating safety rules of a major significance.
4. Unpaid Family and Medical Leave, Military Leave, or other unpaid leave of absence.
5. The first or last week of employment in the event the employee works less than a full week .

An exempt employee, in any work week in which work was performed, will not have their salary reduced for any of the following reasons:

1. Partial day absences for personal reasons, sickness, or disability.
2. Any absence because the facility is closed on a scheduled workday.
3. Any absence because of the City's operating requirements.
4. Absences for jury duty, attendance as a witness, or military leave in any week in which the employee has performed any work.
5. Any other deductions prohibited by state or federal law.

Please note: it is not an improper deduction to reduce an exempt employee's accrued vacation, personal, or other forms of paid time off for full or partial day absences for personal reasons, sickness, or disability.

If an employee has any questions about deductions from his/her pay, please immediately contact the immediate Supervisor. If an employee is questioning that he/she may have been subject to any improper deduction(s) or the pay does not accurately reflect the hours worked, the employee should immediately report the matter to Human Resources at (254) 666-6171. If the employee is unsure of who to contact or if a satisfactory response has not been received within five business days after reporting the incident, please immediately

### **3.8 MEAL/REST BREAK PERIODS**

Each Department Head will establish a system for taking breaks and eating meals. Employees may be required to stagger breaks and meals to ensure that an employee is always available. Once a system has been established, employees shall not exceed the allowed time period. During an emergency situation, the system may be altered. Lunch breaks are non-compensable unless the employee is required to work through the lunch break or is allowed to do so. Except in emergency circumstances, Supervisors are required to make sure that employees observe lunch breaks. Office employees shall take their lunch break away from their desk or workstation. Supervisors must assure that work is not being conducted during the break and that the break is not unreasonably interrupted by work matters. If an employee works through the meal break this **MUST** be noted on the employee's time entries. Except where authorized by the City Manager, Supervisors who regularly require or allow employees to work through their meal break will be subject to disciplinary action up to demotion or termination because of the overtime such a practice may create. Where working through a meal break is offset by the employee leaving early, a violation does not occur so long as such practice has been approved by the Department Head ahead of time.

#### **EXCEPTION:**

Police Officers, firefighters, and dispatchers receive paid lunch periods because they are often interrupted by work requirements during their lunch.



Regular Full-Time employees may be allowed two (2) fifteen (15) minute rest breaks at the discretion of the Department Director. Rest breaks are not to be considered an employee's right, but a privilege. Rest breaks are not to be accumulated for later use, combined with meal periods, used to shorten the workday, or take precedence over the work situation on any given day. Employees are required to remain on premises during their rest breaks. See section 9.6 Lactation/Breastfeeding Policy for exception.

### **3.9 MERIT INCREASES**

Notwithstanding Civil Service employees under Section 143 of the Texas Local Government code. Pay increases may be granted by the City Manager in accordance with the compensation plan as a reward for those employees demonstrating exceptional or above-average job performance. These merit increases are intended to reward outstanding personnel and act as an incentive to motivate employees in their performance and productivity. The City Manager's actions must be in accordance with City Budget.

### **3.10 LONGEVITY PAY**

A longevity pay plan has been established to compensate full-time employees for their length of service with the city. Longevity pay is based on five dollars (\$5.00) per month for each year of continuous service (not to exceed twenty (20) years or \$1200 maximum per annum) after completion of one year of service. Longevity pay is payable at the end of each pay period.

### **3.11 EDUCATIONAL INCENTIVE PAY**

The Educational Incentive Pay program rewards employees who take the initiative to increase their job worth by gaining job-related knowledge, behaviors, and personal and professional skills to significantly enhance their value to their department and the City. Educational incentive pay is not an entitlement and may not be awarded retroactively. Employees are limited to receiving one (1) educational incentive pay increase per fiscal year.

#### **A. ELIGIBILITY**

Full-time regular employees employed for a continuous period of no less than one (1) year, are eligible to participate in this program.

#### **B. ELIGIBLE PROGRAMS**

Certifications and licenses that are considered a minimum job requirement of a position are not eligible for an educational incentive pay increase.

Please see the *Incentive Pay Scale* for a list of qualifying certifications and licenses available at the Human Resources Office.

Additional training and certifications may be obtained as needed for specific positions and will be offered at no cost to the employee. These additional programs must be determined to be job-related and beneficial to the department/City. If a certificate or licensing program is determined to be beneficial the information will be forwarded to the City Manager for final approval. The City Manager has the discretion to determine which certificate and licensing programs the City will fund.

#### **C. CRITERIA**

An educational incentive pay increase may be approved for an employee if all of the following criteria are met:

1. The employee presents an official transcript from an accredited college or university indicating the degree completed or an approved job-related certificate or license.
2. The employee must not be subject to formal disciplinary action.
3. If an employee meets the criteria for more than one eligible program, then they may receive only one (1) incentive pay adjustment. The highest level of training/education received will be used to determine the amount of the employee's incentive pay.
4. All licenses must be kept valid in order to continue receiving incentive pay. If a license or certification expires or becomes invalid incentive pay for that license or certification will cease.

#### **D. PROGRAM ADMINISTRATION**

1. The Human Resources Department, in coordination with the appropriate Department Directors, is responsible for the overall administration of the Educational Incentive Pay program.
2. Requests for educational incentive pay may be approved at any time during the fiscal year. Requests should be submitted to the employee's Department Director. The educational incentive pay is effective when all documentation is received by the Department Director.
3. A copy of the degree completed, the certificate, or the license shall be attached to the Status Change Form.
4. A copy of all approved documents will be sent to Human Resources to be placed in the employee's official personnel file.
5. The Incentive Pay Scale will be reviewed annually to assess program eligibility and the amount of pay adjustment employees will receive. This policy is also subject to City budgetary constraints.

#### **E. RIGHT TO CHANGE POLICY**

The City of Hewitt reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without the consent of employees.

### **3.12 SEPARATION PAY**

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

1. An employee will be paid for any hours worked and for any overtime compensation due.
2. An employee will be paid for any longevity pay if earned; and
3. Only eligible employees who have successfully completed their introductory period and/or leave in good standing shall be paid for unused sick and vacation time earned.
4. Except as otherwise provided in Chapter 143 of the Texas Local Government code and the City's local Civil Service Rules and Regulations. If any employee dies while employed by the city, retires, or leaves in good standing, the city shall pay unused vacation time and accrued sick leave benefits up to the maximum payout (see accrual schedules).

5. Accrued compensatory time will be paid at the overtime rate.
6. Employees are responsible for any indebtedness to the city which the employee might have incurred. If such indebtedness is not satisfied at the time of the issuance of the final paycheck, the City shall pursue all available legal remedies including the utilization of a debt collection service, if necessary.

## **CHAPTER 4 BENEFITS AND SERVICES**

### **4.0 PURPOSE**

To provide a competitive paid time off benefit and to recognize traditional holidays preserving the rich heritage and traditions of our community and enhancing the quality of life.

### **4.1 HOLIDAYS**

This policy applies to all employees, excluding Temporary and Seasonal employees.

- All full time employees are eligible for paid leave for official holidays. Holiday pay is based on the individual employee's work hours (e.g., 8 hours, 12 hours, etc.)
- All part time employees scheduled to work on the holiday are eligible to receive the holiday paid leave for the number of hours they would have worked on that day.

The City of Hewitt observes the following holidays:

New Year's Day	Veterans Day
Martin Luther King Jr. Day	Thanksgiving Day
Presidents' Day	Day after Thanksgiving
Good Friday	Christmas Eve
Memorial Day	Christmas Day
Independence Day	911/Floating Holiday
Labor Day	

And any other days as may be declared by the City Council shall be observed as official holidays for City employees in accordance with the following rules:

1. If a holiday falls on a Saturday, it will be observed on the preceding Friday. If a holiday falls on a Sunday, it will be observed on the following Monday.
2. To receive paid leave for a holiday, an employee must be scheduled to work on the holiday or otherwise be on authorized leave.
3. Paid holiday leave shall be withheld if an employee is absent without permission the day before or after a holiday. Employees on leave without pay status immediately prior to and after a holiday are ineligible to receive paid holiday leave.
4. Employees are provided one (1) floating holiday each year that must be used in the calendar year it is granted. Any unused floating holiday time will be forfeited at the end of the calendar year and upon separation of employment. The floating holiday must be used in whole day increments and must be approved in advance by the employee's supervisor.
5. The floating holiday is available for use after six (6) months of employment.
6. As many employees as possible shall be given each holiday off, consistent with the maintenance of essential city functions. Department Directors shall ensure employees working unusual schedules or on shifts receive benefit of the full number of official holidays.

7. Employees required to work on a scheduled holiday shall be granted another day of paid leave.
8. Because of the nature of their work, Police Officers and Firefighter shift employees are allowed to bank holidays. However, holidays cannot be carried over from year to year and must be scheduled, with departmental approval, and used within the calendar year granted. If an employee uses banked holiday time before the holiday and subsequently resigns, the employee must reimburse the City.
9. Employees desiring to observe religious holidays not coinciding with official holidays may be given time off without pay or may be authorized to use accrued vacation leave.

## 4.2 VACATION

The purpose of vacation is to ensure that employees have periods of rest and relaxation which contribute to their quality of life by maintaining an equitable balance between work and family/personal time.

This policy applies to all employees, excluding Temporary and Seasonal employees.

### Vacation Accrual Chart

<b>Full-Time Civilian Employee</b>		
<b>Years of Service</b>	<b>Accrual Per Year</b>	<b>Maximum Accrual</b>
0 – 4 years	80 hours (3.08/pay period)	120 hours
5 – 9 years	120 hours (4.62/pay period)	180 hours
10+ years	160 hours (6.16/pay period)	240 hours

<b>Full-Time 30+ Civilian Employee</b>		
<b>Years of Service</b>	<b>Accrual Per Year</b>	<b>Maximum Accrual</b>
0 – 4 years	60 hours (2.31/pay period)	90 hours
5 – 9 years	90 hours (3.47/pay period)	135 hours
10+ years	120 hours (4.62/pay period)	180 hours

<b>Part-Time Civilian Employee</b>		
<b>Years of Service</b>	<b>Accrual Per Year</b>	<b>Maximum Accrual</b>
0 – 4 years	40 hours (1.54/pay period)	60 hours
5 – 9 years	60 hours (2.31/pay period)	90 hours
10+ years	80 hours (3.08/pay period)	120 hours

<b>Firefighters (24 On/48 Off)</b>		
<b>Years of Service</b>	<b>Accrual Per Year</b>	<b>Maximum Accrual</b>
0 – 4 years	120 hours (4.62/ pay period)	180 hours
5 – 9 years	180 hours (6.93/ pay period)	270 hours
10+ years	240 hours (9.24/pay period)	360 hours

<b>Civil Service Police Employee</b>		
<b>Years of Service</b>	<b>Accrual Per Year</b>	<b>Maximum Accrual</b>
1 – 9 years	120 hours (4.62/pay period)	180 hours
10+ years	160 hours (6.16/pay period)	240 hours

The guidelines for vacation benefits are as follows:

1. Employees are eligible for vacation benefits, upon completion of six (6) months of service.
2. Vacation will accrue on a bi-weekly basis and shall begin to accrue at the end of the first full pay period of employment. Changes in the accrual rate will go into effect on the anniversary month of hire.
3. Employees may not take vacation leave before it is earned.
4. Vacation time shall not be advanced to employees and is not transferable between employees.
5. Vacations cannot be taken in less than thirty (30) minutes increments. Supervisors may approve an employee’s vacation request for a maximum of two-weeks. Vacations greater than two-week increments must be approved by the City Manager. Consideration will always be given to scheduled work and the ability of remaining employees to perform the work. If an employee is on FMLA and accrued vacation is being used. Such use may exceed two weeks.
6. Vacation shall not be earned during leave without pay, including unpaid FMLA leave.
7. Official holidays occurring during a vacation will be counted as holiday, not vacation leave.
8. Vacation leave shall be charged only for time during which the employee would ordinarily have worked. Paid vacation leave is not considered hours worked for purposes of overtime calculations.
9. The City does not provide vacation pay in lieu of vacation time.
10. Employees who become ill or are injured during vacation may request that vacation be terminated and begin using sick leave.
11. Payment for unused vacation leave, if applicable, shall be made at the separation of employment (in good standing only), retirement, or death of employees. Payment for accrued vacation leave shall be paid at the employee’s straight time pay rate. See maximum Vacation Accrual Chart (Section 4.2).

All vacation taken must be approved in advance by the employee’s supervisor. This approval will necessarily balance the needs of the City of Hewitt and the needs of the employee. When there are conflicting requests, the supervisor will distribute the vacation fairly among the requesting employees (i.e., employees should take turns, employee requests first, etc.)

### 4.3 SICK LEAVE

Sick leave is a benefit for employees who are unable to work due to an injury/illness for themselves or an eligible family member.

This policy applies to all Full-time employees, excluding Part-time, Temporary, or Seasonal employees.

### Sick Leave Accrual & Payout Chart

<b>Civilian Employees</b>		
<b>Work Week/Shift</b>	<b>Accrual Per Year</b>	<b>Maximum Accrual</b>
30+ Hours	72 hours (2.78/pay period)	Unlimited
40 Hours	96 hours (3.7/pay period)	Unlimited
24-Hour Shift	144 hours (5.54/pay period)	Unlimited

<b>Civil Service Employees</b>		
<b>Work Week/Shift</b>	<b>Accrual Per Year</b>	<b>Maximum Accrual</b>
40 Hours	120 hours (4.62/pay period)	Unlimited

<b>Civilian Employees</b>	
<b>Years of Service</b>	<b>Maximum Payout</b>
5+ years	10 Days (80 hours)
10+ years	15 Days (120 hours)
10+ years (and retire from City of Hewitt)	60 Days (480 hours)
20+ years (and retire from City of Hewitt)	90 Days (720 hours)

<b>Civil Service Employees</b>	
<b>Years of Service</b>	<b>Maximum Payout</b>
1+ years	90 Days (720 hours)

The guidelines for sick leave are as follows:

1. Sick leave will accrue on a bi-weekly basis and shall begin to accrue at the end of the first full pay period of employment. Changes in the accrual rate will go into effect on the anniversary month of hire.
2. Employees are eligible for sick leave as soon as benefit hours are accrued.

3. Sick time shall not be advanced to employees and is not transferable between employees.
4. Sick leave is granted by the City for the following purposes:
  - a. The employee's illness, injury, or health care.
  - b. Attending to an illness of a member of the immediate family within the first degree of consanguinity (including the birth of a child)
  - c. Legal or doctor ordered quarantine
  - d. Routine health care appointments of employee or employee's immediate family which cannot reasonably be scheduled outside working hours.
5. Employees who abuse their sick leave may be subject to disciplinary action up to and including termination.
6. Supervisors may require a doctor's statement from any employee. Also, **employees missing more than three (3) consecutive days due to illness or injury must provide a statement from their doctor regarding the illness (Return to Work Authorization).** The return-to-work authorization must be provided to the Human Resources Department. Failure to do so may result in disciplinary action up to and including termination.
7. Sick leave may be taken in minimum increments of thirty (30) minutes. When an employee works a portion of a day and is ill for the remainder, employee will be charged sick leave for the hours not worked.
8. Official holidays and regular days off shall not count against sick leave.
9. Sick leave shall not be earned during leave without pay, including unpaid FMLA leave.
10. Sick leave shall be charged only for time during which the employee would ordinarily have worked. Paid sick leave is not considered hours worked for purposes of overtime calculations.
11. If an employee becomes ill and cannot report for work, the absence must be reported to their immediate supervisor prior to, or within one (1) hour before his or her regular reporting time, so that such absence will be charged to sick leave. Failure to report to work will cause an employee's absence to be documented as leave without pay and may result in disciplinary action.
12. An employee retiring or resigning from employment with the City must submit certification of illness from a doctor before being eligible to use sick leave in the last two (2) calendar weeks of employment.
13. Payment for unused sick leave, if applicable, shall be made at separation of employment (in good standing only), retirement, or death of employees. Payment for accrued sick leave shall be paid at the employee's straight time pay rate. See maximum amount paid in the Sick Leave Accrual & Payout Chart (Section 4.3).

#### 4.4 BEREAVEMENT LEAVE

All employees may be granted leave with pay for a period not to exceed forty (40) work hours to attend a funeral and handle the necessary family details in case of death in their immediate family or other relative/person living in the same household. Immediate family, for this purpose, shall be defined as husband, wife, son, daughter, mother, father, mother-in-law, father-in-law, employee's grandparents, grandchild, brother, sister.



Employees who wish to attend funerals for other than immediate family members may use vacation, compensatory time, or unpaid leave. Proof may be required by Human Resources for approval of this leave.

#### **4.5 CIVIC RESPONSIBILITY LEAVE**

All employees will be excused from work for whatever time is necessary when they are called to jury service or subpoenaed as a witness in a court of law. Employees receiving notice of a jury call or witness duty are expected to notify their Department Head at the earliest opportunity and to keep their Supervisor informed of their expected date of return so that replacement personnel can be arranged for if required. Full-time and part-time employees called for jury service or cooperating with a subpoena may receive their regular pay for the days served.

In order to receive pay for jury service, an employee must present a statement from the court clerk of the days of such service or other evidence of the days of such service to Human Resources. The employee may keep the jury fee, if any. **AN EMPLOYEE MUST NOT BE DISCRIMINATED AGAINST FOR SERVING AS A JUROR. AN EMPLOYEE RETURNING FROM JURY SERVICE SHALL BE ALLOWED TO RESUME EMPLOYMENT IN ACCORDANCE WITH APPLICABLE STATE LAW.**

#### **WITNESS**

This provision shall not apply to grant leave for participation by an employee in litigation to which the employee is a party or in which the employee has an interest in the outcome, even if the employee is subpoenaed.

#### **VOTING**

All employees qualified and entitled to vote in national, state, municipal, or other elections shall be allowed sufficient time off, with pay, during a workday to exercise this privilege. If, in the absence of such leave, the employee would not be able to vote, as long as allowing such paid leave would not unduly interfere with the operations of the City. The determination of whether time-off is necessary to ensure the employee's opportunity to cast his or her vote shall lie within the sound discretion of their Department Head. Time off with pay to vote shall be granted where the polls are not open for two consecutive hours outside of the employee's working hours on election day.

Furthermore, in accordance with the Texas Election Code, employees will be given unpaid leave for the purpose of attendance at a precinct convention at which he or she is eligible to participate or for attendance at a county, district, or state convention to which he or she is a delegate, regardless of their period of service with the City. Accrued vacation leave may be used by the employee for this purpose.

#### **4.6 BLOOD DONATIONS**

Employees who make donations of blood without receiving compensation for it will be excused from duty without loss of pay or benefits. Employees will be excused for such time as it is necessary to make blood donations and to recuperate, if needed. The excused absence will not exceed two (2) hours and will be authorized for only the day of the donation.

#### **4.7 ADMINISTRATIVE LEAVE**

The City may grant administrative leave with or without pay to an employee, at the discretion of the City Manager (or designee), when no other paid leave category is available or applicable.

Department Directors in consultation with Human Resources may designate administrative leave with pay only

pending a disciplinary decision or drug/alcohol screening results, or during an internal investigation.

Written notice of administrative leave shall be provided to the employee and a copy forwarded to the Human Resources Department for record keeping purposes.

#### **4.8 UNPAID LEAVE OF ABSENCE**

In extraordinary circumstances, the City may grant employees an unpaid leave of absence (LOA). All requests for unpaid leave of absence (LOA) must be submitted in writing to the employee's Department Director and must be approved by the City Manager. The employee may seek extensions of leave, up to a maximum of 180 total days away from work. This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act and the American with Disabilities Act as Amended and the Family Medical Leave Act (FMLA). A LOA will not be authorized unless there is a reasonable expectation that the employee will return to employment with the City at the end of the approved leave period.

##### **A. USE OF ALL OTHER AVAILABLE LEAVE**

All vacation, compensatory time, holiday time and/or leave authorized under FMLA must be used prior to authorizing a LOA to an employee. If the LOA is due to illness or injury, all sick leave must also be used prior to authorizing a LOA.

##### **B. CRITERIA**

Factors considered by the City in granting a LOA include the reason for the leave; departmental work requirements; the employee's length of service, work performance, and disciplinary history.

##### **C. REASONS FOR LOA**

A LOA may be considered in the following circumstances:

- a. Recovery from extended illness, injury, or temporary disability.
- b. Extended care for immediate family members.
- c. Educational purposes when successful completion will contribute to the work of the City.
- d. Public service assignment.
- e. Personnel exchange programs which emphasize intergovernmental relations.

##### **D. DOCUMENTATION**

The need for a medical LOA must be supported by documentation acceptable to the City, including but not limited to a doctor's explanation of why the employee cannot perform the essential functions of the position, when the employee is expected to return to work, and periodic updates regarding the employee's ability or inability to return to work in a full or modified duty capacity. The Department Director and/or City Manager may require that the employee on leave periodically contact a designated supervisor to report on the employee's condition or status. Before returning to work from a medical LOA, the employee must submit a letter from the doctor stating that the employee is able to resume normal job duties. The City may also impose additional return to work requirements as set out in the City's Health/Fitness policy.

##### **E. OTHER EMPLOYMENT DURING LEAVE**

Under no circumstances may an employee on an authorized LOA without pay work another job, whether for pay, as a volunteer or as self-employment, unless expressly authorized in writing by the Department Director and the Human Resources Department.

## **F. REINSTATEMENT**

Employees returning from a LOA will be reinstated to their same position or one of similar pay and status, provided the City's circumstances have not changed to the extent that it would be impossible or unreasonable to provide reinstatement. If the same job or one of similar pay and status is not available, reinstatement may, at the City's discretion, be deferred until a position is available. An employee who fails to return to work at the conclusion of an approved LOA will be considered to have voluntarily resigned employment with the City.

## **G. BENEFITS/PREMIUM PAYMENTS**

All LOA'S are unpaid. Vacation, sick leave, holiday pay, and other benefits do not accrue during an unpaid LOA. Any benefit continuation during a LOA must be approved in advance by the Human Resources Department and the City Manager.

Any insurance premiums, or partial premiums, normally paid on behalf of the employee by the City will not be paid by the City beginning the first day of the month following the starting date of a LOA. Employees who have group health or any other kind of insurance through the City continue to be responsible for paying their portion of the premiums while on a LOA. An employee's failure to pay either the employee's, or the City's, portion of insurance premiums during a LOA may result in cancellation of coverage.

## **H. REVOCATION**

The City Manager may revoke authorized leave without pay at any time. Failure to return to work after the expiration of an authorized LOA or failure to provide required medical status reports, physician's statements, or to contact the City per the required schedule will likely result in revocation of the LOA and/or disciplinary action up to and including termination.

## **4.9 EMPLOYEE ASSISTANCE PROGRAM**

The City provides an Employee Assistance Program at no charge to all employees, regardless of status. The program offers aid to employees in resolving problems that may affect job performance, attendance, and employee morale. Some of the broad categories covered by the program are related to personal, family, marriage, legal, financial, and drug/alcohol related problems. Employees needing more information on the Employee Assistance Program should contact the Human Resources Department.

## **4.10 INSURANCE**

The Human Resources Department will furnish information regarding various insurance programs to all employees on a timely basis. Reference the current **City of Hewitt Benefits Guide** for a complete listing of benefits offered. The City reserves the right to modify, amend, or terminate its health and welfare, and retirement benefits as they apply to all current, former, and retired employees.

## **4.11 COBRA**

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives covered employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City's health, dental, and vision plan for specified periods of time when a "qualifying event" would normally result in the loss of eligibility. Qualified beneficiaries are individuals who, on the day before a qualifying event, are covered under a group health plan as a covered employee, spouse of a covered employee, or a dependent child of a covered employee.

Under COBRA, the employee or beneficiary pays the full cost of coverage plus an administrative fee. Each eligible employee will be provided with written information describing rights and obligations granted under COBRA when the employee becomes eligible for coverage under The City's health insurance plan.

#### **4.12 RETIREMENT PLAN**

The city is a member of the Texas Municipal Retirement System. The purpose of this system is to provide a plan for the retirement and disability of employees of Texas municipalities. Participation in this system is compulsory for all full-time employees in accordance with the retirement system's policies. Participation in the system begins upon employment with the city. The employee will contribute seven percent (7%) of his or her salary through payroll deductions into the retirement plan, with the city matching this amount on a two (2) to one (1) basis. To learn more about TMRS employees should visit [www.tmr.org](http://www.tmr.org) or contact the Human Resources Department.

#### **4.13 MILITARY LEAVE**

Military leave will be granted in accordance with all applicable State and Federal Laws. References to military service within this section are as defined by the Uniformed Services Employment and Reemployment Rights Act (USERRA). Military benefits under this section will terminate upon the employee's separation from the uniformed service under a disqualifying discharge or other than honorable conditions. Benefits under this section will terminate if the employee's cumulative service exceeds five years unless the length of service is involuntarily extended under certain circumstances.

All employees are eligible for military leave, however if a temporary employee's military duty extends beyond the employee's fixed employment term, the leave will not be extended beyond the employment term.

##### **A. NOTICE OF MILITARY SERVICE**

Employees who have been issued orders must furnish the City with a copy of those orders or other applicable certification. Employees with knowledge of military obligation should notify their Department Director as far in advance as possible, unless military necessity prevents advance notice, or it is otherwise unreasonable or impossible for the employee to give notice.

##### **B. TIME GRANTED**

Employees with military obligations will be granted fifteen (15) working days paid military leave each fiscal year (October 1 – September 30). Pursuant to Section 437.202 of the Government Code, employees with military obligations will also be provided up to seven (7) workdays of paid leave in a fiscal year (October 1- September 30) in order to respond to a declared disaster.

Leave in excess of fifteen (15) days may be charged to accrued vacation leave and/or compensatory leave. If the employee lacks vacation and/or compensatory time, the employee will be placed on leave without pay status.

##### **C. RETURN TO WORK**

Employees will be promptly reemployed after a period of military service under the conditions of this section. Employees must notify their supervisor of the date in which they anticipate returning to work, under the following criteria:

1. Upon return from service lasting less than 31 days, employees must report at the beginning of the first regularly schedule workday after release from service, plus 8 hours.
2. Upon return from service lasting from 31 days to 180 days, employees must report no later than 14 days after completion of military service.
3. Upon return from service lasting over 180 days, employees must report no later than 90 days after completion of military service.

All of the foregoing deadlines for return will be extended if the employee's failure is through no fault of their own or extended up to two years if an employee is hospitalized or convalescing from an injury caused by active duty.

4. The employee will return to the position of employment in which they would have been employed if the period of employment with the City had not been interrupted by military service if the employee is qualified to perform the duties of that position or can be qualified to perform the duties of that position after reasonable efforts by the City. If the employee is not and cannot be qualified, then they will return to the same position held when military service commenced, with seniority.
5. If the length of service exceeds 90 days, the employee may be transferred to a position of like seniority, status and pay if the employee is qualified to perform the duties of that position with or without reasonable efforts by the City to qualify the person if such position is available.
6. If the employee has a disability incurred in, or aggravated during military service, the department will make reasonable efforts to accommodate the disability, and the person may be reemployed in a position which is equivalent to or the nearest approximation in seniority, status and pay, the duties of which the employee is qualified to perform after reasonable efforts by the City, if such position is available.
7. If, after a period of military service, the employee is not and cannot be qualified to be employed in any of the foregoing positions after reasonable efforts by the City, they will be placed in any other position of lesser status and pay for which they are qualified to perform, with full seniority, if such position is available.
8. Seniority benefits and accruals will be continued as if there had been no break in the employee's employment.
9. Any employee who has not completed their introductory employment period with the City when beginning active duty in the armed forces will, upon their return, resume their introductory period at the point at which it was interrupted. During such absences, employees will receive scheduled salary increases.

#### **4.14 FAMILY AND MEDICAL LEAVE**

The Family and Medical Leave Act of 1993 (FMLA) is intended to provide job and benefit protection for eligible employee who must take certain types of leave. To qualify for Family Medical Leave (FMLA), an employee must have worked for the City for at least 12 months and worked at least 1,250 hours during the period immediately prior to the start of the leave.

An eligible employee may take up to 12 weeks of leave under this policy during any 12-month period. For purposes of this policy, the City will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any qualified leave.

## **A. BASIC LEAVE ENTITLEMENT**

Eligible employees may take leave for one or more of the following reasons:

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

## **B. MILITARY FAMILY LEAVE ENTITLEMENT**

The National Defense Authorization Act of 2008 amended the FMLA to provide two military leave entitlements:

1. **Qualifying Exigency Leave** – 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 attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

2. **Military Caregiver Leave** – eligible employees who are the spouse, parent, child, or next of kin of a covered service member who incurred a serious injury or illness on active duty may take up to 26 weeks of leave to care for the 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.

Under certain circumstances leave may be taken intermittently rather than consecutively or arrangements may be made for the employee to work a part time schedule in accordance with this manual.

If a husband and wife both work for the City, they will be limited to a combined total of 12 weeks in the rolling 12-month period if the leave is taken for the birth of a child or to care for the newborn, placement, or care of an adopted or foster child, or to care for a parent who has a serious health condition. If the leave is taken to care for a covered service member with a serious injury or illness, the husband and wife will be limited to a combined total of 26 weeks in the rolling 12-month period.

Entitlement to leave for birth or placement for adoption or foster care expires at the end of the 12-month period from the date of birth or placement. Additionally, leave must be concluded within the twelve-month period.

## **C. EMPLOYEE'S NOTICE REQUIREMENTS**

In order for the City to accommodate an employee's workload during their absence, an employee seeking to take FMLA should provide both their Department Director and Human Resources with at least 30 days' advance notice when the leave is foreseeable.

In the event of medical leave for planned medical treatment for the employee or for the employee's spouse, child or parent, the employee should make a reasonable effort to schedule the treatment so as not to disrupt unduly the City's operations. If the leave is not foreseeable, an employee is expected to provide both their Department Director and Human Resources with as much advance notice as possible and should follow the City's and their department's usual and customary call-in procedures for reporting unscheduled absences.

All supervisors must immediately notify both their Department Director and Human Resources if they have reason to believe an employee's absence is due to an FMLA covered reason.

#### **D. PROCESS**

The FMLA regulations provide for a two-step process whereby an initial notice is provided by the employer regarding the FMLA, and the employee's rights and responsibilities thereunder, whether the employee is eligible and, if appropriate, directing the employee to provide the applicable medical certification. Thereafter, once any required certifications have been received and reviewed (but within 5 business days of receiving the information), a designation notice is provided by the employer which will notify the employee whether the leave has been approved or denied, or whether more information is needed to make a determination. If sufficient information is available at the time of the first notice to make the determination on whether the leave is approved, the employer may send the designation notice concurrently with the initial notice.

#### **E. MEDICAL CERTIFICATION**

Any employee requesting FMLA for a serious health condition of the employee or of an eligible family member must submit a Certification of Health Care Provider form. If an employee fails to provide any required certification within 15 days, the City may deny leave until the certification is provided. The certification form must be completed by the patient's health care provider(s) and must contain at least the following:

1. Date condition began.
2. Probable duration of condition.
3. Appropriate medical facts about the condition; and
4. Statement that the employee is needed to care for the ill family member or, in the case of their own illness, is unable to perform their job.
5. In the case of intermittent leave, dates and duration of the treatments necessitating the intermittent leave.

An employee must also provide periodic reports during their FMLA as to their status and intent to return to work and may be required to submit a "fitness-for-duty" certification before the employee can return to work.

The City may, at its expense, require a second opinion from a health care provider of its choice if the City has reason to question the Certification of Health Care Provider submitted by the employee. If the opinions of the two health care providers conflict, the City may require, at its own expense, a

third medical opinion from a health care provider mutually agreed upon by the employee and the City. The third opinion shall be considered final and binding on both the employee and the City.

## **F. DESIGNATION**

It is the responsibility of the City, not the employee, to designate leave. When an employee requests FMLA or the City acquires knowledge that leave may be for a FMLA purpose, the City will notify the employee of their eligibility to take leave and inform the employee of their rights and responsibilities under FMLA. When the City has enough information to determine that leave is being taken for a FMLA-qualifying reason, the City will notify the employee within five (5) business days that the leave is designated and will be counted as FMLA.

## **G. ACCRUED LEAVE FOR FMLA**

In accordance with federal law, FMLA leave is unpaid; however, an employee who is placed on FMLA will be required to use accrued paid leave for what would otherwise be unpaid FMLA where appropriate. Accrued paid leave will be used in the following order: sick leave, vacation leave, and then compensatory time. The use of these types of paid leave will run concurrently with FMLA and must be exhausted before an employee can take unpaid leave.

Workers' Compensation leave, to the extent that it qualifies, will automatically be treated, and designated as FMLA and will run concurrently with FMLA.

It is the responsibility of the employee's supervisor/manager to designate absences as FMLA when reporting the employee's hours in the payroll system.

## **H. CONTINUATION OF INSURANCE BENEFITS**

While the employee is on FMLA, the City will continue to provide its share of contributions toward the cost of insurance. The employee must continue to pay their share of premiums. If the employee is receiving pay by utilizing accrued sick, vacation, or compensatory time while they are on leave, the employee's share of premium will continue to be deducted from their paycheck. If the leave is unpaid, the employee must make arrangements with the payroll department to continue paying their share of the premium as well as any voluntary deductions.

If an employee chooses not to pay their share of premiums or payment is more than thirty (30) days late, the employee's coverage may be cancelled for the duration of the leave. The City will provide fifteen (15) days' notification prior to the employee's loss of coverage.

When an employee whose coverage was cancelled due to non-payment of premiums returns from FMLA, their benefits will be restored at the same level of coverage that they would have had if leave had not been taken and the premiums had been paid.

## **I. FAILURE TO RETURN TO WORK**

Employees failing to return to work after FMLA may be required to reimburse the City for insurance premiums paid by the City while the employee was on FMLA.

## **J. BENEFIT ACCRUAL**

Any employee on unpaid FMLA will not accrue vacation or sick leave.

## **K. INTERMITTENT LEAVE/REDUCED WORK SCHEDULE**



Under specific circumstances, FMLA may be taken intermittently or on a reduced leave schedule. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the City's operation. Leave due to qualifying exigencies may also be taken on an intermittent basis.

### **1. BIRTH/CHILD PLACEMENT**

If leave is taken after the birth or placement of a child for adoption or foster care, the employee may take leave intermittently or on a reduced schedule only if the City Manager or their designee agrees to such condition. Such approval is not required when the mother or newborn child has a serious health condition.

### **2. MEDICAL TREATMENT/RECOVERY**

Leave may be taken intermittently or on a reduced work schedule when medically necessary for treatment of a serious health condition, recovery from a serious health condition or recovery from treatment. Additionally, this type of leave may be taken to provide physical or psychological care for an immediate family member with a serious health condition.

When an employee is placed on a reduced work schedule or intermittent leave, the employee may be temporarily assigned to another position of equal pay and benefits; however, it may not include duties restricted by a physician. When the need for intermittent leave or reduced work schedule no longer exists, the employee will be placed in the same or equivalent job as when the leave commenced.

## **L. RETURN TO WORK**

Employees taking leave under FMLA will be allowed to return to the same position or a position equivalent in pay, benefits, and working conditions. Returning employees have no greater right than if they had been continuously employed during the FMLA period.

Any employee taking FMLA due to their own serious health condition may be required to provide a fitness-for-duty certification before returning to work. Failure to submit such certification may result in disciplinary action up to and including termination.

Employees returning to full duty from intermittent leave will not be required to submit fitness-for-duty certification, except for cases where reasonable job safety concerns exist.

Employees considered to be "key employees" or those amongst the highest paid ten (10) percent in the City will not be denied the right to take FMLA but may not be restored in the event that restoration would cause great economic injury to the City.

## **M. EXTENDED MEDICAL LEAVE**

Nothing in this policy prevents the City from granting extended medical leave for employees beyond the initial twelve (12) weeks of FMLA; however, the same protections and benefits granted under FMLA will not be continued during this extended leave. In addition, employees on unpaid extended medical leave will not accrue vacation or sick leave.

Requests for extended medical leave should be submitted in writing to the City Manager through the Human Resources Department. Extended medical leave may be granted or denied in accordance with the impact the request will have on the organization.

## **N. FRAUD**

Any employee fraudulently obtaining or continuing FMLA may be subject to disciplinary action, up to and including termination.

#### **4.15 WORKERS' COMPENSATION**

All City employees are covered by the City's Workers' Compensation Insurance Plan for injuries sustained while on duty for the City. The cost of this insurance is paid by the City. Under this plan, an employee who suffers a job-related injury or job-related illness may be eligible for medical and compensation benefits in accordance with the applicable determinations and regulations as set out in the City's insurance policy and state law. See the terms of the current policy for details.

An employee injured in the line of duty will be eligible for workers' compensation according to established State law. Employees who sustain work-related injuries or illnesses shall immediately inform their supervisor and the Human Resources Department. A First Report of Injury form must be completed as soon as practicable by the injured employee and/or supervisor (no later than 8 days). This includes injuries that may be considered minor at the time of incident.

After a formal diagnosis of an injury or illness has been completed by a licensed physician the employee shall provide all appropriate documentation to the Human Resources Department. If an employee is determined to be eligible for Workers' Compensation, the employee becomes eligible for temporary income benefits on the eighth day of disability. By law, workers' compensation benefits must be paid directly to the employee. These income benefits are calculated at a rate of at least 70% of the employee's weekly income prior to the injury. The worker must be disabled by the injury for at least seven (7) days to be eligible for income benefits.

#### **NOTIFICATION**

If an employee is injured on the job or feels that they have an illness caused by work, they should STOP WORKING and report the condition to their Supervisor immediately. ALL EMPLOYEE CONTACT WITH COMMUNICABLE DISEASES AND INJURIES OR ILLNESSES TO EMPLOYEES, REGARDLESS OF HOW MINOR, ARE TO BE REPORTED IMMEDIATELY TO THE EMPLOYEE'S SUPERVISOR. Failure to do so promptly may delay receipt of Workers' Compensation benefits. The Supervisor or Department Head will, after sending the employee for medical attention, if such is required, immediately report the accident or injury to the Workers' Compensation Representative. The Workers' Compensation Representative for all City offices is Human Resources. The injury must be reported to the representative immediately, even if no doctor visit is necessary and/or no work time was lost. The applicable office or department must gather all facts necessary to complete the First Report of Injury form provided by the City and provide the forms to the Workers' Compensation Representative no later than the eighth day of the incident, with exception for extreme circumstances such as a death or extreme destruction where additional time in reporting may be justifiable. These forms will assist the Workers' Compensation Representative in completing the forms required by the Texas Workers' Compensation Commission and the City's carrier/administrator for Workers' Compensation.

#### **4.16 SALARY CONTINUATION PLAN**

##### **A. SALARY CONTINUATION PAYMENTS**

Salary continuation payments are made to eligible employees authorized to be off duty as the result of an on-the-job injury. Salary continuation payments are meant to make up the difference between what an injured employee receives from Workers' Compensation and their regular rate of pay.

Under no circumstances will an injured employee receive more pay during an absence than if they had worked their regular hours at their current rate of pay.

Workers' Compensation leave, to the extent that it qualifies, will automatically be treated, and designated as FMLA and will run concurrently with FMLA.

## **B. ELIGIBILITY**

Only regular full time, part time, temporary, and/or seasonal employees who have worked for the City for a period one year or more are eligible for salary continuation. Employees are ineligible to receive salary continuation pay beyond the date of retirement, resignation, death, lay-off, or termination.

## **C. DURATION**

Employees may receive a 100% salary continuation for a maximum of ninety (90) days from the first day the employee was unable to work.

## **D. START OF PAYMENT**

Salary continuation payments will begin only after the City has received proper documentation from a licensed physician that an employee is unable to return to work because of an on-the-job-injury. Under no circumstances will any continuation be made prior to receiving proper documentation.

## **E. PROCEDURE FOR RECEIVING SALARY CONTINUATION**

1. The injury, accident, or incident must be reported to the employee's supervisor immediately.
2. Employees involved in an on-the-job-injury that results in an absence from work for one or more days will be placed on Workers' Compensation leave.
3. When an employee misses less than eight (8) days of work as the result of a compensable injury, they will receive their regular pay from the City.
4. When an employee misses eight (8) days or more from work as the result of a compensable injury the employee will receive temporary income benefits (TIB) from Workers' Compensation.
5. On the 15<sup>th</sup> day of absence as a result of a compensable injury Workers' Compensation will pay the injured employee for the first seven (7) days of absence.
6. If an employee is receiving salary continuation from the City, they must turn over the TIB check from Worker's Compensation to the City.

## **F. PROCEDURE FOR RETAINING SALARY CONTINUATION**

Injured employees must notify the Human Resources Department and their supervisor of all treatment rendered and requirements imposed by the employee's attending physician. Employees must submit medical statements, signed by their physician that account for and justify all missed work to the Human Resources Department. Injured employees must contact the Human Resources Department and their supervisor on a weekly basis.

## **G. SUSPENSION OF PAYMENTS**

Salary continuation payments may be suspended or initially denied if an employee fails to comply with City policy and directions. Specific grounds for suspension or denial are:

1. If the employee is awaiting a final chargeability decision.
2. If the employee fails to report an injury in compliance with City policy.
3. If the employee suffers an injury as a result of their own gross negligence. This may include but is not limited to an injury suffered while engaging in horseplay, while intoxicated, while participating in sports or physical activities not related to job activities, while attending to personal matters, or while violating any law, general order, rule, or regulation of the City, State, or Federal Government.
4. If the employee submits a claim that is denied by the City's Workers' Compensation carrier.
5. If the employee engages in any full time, part time or volunteer work while receiving salary continuation.
6. If the employee fails to act in a manner consistent with being off work recuperating.
7. If the employee fails to comply with the directions of their treating physician.
8. If the employee refuses to submit to an independent medical examination in accordance with the Texas Workers' Compensation Statutes.
9. If the employee refuses to accept any modified duty assignment that is deemed within the employee's capability in the opinion of the employee's treating physician, and that is consistent with the employee's training and/or abilities.
10. If the employee refuses to return to work after being released by their treating physician.
11. If the employee refuses to cooperate with the City in ascertaining facts and information surrounding the cause, nature, and day-to-day status of the employee's injury.
12. If the employee refuses to keep the Human Resources Department informed each week as to the status of the injury while receiving salary continuation.
13. If the employee refuses a post-accident drug or alcohol test (refusal may result in disciplinary action up to and including termination).
14. If the Workers' Compensation TIBs are stopped.

Any time lost from work will be charged against the employee's sick leave, vacation leave, compensatory time or leave without pay under the following circumstances:

- a. If the injury is deemed not compensable by workers' compensation.
- b. If the City determines an employee does not qualify for salary continuation benefits.
- c. The employee is unable to work in a modified duty capacity.
- d. Expiration of the ninety (90) day salary continuation benefit and the employee is unable to work.

## **H. PAYMENT SUSPENSION APPEAL**

Denial or suspension of payments as a result of employee violation of City policy or direction is not appealable or subject to formal complaint.

## **4.17 MODIFIED DUTY**

When a work related or non-work-related injury prohibits a non-civil service employee from performing the essential functions of their job with or without reasonable accommodation, the employee may be granted a modified duty assignment. No modified duty assignment will consist of activities restricted by the employee's physician. Modified duty accommodations are not permanent. When needed, accommodations will be made in compliance with federal and state law.

### **A. QUALIFICATIONS**

The following qualifications have been established for eligible employees who request a modified duty assignment. In no way is this section meant to infer that as the result of being qualified, that any employee has a right to a modified duty assignment.

1. There must be a need within the City the recovering employee could possibly fill. Employees may be temporarily reassigned to other Departments.
2. Employees must be qualified for and able to perform the essential functions of the alternate duty position. No assignment may be made to modified duty without approval of applicable Department Director(s), the Human Resources Department, and the City Manager.
3. Prior to starting a modified duty assignment, the employee must provide applicable Department Director(s) and the Human Resources Department with a written statement of work restrictions and how long such restrictions are in effect, when the employee may begin modified duty and when the employee may return to full duty; all of which must be signed by the employee's treating physician. At this time, the employee will receive a formal modified job offer from Human Resources.
4. Employees assigned to modified duty may not engage in any outside employment, including self-employment. Failure to adhere to this policy may result in disciplinary action up to and including termination.

### **B. PROCEDURE**

1. An employee may be involuntarily assigned to modified duty or request such an assignment. Refusal to return to work for the modified duty assignment may be considered insubordination and may result in termination of modified duty offer and /or disciplinary action up to and including termination.
2. Workers' Compensation claimants will provide the Human Resources Department with copies of all medical restrictions/releases concerning their injuries within 24 hours of each doctor visit.
3. Employees assigned to modified duty will be paid at the same rate of pay prior to the modified duty.
4. Employee work schedules will be determined by the employee's assigned supervisor in accordance with need for service.
5. Employees assigned to modified duty are expected to keep their temporary supervisor and regular supervisor aware of scheduled medical appointments. Failure to do so may result in disciplinary action up to and including termination.

6. No modified duty assignment will last longer than 90 days without authorization from the employee's original Department Director and the Human Resources Department. Under no circumstances will a modified assignment last more than one year from the original date the employee is unable to work in their full capacity.
7. While an employee is on modified duty, they will have their work status reviewed by the Department Director and Human Resources Department every 30 days.
8. In the event a temporary disability is determined by a medical authority to be a permanent disability, the modified duty assignment will be reevaluated.

### **C. RETURN TO FULL DUTY**

1. An employee released to return to work by their physician must provide their Department Director or the Human Resources Department a copy of the written release.
2. When an employee returns to work and finds they have not fully recovered to the extent necessary to perform their essential functions of the job, the employee should notify their supervisor as soon as possible. Additionally, the employee should set an appointment with their treating physician. If it is determined the employee is unable to perform essential functions of the job, the employee may take any available paid leave or may request another modified duty assignment.
3. When a treating physician decides an employee will never be capable of returning to work in their full duty capacity, the City will accommodate such disability to the extent required under the Americans with Disabilities Act, or the employee may apply for available positions within the City that the employee is qualified for; or may be discharged if there are no positions the employee can perform or is qualified to perform (assuming the employee's 12 weeks of FMLA leave have been exhausted).

### **D. TERMINATION**

The City reserves the right to fill any position vacated by an employee who is unable to perform the essential functions of their job, with or without reasonable accommodation, to the extent permitted by law.

## **4.18 PAID QUARANTINE LEAVE**

### **A. PURPOSE**

The purpose of this policy is to provide guidance in accordance with Chapter 180.008 of the Local Government Code regarding paid quarantine leave for peace officers and firefighters who are ordered to quarantine by the local health authority due to a possible or known exposure to a communicable disease **while on duty**. The City of Hewitt recognizes that employee health and safety is important. The City supports establishing a workplace that is comfortable, healthy, safe, and supportive.

This policy will be applied with the Workers Compensation Policy, as this leave is granted only for on-duty exposures. When an employee is exposed by a spouse or other family member living in the employee's home, this policy does not apply. Applicable employees are responsible for informing their supervisor if a close family member had exposure.

### **B. SCOPE**

This policy applies to all Firefighters and Peace Officers employed by the City of Hewitt.

## **C. DEFINITIONS**

"Firefighter" means a paid employee of the fire department who:

- i. holds a position that requires substantial knowledge of firefighting;
- ii. has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and
- iii. performs a function listed in Section 143.003(4)(A).

"Health authority" has the meaning assigned by Section 121.021, Health and Safety Code.

"Peace officer" means an individual described by Article 2.12, Code of Criminal Procedure, who is elected for, employed by, or appointed by the City of Hewitt.

## **D. POLICY**

The use of quarantine leave may be granted after a Firefighter and/or a Peace Officer who has had a possible or known exposure to a communicable disease while on duty. The local health authority will determine when a threat of highly communicable or life-endangering diseases are immediately present and may release orders for applicable/essential workers to follow general quarantine protocols. When this occurs, Department Directors and Supervisors will order the use of quarantine leave based on the health authority's protocols for appropriately dealing with the disease and/or its prevention of community spread. Employees will be released from quarantine leave based on guidance from the local health authority.

Employees are required to file all workers compensation notifications, as this leave will run concurrently with the worker's compensation process.

Applicable employees on paid quarantine leave will be treated consistently with other worker's compensation claims and continue to be eligible for all employment benefits and compensation, including continuing their leave accrual, pension benefits and eligibility for health and medical plan benefits for the duration of the leave. While on quarantine leave, the employee may not use any other paid leave type (vacation, sick, holiday).

When applicable, Firefighters and Peace Officers who must be quarantined may be eligible for reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation. The employee must receive approval from their Department Director prior to incurring quarantine expenses. Employees will be expected to provide receipts for reimbursement which will be presented to Human Resources for appropriate review and processing in coordination with Finance. Quarantine time is treated as regular work time and the employee is expected to be in contact with their supervisor and taking the necessary precautions associated with the protocols of the quarantine.

## **E. COMMUNICATION AND IMPLEMENTATION**

The Police and Fire Department will coordinate with Human Resources to ensure this policy is implemented as applicable. Upon notification, Human Resources will follow appropriate steps to ensure applicable leave is communicated to the employee and will ensure any and all ADA and FMLA provisions are applied when necessary.

## **4.19 SICK LEAVE DONATION PROGRAM**

### **A. PURPOSE**

The purpose of the Sick Leave Donation policy is to establish a method of transferring accrued sick leave from one employee to another employee who has suffered a catastrophic medical injury or illness, which has forced the employee to exhaust all leave time earned and to lose compensation.

### **B. DEFINITION**

Catastrophic shall be defined as a severe injury or illness requiring prolonged (long-term) hospitalization or recovery; a medical diagnosis or surgery that is debilitating, or a severely complicated disability, or other serious medical condition as defined under FMLA guidelines.

### **C. TO RECEIVE DONATED SICK TIME, AN EMPLOYEE MUST MEET THE FOLLOWING CRITERIA:**

1. The employee must have worked as a full-time employee for the City of Hewitt for a period of no less than one (1) year.
2. An employee must meet the requirement for the Family Medical Leave Act and have their doctor complete the Family Medical Leave Act forms, indicating the employee is experiencing a serious medical condition.
3. The employee must have exhausted all earned leave time, including but not limited to sick, holiday, vacation, and comp time.
4. The employee must not be eligible to receive workers' compensation benefits, unemployment insurance benefits, or long-term disability benefits for their leave.
5. An employee will continue to accrue sick and vacation time while on leave and must use the accrued time as it is earned.
6. The employee cannot have received a verbal or written disciplinary action for abuse of leave within two (2) years of the date of the request for donations.

### **D. TO DONATE HOURS, AN EMPLOYEE MUST MEET THE FOLLOWING CRITERIA:**

1. Understand participating in the Sick Leave Donation policy shall, always, be voluntary on the part of any employee.
2. The employee must have completed their introductory period with the City.
3. Employees cannot reduce their sick leave balance below 160 hours.
4. Employees must donate sick time in 8-hour increments.
5. An employee may donate a maximum of 40 hours of sick time per calendar year.
6. Employees with pre-civil service sick hours may not donate pre-civil service sick leave time to any employee in the City.

### **E. RESTRICTIONS**

1. Once leave has been donated to the eligible employee, neither the donor nor the receiving employee may revoke the transactions.
2. Upon returning to perform the essential functions of the position, the receiving employee cannot receive any additional sick leave donations.



3. Employees are prohibited from receiving monetary or any other compensation or benefits in exchange for donating sick leave hours
4. For the employee donating hours, sick leave hours will be donated at the current rate of pay of the employee donating the time, regardless of the rate of pay of the employee receiving the donation. The employee receiving the hours will receive them at their own rate of pay.
5. A receiving employee can only receive a maximum of 80 hours within a rolling 12-month period.

## **F. PROCEDURE**

Employees must submit a written request for donations to their Department Director and it must be approved by the City Manager and Human Resources. If approved, Human Resources will send out a donation request by email to eligible City employees.

Donated hours are deducted from those employees donating the time on a payday-by-payday basis. All donated, but unused time will remain in the donator's sick time bank until needed.

Donated leave will be paid to the receiving employee on the regular payroll schedule

Human Resources will manage and administer the donated sick leave.

**Employees wishing to donate sick time must complete a Transfer of Sick Leave form and submit it to Human Resources.**

## **G. CONFIDENTIALITY**

When soliciting donations, Human Resources will not disclose the employee's name, the reason for the donated sick leave, or the employee's health condition, as those matters are confidential.

All medical information will remain confidential and will not be shared with other employees in the organization beyond that necessary for reporting purposes.

## **CHAPTER 5 EMPLOYEE CONDUCT & DISCIPLINE**

### **5.0 WORK STANDARDS**

It is the duty of each employee to maintain high standards of productivity, cooperation, efficiency, and economy in their work for the City. Department Directors will organize and direct the work of their departments to achieve these objectives.

If work habits, behavior, productivity, and/or personal conduct begin to deteriorate below acceptable standards, supervisors should point out deficiencies to employees as they observe the occurrence. Counseling and warning the employee in sufficient time for improvement will ordinarily precede formal disciplinary action, but nothing will prevent immediate action as required to meet the best interests of the City.

### **5.1 ETHICS**

All employees of the City are expected to act in accordance with the highest of ethical standards. Conducting oneself in such a manner includes adherence to the law, policy, and administrative directives. All City employees should maintain the utmost standards of personal integrity, truthfulness, and fairness in carrying out their duties, avoiding real or perceived improprieties in their roles as public servants, and never using their City positions or powers for personal or professional gain for the employee, a relative or other person living in the same household whether on duty or off duty.

### **5.2 ATTENDANCE/TARDINESS**

Employees are required to be at their places of work, and performing their job functions, in accordance with work schedules established by their department, unless officially excused by the supervisors. An employee, who fails to report, is habitually tardy, leaves the workplace without proper authorization, abuses sick leave, or misuses leave may be subject to disciplinary action, up to and including termination.

### **5.3 WORK FROM HOME PRIVILEGE**

Working from home is a privilege and may only be earned after trust has been established and only when appropriate. Not all jobs are eligible for this privilege due to the nature of the tasks assigned. Working from home is not the norm and not generally conducive to the City's mission, client's needs, or the company culture. However, an employee may be eligible to work remotely if their duties can be met through basic hardware and software, they've proven to be trustworthy, disciplined, and self-motivated, and have been given advance permission by the City due to a specific circumstance (i.e. child in quarantine or other family emergency). Permission must be requested, in writing, to an employee's supervisor in advance of the request. Working from home privileges may be granted for limited periods of time only and only for good cause.

While working remotely, employees must adhere to all the conditions in the Employee Policies and Procedures Manual. All City policies around conduct, confidentiality, harassment, sick leave, etc., continue to apply, regardless of location. Disciplinary actions will follow policy transgressions of any kind. Employees are to be online and accessible for every hour they are scheduled to work if they are given the privilege of working from home. Any correspondence from a co-worker, supervisor, or citizen must be answered as quickly as possible. Only equipment owned by the City and on loan to the employee is covered by the City's chosen insurer. All other equipment is to be covered by the employee's personal insurance provider.

## **5.4 SOLICITATION**

Solicitations, including personal e-mail addresses, are not permitted by employees for personal profit during working time or at any time in working areas. An employee may not engage in solicitation of other employees while they are on duty.

- A. Solicitation of funds of any kind or for any purpose is prohibited of City employees on the job without the express approval of the City Manager.
- B. Solicitation and distribution of literature will be limited to City endorsed functions or activities. Literature for City sponsored activities should be posted in designated areas.
- C. Distribution of literature is not permitted for personal profit during working time or at any time in working areas. Benefits for registered non-profits may be given limited opportunities for solicitation by the City Manager.

## **5.5 OUTSIDE EMPLOYMENT**

Although outside employment is not expressly prohibited by the city an employee must receive approval from their Department Director on a City approved form to work a second job. City employees are prohibited from engaging in any business, trade, occupation, or profession that would reflect poorly upon the City, would adversely affect the employee's work performance in the City of Hewitt's workplace, or would constitute a conflict of interest.

## **5.6 PERSONAL APPEARANCE**

All employees, regardless of work location and degree of public contact, are expected to maintain a good personal appearance and an acceptable standard of cleanliness and personal hygiene at all times. The Department Director may determine and enforce department specific guidelines for workplace appropriate attire and grooming for their areas.

## **5.7 CONFLICT OF INTEREST**

Employees should avoid an actual or perceived conflict of interest. In a greater effort to avoid such circumstances no employee will have a monetary interest in any exchange, purchase, or sale of property goods, or services with the City outside of the scope of their official position.

Employees will avoid any action that could create the appearance of:

- 1. Using public office for private gain.
- 2. Giving preferential treatment to any organization or person.
- 3. Impeding government efficiency or economy.
- 4. Losing complete independence or impartiality of action.
- 5. Making a government decision outside of official channels; or
- 6. Public loss of confidence in the integrity of government.

The City Manager may apply the Conflict-of-Interest Policy in the case of other organizational and/or personal relationships when failure to do so will be detrimental to the City.

## **5.8 GENERAL CONDUCT**

The attitude and conduct of a City employee, whether in public or private, should at all times be such as to promote the good will and favorable attitude of the public toward the city administration and its programs and policies. Failure to do so will result in disciplinary action up to and including termination.

## **5.9 INDIFFERENCE TOWARD JOB/WORK**

Employees who exhibit gross repeated neglect of duty, loafing, carelessness, lack of initiative, lack of cooperation, failure to remain at work, leaving work without permission, sleeping, or otherwise being inactive during working hours, inefficiency, performing personal business and excessive personal interruptions during working hours, abuse of eating and/or rest periods, interfering with work of others, discourteous treatment of public or other employees, failure to maintain a current license or certificate required as a condition of performing the job, failure to account for City documents or property shall be subject to disciplinary actions up to and including termination.

## **5.10 UNSATISFACTORY WORK PERFORMANCE**

Employees who demonstrate the inability to perform the duties of a position as specified in the employee's job description, the inability to meet the expectations set forth in the performance evaluation process, and/or unsuccessful completion of the introductory period shall be subject to disciplinary actions up to and including termination.

## **5.11 INSUBORDINATION**

Employees failing to fully comply with written/oral instructions or perform work as assigned by a supervisor will be deemed to be insubordinate.

In the event an employee believes an order, assignment, and/or instructions to be reckless, immoral, illegal, or unethical the employee should immediately inform their supervisor and/or the Human Resources Department.

## **5.12 VIOLATION OF SAFETY RULES**

Safety violations will include failure to follow City or departmental safety rules and regulations, including but not limited to failure to use required personal protective equipment, removal or circumvention of safety devices, unsafe lifting practices, reckless driving, smoking in prohibited areas, negligence, as well as failure to report accidents/unsafe conditions including employees who may be unfit for duty.

## **5.13 FAILURE TO REPORT POLICY VIOLATIONS**

Employees failing to report a violation of City policy will be subject to disciplinary action up to and including termination. Employees shall immediately report policy violations they observe or experience including, but not limited to, drug and alcohol use, sexual harassment, workplace violence, safety concerns, or any other known violation described in this manual to an employee's supervisor and/or Human Resources Department. It is not necessary to follow the "chain of command" to report violations of the equal opportunity employment policy or for issues relating to workplace safety.

## **5.14 THEFT/DISHONESTY**

Employees found to be stealing or otherwise dishonest will be subject to disciplinary action up to and including termination. This includes, but is not limited to, taking City property/resources, theft of property of other employees without prior authorization, misuse of funds, misrepresentation, cheating, forging, or knowingly falsifying official City reports, records, or documents, knowingly misusing paid leave, failing to accurately record work time, clocking in or out for another employee, receiving compensation for unearned pay, or falsifying time records.

## **5.15 ACCEPTING GIFTS**

No employee of the City shall accept, directly or indirectly, any gift, favor, privilege, or employment having a monetary value in excess of twenty-five dollars (\$25.00) from any person, firm, or corporation doing business with, or seeking to do business with the city during the term of office of such officer or during the employment of such employee of the city and in connection with such office or employment, except as may be authorized by ordinance or on behalf of the city and for its benefit. Under no circumstance shall cash or any instrument of cash having monetary value be accepted. No employee of the city who is employed, directly or indirectly, by any person, firm, or corporation doing business with, or seeking to do business with the city shall in any manner participate in any discussion or decision of any agency, board, commission, or instrumentality of the city having to do with the business done or sought to be done with the city by such person, firm, or corporation without first declaring publicly such employment. This section does not apply to meals, honorary items such as plaques or awards, door prizes, or other gifts of nominal value. All gifts, honorary items, or attempted gifts shall be reported to an employee's supervisor immediately.

## **5.16 DISTURBANCE**

Fighting, using profane/abusive/threatening language, unrestrained outbursts, offensive conduct, spreading of false reports/rumors, or other actions that bring disruption to the City or departmental workplace will be deemed as a disturbance. Employees creating an inappropriate disturbance will be subject to disciplinary action up to and including termination.

## **5.17 ALCOHOL OR DRUGS**

All employees are strictly prohibited from possessing, buying, using (unless prescribed for employee or purchased over the counter), or transferring possession of alcohol and/or drugs (as defined by Section 1.02 of the Texas Controlled Substances Act) during working hours. This includes but is not limited to employees performing assigned duties or operating vehicles/equipment during working hours at any location.

It is a violation for employees to report to work with a detectable amount of alcohol or while under the influence of drugs (unless prescribed for employee or purchased over the counter). The use of prescribed medication while on duty by employees is prohibited if the use may create an unsafe condition or environment. In such circumstances, the employee must notify their supervisor. (See Section 9.5 for complete Drug & Alcohol Policy)

## **5.18 CONDUCT BRINGING DISCREDIT ON THE CITY**

Employees shall conduct themselves at all times, whether on duty or off duty, in a manner as to not bring discredit to themselves or the City or otherwise erode the public's confidence or trust in the operation of City government. Violation, in any context, may result in disciplinary action up to and including termination.

## **5.19 USE OF CITY EQUIPMENT**

Employees should handle/use City equipment in such a manner that will provide the greatest longevity of the equipment. Employees using equipment requiring maintenance should assure such maintenance is regularly conducted. Employees will not use equipment in a way that could be determined to be negligent. Employees who recklessly or negligently use equipment may be subject to disciplinary action, up to and including termination. The use of city equipment and facilities for personal use are prohibited without prior approval of the City Manager.

## **5.20 UNAUTHORIZED USE OF OFFICIAL BADGE/ UNIFORM**

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

## **5.21 NON-EXHAUSTIVE LIST OF PROHIBITED 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 of Hewitt. This list is merely illustrative and does not encompass all prohibited practices nor 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 of Hewitt 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, City of Hewitt 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 of 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 Supervisors, Department Heads, City Manager, City officials, or the City Council and/or its members;
15. Falsifying time records or any other official record, including filling out the time records of another.
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 of Hewitt;
18. Unauthorized or unexcused absence from work;
19. Revealing, without authorization, confidential information gained in the course of employment, including confidential City records;
20. Accepting any commission, kick-back, discount, or other thing 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;
31. Acts of dishonesty in the performance of duties; and
32. Acts causing disharmony within the workplace.

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.

## **5.22 POLITICAL ACTIVITIES**

Employees of the City are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal laws and these policies. An employee may not:

1. Use his/her official authority or influence to interfere with or affect the result of an election or nomination for office;
2. Directly or indirectly coerce, attempt to coerce, command, or advise any person, firm or entity to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political purpose;
3. Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution, or political service or to circulate petitions or campaign literature on behalf of

candidates for public office in any jurisdiction; and in any manner, contribute money, labor, time, or other valuable thing to any persons for City election purposes.

All City employees are prohibited from participating in any way in any political activity while wearing a City uniform, regardless of whether the employee is on duty or on his/her own time. In addition, no City owned property, vehicle, building, and/or office may be used for displaying campaign materials or for conducting any partisan political activity.

An employee's political activity, not in violation of this section, shall not be considered in determining his/her compensation, eligibility for promotion or demotion, work assignment, or in applying any other employment practices to the employee. Likewise, no employee will be disciplined, terminated, or deprived of his/her employment rights for refusing to participate in such activities.

### **5.23 CRIMINAL CHARGES**

The City is not required to await the outcome of criminal charges to take employment action against an employee charged with a crime.

If the information available to the City indicates more likely than not that the employee committed the crime, the City Manager may separate the employee from employment with the City. An indictment is a finding of probable cause that the defendant committed a crime. Therefore, the City Manager may separate an indicted employee from employment with the City based on the indictment alone.

In making such decisions the City Manager may consider:

1. the severity of crime charged;
2. whether the charge involved violence;
3. whether the charge involves a child as the alleged victim
4. whether controlled substances were involved;
5. whether weapons were involved;
6. the employee's ability to work;
7. the effect of the charge on the workplace;
8. the security of other employees;
9. the discredit brought upon the City;
10. whether the charge conflicts with the employee's duties for the City (for example, a D.W.I. where the employee drives a portion of his/her job or a theft charge where the employee handles money or financial transactions).

The City Manager's decision is final and non-appealable.

### **5.24 CORRECTIVE AND DISCIPLINARY ACTION**

Department Heads have overall responsibility for the administration of discipline within their departments. Such discipline includes, but is not limited to employee counseling, verbal warnings, written reprimands, suspensions



and/or dismissal. This in no way diminishes the authority or responsibility of individual supervisors to maintain order and discipline or to take disciplinary action against employees under their supervision, nor does it limit the City Manager from ultimate oversight of the individual departments. The City Manager must approve all suspensions and/or terminations.

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

All reasonable efforts will be made to ensure fairness to the employee. The City will attempt to review and resolve all employee problems as promptly and equitably as possible and at the lowest possible organizational/supervisory level. All employees will be provided with a fair, expedient, objective, and consistent means of resolving work related problems.

## **A. GUIDELINES FOR CORRECTIVE AND DISCIPLINARY ACTION**

Outlined below are examples of steps the City may utilize concerning corrective action and discipline. The City reserves the right to combine or skip steps in this process depending on the facts of each situation and the nature of the offense. In fact, the City may proceed straight to termination. The level of corrective and disciplinary intervention may also vary. There is no right to corrective discipline. (Notwithstanding provisions set forth in Chapter 143 of the Texas Local Government code and the City's local Civil Service Rules and Regulations).

- **Coaching/Counseling:** A supervisor coaches or counsels an employee about an issue of concern, and a written record of the discussion is placed in the employee's file for future reference.
- **Written Reprimand:** Written reprimands are a form of corrective action used for behavior or violations a supervisor considers serious or in situations when documented coaching/counseling has not helped change unacceptable behavior. Written reprimands are placed in an employee's personnel file. Employees should recognize the grave nature of the written reprimand.
- **Performance Improvement Plan (PIP):** Whenever an employee has been involved in a corrective action and/or disciplinary situation that has not been readily resolved or when they have demonstrated an inability to perform assigned work responsibilities efficiently, the employee may be placed on a performance improvement plan (PIP). PIP status will last for a predetermined amount of time not to exceed ninety (90) days. Within this time period, the employee must demonstrate a willingness and ability to meet and maintain the conduct and/or work requirements as specified by the supervisor and the organization. At the end of the performance improvement period, the performance improvement plan may be closed, or, if established goals are not met, the employee may be subject to further disciplinary action up to and including termination.
- **Suspension with Pay or Suspension without Pay:** Notwithstanding provisions set forth in Chapter 143 of the Texas Local Government code and the City's local Civil Service Rules and Regulations, an employee may be suspended with or without pay. The suspension shall be documented and permanently placed in the employee's official personnel file.
- **Demotion and/or Termination:** Notwithstanding provisions set forth in Chapter 143 of the

Texas Local Government code and the City's local Civil Service Rules and Regulations, an employee may be demoted or dismissed.

## **CHAPTER 6 DISCRIMINATION AND HARASSMENT**

### **6.0 EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT**

The City of Hewitt is committed to providing equal employment opportunities and combatting discrimination and harassment in all of its forms. Discrimination, harassment, and retaliation based upon a protected class, in any form, will not be tolerated under any circumstances. Protected classes include: race, color, religion, creed, sex, gender, pregnancy status, genetic information, sexual orientation, gender identity, national origin, ethnicity, age, disability, veteran status, and other classes protected by law.

Every employee is responsible for maintaining a professional environment free of discrimination, harassment, and retaliation, and for bringing to the City's attention conduct that interferes with providing a work environment free of discrimination, harassment, and retaliation. Findings of discrimination, harassment, or retaliation against an employee may result in discipline up to and including discharge.

Every department shall implement this policy through uniform and consistent employment practices. As an Equal Employment Opportunity (EEO) employer, the City will recruit, hire, train, compensate, discipline, provide benefits, and promote without regard to protected class.

### **PROTECTED CLASS**

**The City is committed to ensuring equal treatment of all employees regardless of their race, ethnicity, color, ancestry, religion, sex, sexual orientation, national origin, marital status, disability, or any other persons protected under protected under Title VII of the Civil Rights Act or any other federal, state, or local laws.**

### **DISCRIMINATION**

The City is committed to providing a work environment that is free of discrimination. Discrimination is the unequal or different treatment of an individual in any employment and/or personnel action on the basis of a protected class and that: has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of unreasonable interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities.

### **HARASSMENT**

The City is committed to providing a work environment that is free of harassment on the basis of, or relating to, an employee's protected class status. Harassment can occur in a number of ways, including unwelcome verbal or physical conduct. Harassing conduct includes, but is not limited to, epithets, slurs or negative stereotyping, threatening/intimidating behavior, denigrating jokes, and written or graphic material that denigrates or shows hostility towards an individual or group circulated in the workplace, on company time or using company equipment whether by phone, text, social media, or other means. Such conduct will not be tolerated by the City. Furthermore, such conduct is unlawful where submission to the conduct is made a term or condition for obtaining employment opportunities or avoiding adverse employment action, submission to or rejection of the conduct is used as a basis for making employment decisions, or where the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

### **SEXUAL HARASSMENT**

The City is committed to providing a work environment that is free of sexual harassment. Sexual harassment

can occur in many forms, including, but not limited to unwelcome physical contact, verbal abuse based on gender, leering gestures, subtle advances and pressure inviting sexual activity, display of sexually oriented materials or objects that offend another employee, sexual innuendoes and conversations of a sexually oriented nature that is offensive or unwelcome to another employee, and hostility or discriminatory treatment solely based on gender, and use of derogatory or patronizing terms, such as “babe” or “sugar”. Such conduct will not be tolerated by the City. Furthermore, such conduct is unlawful where submission to the conduct is made a term or condition for obtaining employment opportunities or avoiding adverse employment action, submission to or rejection of the conduct is used as a basis for making employment decisions, or where the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

Sexual harassment of any type is strictly prohibited and will give rise to disciplinary action up to and including discharge.

## **RETALIATION**

The City is committed to maintaining a work environment that is free of retaliation and where an employee is free to raise a question or concern involving the terms and conditions of any employee's employment. Retaliation is defined as an action or inaction that adversely affects the terms and conditions of employment and is taken in response to an employee's good faith complaint, participation in an investigation, proceeding or hearing, exercise of rights or availing themselves of any benefit authorized under these personnel policies. An adverse employment action includes, but is not limited to, discharge, demotion, and denial of promotional opportunity. The City prohibits the taking of any adverse employment action against an employee who, in good faith, reports discrimination, harassment, or retaliation; files a complaint regarding a law, policy, practice or procedure; testifies, assists or participates in an investigation, proceeding, or hearing; or exercises rights or avails themselves of any benefit authorized under the personnel policies, such as filing a worker's compensation claim, requesting Family and Medical Leave, or requesting military leave.

### **6.1 REPORTING AND INVESTIGATION PROCEDURES**

City employees are expected to promptly raise questions and concerns regarding alleged violations of City policy or local, State or Federal law. Promptly raising questions and/or concerns allows the opportunity for such concerns to be addressed quickly and assists in the preventing problems from occurring or escalating. Any employee who believes that they have been subjected to discrimination or harassment based on a protected class, or retaliation based on a protected activity, is encouraged to report it to any Supervisor, Human Resources, or the City Manager. An employee is not required to follow the “chain of command” when reporting harassment, discrimination, or retaliation, but instead may file a complaint directly with Human Resources or the City Manager. Any Supervisor who receives a complaint of such conduct must, without undue delay, notify Human Resources so that an investigation into the allegations may be commenced immediately.

If the investigation confirms evidence of discrimination or harassment, the Supervisor, or the City Manager, as appropriate, must take immediate and appropriate corrective action. A Supervisor's failure to notify Human Resources of claims of discrimination, harassment, or retaliation may result in discipline up to and including discharge. No employee shall suffer discrimination, harassment, or retaliation as a result of good faith reporting of any City policy violation or participation in the investigation of a complaint.

### **6.2 OPEN DOOR POLICY**

It is the policy of the City for Supervisors, Human Resources, and the City Manager to have an open-door policy for any employee who needs to report any alleged violation of these personnel policies. It is the responsibility of every employee to report instances of harassment, discrimination, or retaliation when observed. To report allegations of discrimination or harassment, it is not necessary to follow the chain of command.

### **6.3 INVESTIGATION AND CORRECTIVE ACTION**

As an initial matter the reporting employee should be protected from further discrimination or harassment by promptly preventing the employee and the alleged perpetrator from working in the same area or having contact with each other. Any reassignment or change made must not put the reporting employee in a worse position as such could be perceived as retaliation.

All complaints of unlawful discrimination that are reported to Supervisors, Human Resources, or the City Manager will be investigated as promptly as possible and corrective action will be taken where warranted. All complaints of unlawful discrimination, harassment, or retaliation will be treated with as much confidentiality as possible, consistent with the need to conduct an adequate investigation. Complaints will be investigated by impartial and qualified internal personnel unless external involvement is warranted. The process will be documented and tracked for reasonable progress, and all investigations will be completed timely and professionally.

If a complaint is found to be reasonably supported, the City shall promptly take corrective action against the offending employee. The City cannot take effective action to address an issue of which it is not aware. Therefore, reporting is necessary. When an employee chooses to report conduct to their Supervisor rather than Human Resources, he or she must report the matter directly to Human Resources if they feel that timely investigation or corrective action is not occurring.

## **CHAPTER 7 EMPLOYEE COMMUNICATIONS**

### **7.0 PRIVACY EXPECTATIONS**

All employees are responsible for a level of confidentiality that will preserve an environment that supports sincerity, honesty, and ethical behavior. However, as public sector employees supported by public funds employees should not expect privacy in the workplace or jobsite. Furthermore, employees should not expect privacy in their work, workstations, and/or anything that belongs to the City used to produce that work. As official government records most types of communication, unless they fit an exception to disclosure, may be made available to the public upon written request in accordance with procedures defined in the Public Information Act.

### **7.1 OPEN DOOR/OPEN COMMUNICATIONS**

#### **A. OPEN COMMUNICATION**

The City attempts to ensure employment that will be enjoyable and rewarding. All employees are encouraged to participate in a free and uninhibited exchange of information which may be used to improve service delivery to the public. Employees are encouraged to ask questions, make suggestions, or otherwise provide information in furtherance of this objective.

All City employees have the right to report a violation of the law to the appropriate authority if the employee report is made in good faith. **See Whistle-Blower Policy 7.2.**

#### **B. OPEN DOOR**

Employees are strongly urged to first discuss the issue of concern with their immediate supervisor; however, when circumstances merit disregard of the normal chain of command, employees may contact anyone in the City organization, including the Human Resources Department, City Manager, or Department Directors, to answer their questions or concerns. Employees who wish to discuss problems and/or concerns regarding management practices or procedures should refer to and follow the **Grievance Procedure Policy 7.7.**

### **7.2 WHISTLE BLOWER**

The City is committed to upholding the requirements of all state and federal laws including applicable Whistle-blower Act(s). The City will not suspend, terminate, retaliate, or otherwise discriminate against an employee who appropriately reports a violation of law to an appropriate authority if the employee report is made in good faith.

Employee rights include:

1. right and/or duty to report violations of law.
2. right to report unsafe act or condition.
3. right to file a Workers' Compensation Claim.
4. right to file a grievance; and

5. right to file a complaint of alleged discrimination or harassment.

### **7.3 PUBLIC COMMUNICATION**

It is the policy of the City of Hewitt to encourage positive communication and to ensure the exchange of accurate, timely information among City officials, City employees, citizens, media representatives and others interested in City issues, policies, operations, and services.

Any communication and/or content relating to the City shall be managed, stored, and retrieved to comply with the Public Information Act. . City employees should be aware that if they use their personal cell phones for City business, the text messages and other communications on those devices is also subject to the Texas Public Information Act. Accordingly, the City discourages the use of personal cellphones for communication about City issues. Instead, City equipment should be used, where possible, to communicate about issues that affect the City.

A news release or social media communication by a city employee must be authorized or approved prior to release by the City Manager or delegated authority.

### **7.4 TELEPHONE USE**

The City's telephones are for conducting necessary City business. Long distance calls in any department may be made only by personnel authorized by the respective supervisor and may be made only for official City business.

Personal telephone calls by an employee are permitted on a limited basis; however, use to the point of interference with performance of job duties may result in corrective action. Employees are required to report and reimburse the City for any personal charges made on City phones, including City mobile phones.

The City's voice mail system is for improved customer service. Employees must use the system appropriately keeping in mind that effective communication via telephone is an integral part of establishing and maintaining quality customer service.

### **7.5 CELL PHONE USE**

#### **A. PERSONAL CELL PHONES:**

The City recognizes that many employees bring cell phones to work. The City requires that employees be aware of guidelines regarding cell phone usage at work:

Inappropriate Use:

- a. The use of cell phones at work must not interfere with job duties or performance.
- b. Employees must not allow cell phone use to become disruptive or interfere with their own or a co-worker's ability to do their jobs.
- c. Employees who use cell phones to violate City policies, including the City's Sexual and Other Unlawful Harassment Policy will be subject to disciplinary action.
- d. Except in emergency circumstances, employees should not use a cell phone while operating a City vehicle or equipment, including making and receiving phone calls and texting.

## **B. CITY OWNED CELL PHONES:**

It is the policy of the City to provide cell phones to designated employees to improve productivity, enhance customer service to citizens, and/or public safety services. **City owned cell phones are intended for and expected to be used for City business only.** Employees should be aware that cellular telephone calls are not secure and can be monitored. Caution should be used whenever confidential or sensitive information must be discussed on a City owned cell phone.

Employees who are assigned the use of City owned cell phones are responsible for:

1. Ensuring the physical security of such devices. In case of negligence, the employee will be responsible for reimbursing the City any cost incurred in replacement or repair of the phone.
2. Being available to receive calls or mobile data messages while working or on-call.
3. Using good judgment while speaking, sending text or email messages, as all phone records are subject to Open Records Request.
4. Not using the telephone, sending, or reading text or email messages while driving a City vehicle or operating City equipment. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions. The only exception is public safety employees conducting official business.

Department Directors will be responsible for:

1. Approving requests for City owned cell phones.
2. Ensuring that requests are in conformance with the procedures outlined herein, or that exceptions are justified.
3. Ensuring that all employees assigned a City owned cell phone are provided access to a copy of this policy and procedure and that the employee is in compliance with it.
4. Conducting periodic inventories of wireless telephones with their respective departments to ensure accountability.
5. Conducting annual reviews of assigned devices to determine if such assignments continue to be justified.
6. Informing appropriate employees responsible for City communications of all reassignments of City owned cell phones.

## **7.6 TECHNOLOGY USE ON CITY EQUIPMENT**

The purpose of this policy is to set forth standards for the acceptable use of the technical systems for the City of Hewitt. The intent is to clarify the acceptable use of these systems and provide examples of uses which are acceptable or unacceptable. This policy does not contain all the possible acceptable and unacceptable uses.

The guidelines specified in this policy apply to all employees, contract personnel, and volunteers whose access to or use of the technology systems is funded by the city or is available through equipment owned by the city.

Employees are representatives of the city in all their communications. Responsible use of the city's technology systems requires discretion, professionalism, and awareness of potential liability. Employees should be aware that when they are utilizing certain technology systems, they are creating city documents. Employees must always understand that communication and use of any of the city's technology systems are matters of public record under the Public Information Act and may be subject to discovery requests.

Employees shall not abuse their access to technology. Abuse may consist of unacceptable or excessive use. Personal use shall be considered excessive, if, in the opinion of the employee's supervisor, the use detracts from



the individual employee's or department's productivity. Generally, a use is unacceptable if it conflicts with the city's vision, mission or values, the department's purpose, goal, or mission, or an employee's job duties or responsibilities.

The following guidelines have been established for using the Internet, city provided cell phones, tablets, laptops, e-mail, and other technology in an appropriate, ethical, and professional manner:

1. Devices listed above shall not be used for transmitting, retrieving, or storing any communications of a defamatory, discriminatory, harassing, or pornographic nature.
2. Employees shall not use technology to play or download any games, communicate disparaging, abusive, profane or offensive language; create, view or display materials that might adversely or negatively reflect upon the city or be contrary to the city's best interests; and engage in any gambling or illegal activities, including piracy, cracking, extortion, blackmail, copyright infringement, and unauthorized access of any computers and city-provided equipment such as cell phones, tablets and laptops.
3. Employees obtaining information may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy to reference only.
4. Employees shall not use the system in a way that disrupts its use by others such as streaming video, music or other media that is not work related.
5. Employees shall not interfere with or disrupt network users, services or equipment including but not limited to damaging equipment, spreading viruses, impersonating another user, or destroying communications or electronic files.
6. Employees shall not use technology systems for personal gain, outside employment, personal business operations, other financial profit or to advertise or solicit funds for political, religious, or other personal causes.
7. Employees should not open suspicious e-mails, pop-ups, or downloads.
8. Employees shall ensure that all technology related purchases are coordinated with Information Technology prior to the actual purchase.
9. Internal and external e-mails are considered business records and are subject to the Public Information Act and may be released upon request.
10. City network user login and password information shall not be shared with or used by other employee or stored in an unsecured / visible location.

## **NO RIGHT OF PRIVACY/MONITORING**

All city-supplied technology and city-related work records belong to the city and not to the employee. The city reserves the right to monitor the use of city supplied technology. E-mails are to be retained in accordance with the city's document retention policy. The employee retains no right to privacy in these matters.

Inappropriate or illegal use or communications may be subject to corrective action up to and including termination of employment.

## **IMPORTANT NOTICE APPLICABLE TO ALL OFFICIALS AND EMPLOYEES**

Senate Bill 944 made significant changes to the Texas Public Information Act that became effective September 1, 2019. These changes include that:

- a. all texts, emails, messaging, or other forms of electronic communication which are created or received by an employee on their personal devices (cell phone, tablet, computer, etc.) are public information if they are made or received in an official capacity or relate to City business;
- b. public information on personal devices is owned by the City, and City employees are only a temporary custodian of that information with no ownership thereof;
- c. City employees must protect and maintain such information by backing it up or archiving it on their own private devices, and they must make it available to the City within 10 days after requested by the City to respond to a public information request; failure to do so, or intentional tampering with the information, may give rise to criminal penalties and will give rise to disciplinary action.

This is a serious matter. Persons found attempting to avoid the legal requirements or who simply do not follow them violate the law and may face disciplinary actions up to and including discharge

## **7.7 USE OF SOCIAL MEDIA**

An employee’s use of social media, both on and off duty, must not interfere with or conflict with the employee’s duties or job performance, reflect negatively on the City or violate any City policy.

The intent of these standards is to regulate the creation and distribution of information concerning the city, its employees, and citizens through electronic media, including, but not limited to websites and applications that enable users to create and share content such as video, photographs, written content or to participate in social networking. This policy is designed to protect the city’s reputation and ensure that an employee’s communications reflect positively on the city.

### **A. CITY’S SPONSORED SOCIAL MEDIA SITES**

This policy serves to facilitate social media communications between the City of Hewitt and members of the public. The City encourages the use of social media to further the goals of the City and the mission of its departments, where appropriate. **ONLY CITY-SPONSORED SOCIAL MEDIA SITES APPROVED BY THE CITY MANAGER ARE ALLOWED.** The City Manager will appoint an employee to serve as the administrator for a City-sponsored social media site. The creation of a site purporting to be City-sponsored or intimating such sponsorship will give rise to disciplinary action up to and including discharge for any employees involved.

Employees creating, maintaining, or posting on the City Sponsored Social Media Site, must always conduct themselves as representatives of the City of Hewitt and in accord with all the City of Hewitt Employee Policies and Procedures and other departmental or management rules or directives.

This policy establishes guidelines for the use of City Sponsored Social Media Sites

1. Unless the employee is posting or responding as the City Sponsored Social Media Site Administrator, the employee should maintain transparency by using his/her given name and job title and clearly stating the employee’s role regarding the subject.
2. Use correct grammar and spelling, plain language, and avoid jargon.

3. Write and post only about the employee's area of expertise. Keep postings factual and accurate.
4. Employees must reply to comments in a timely manner, when a response is appropriate.
5. Understand that postings are widely accessible, not retractable, and retained or referenced for a long period of time; all content should be carefully considered.
6. Never comment on anything related to legal matters, litigation, or any parties with whom the City may be in litigation without the approval of the City Attorney or the City Manager. Never disclose any confidential information concerning another employee of the City in a blog or other posting to the Internet. Posting of confidential information may violate state law and subject the user to criminal penalty. All requests for City documents must be processed through the Public Information Act.
7. Employees must refrain from the expression of personal opinions or positions regarding programs or practices of other public agencies, political organizations, private companies, or non-profit groups; political campaigns; or Religion.
8. Blogging or posting information of a personal nature on the Internet or other City Sponsored Social Media Sites is prohibited during work hours. No use of social media on work time and on City equipment on City operated networks is considered private or confidential, even if password protected or otherwise restricted. The City reserves the right to access, intercept, monitor and review all information accessed, posted, sent, stored, printed, or received through its communications systems or equipment at any time.
9. Employees should never delete comments or block users for being critical or for supporting/opposing a matter discussed on City Sponsored Social Media Sites. City Sponsored Social Media Sites that permit interactivity with the public, comments, or postings should post clear statements of the following:
  - a. All content and postings are subject to public disclosure.
  - b. Disclaimer that postings do not necessarily reflect the views or position of the city.
  - c. The site is not monitored 24 hours a day and that in case of an emergency the public should call 911.
  - d. The City reserves the right to terminate any City Sponsored Social Media Sites at any time without notice.
10. Non-exempt employees who serve as City Sponsored Social Media Site Administrators shall work on the City Sponsored Social Media Sites (monitoring, creating, maintaining, or posting) only during normal office hours unless specifically pre-approved in writing by the employee's supervisor. Any time spent more than a 40-hour work week by a City Sponsored Social Media Site Administrator monitoring, creating, maintaining, or posting on a City Sponsored Social Media Site will be paid overtime in compliance with federal law and city policy. However, overtime will be monitored and if excessive, the administrator will be replaced.

Failure to comply with any aspect of this policy may result in disciplinary action up to and including termination.

## **B. PERSONAL SOCIAL MEDIA USAGE**

The City understands that social media is widely used. However, use of social media also presents certain risks and carries with it certain responsibilities. As such, we have established the following guidelines for appropriate employee use of social media.

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to a personal or someone else's web blog, journal or diary, personal website, social networking or affinity website, web bulletin board or a chat room, whether or not associated or affiliated with the City, as well as any other form of electronic communication.

When considering partaking in activities on social media outlets, keep in mind that any conduct that adversely affects job performance or the performance of fellow employees, or that adversely affects customers or suppliers of the City may result in disciplinary action up to and including termination of employment.

Carefully read these guidelines to ensure any social media postings are consistent:

1. Inappropriate postings that may include discriminatory remarks, slander, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject employees to disciplinary action up to and including termination of employment.
2. Always be fair and courteous to fellow employees, customers, members, suppliers, or people who work on behalf of the City.
3. When posting, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, dishonest, obscene, threatening or intimidating, that disparage customers, members, employees, or suppliers, or that might constitute harassment or bullying of anyone. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, or any other status protected by law or City policy.
4. DO make sure to always be honest and accurate when posting information or news, and if a mistake is made, correct it quickly. Remember that the internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that are known to be false about the City, fellow employees, members, customers, suppliers, or people working on behalf of the City.
5. Do NOT use social media while on work time or on City-provided equipment unless it is work-related as authorized by a Supervisor or consistent with the City email and internet Usage Policy. Do not use City email addresses to register on social networks, blogs, or other online tools utilized for personal use.

An employee must not publish anything that: creates a harassing, demeaning, or hostile working environment for any official or employee of the City; disrupts the smooth and orderly flow of work within the City, or the delivery of services to the City's citizens; creates dissension or gossip within the City; harms the goodwill and reputation of the City in the community; attacks the trustworthiness, character, or reputation of another employee or official of the City; or reveals private information about another employee or official of the City.

Work Problems Should be Handled Through Work Channels. If there is a problem with a Supervisor, a fellow employee, a work assignment, etc.--there are avenues to address the concerns within the City government. Attacking Supervisors or co-workers on social media is not appropriate. Degrading the City on social media is not appropriate. Work issues should be handled at work—not on social media.

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

**Nothing herein is intended to prevent fair comment on matters of public concern.** However, care should be used in assuming that a matter is a matter of public concern, as not every accusation against or opinion of an official or a fellow employee or gripe about the employee's job, is a matter of public concern; and employees should consider the possible disruption that a post could have in the operations of the office or department for which they work before posting it.

Pursuant to Senate Bill 944, City employees must protect and maintain any posts or other information pertaining to the City business by backing it up or archiving it on their own private devices, Failure to do so, or intentional tampering with the information, may give rise to criminal penalties and will give rise to disciplinary action.

## 7.8 GRIEVANCES

It is the policy of the City to prevent the occurrence of grievances and to deal promptly with those which occur. The purpose of the grievance policy is to settle any complaint between the City and an employee as quickly as possible and at as low an administrative level as possible to maintain efficient work operations and employee morale. No adverse action will be taken against an employee for exercising their right of the grievance policy.

This policy applies to all non-civil service City employees that have completed their introductory period. Civil Service positions shall follow the grievance procedure dictated by the Local Government Code Chapter 143 and the City's local Civil Service Rules and Regulations.

All documentation relating to the grievance shall be forwarded to Human Resources immediately upon conclusion of each step for the purpose of record keeping.

Employees may submit grievances related to wages, hours of employment, or conditions of work through the grievance procedure established by the City Manager.

The following may **not** be filed as a grievance under this policy, as alternate processes to address such concerns are provided and listed below:

1. Performance appraisals. An employee may submit a written rebuttal for placement in official personnel file maintained by the Human Resources Department.
2. Letters of counseling or reprimand. An employee may submit a written rebuttal for placement in official personnel file maintained by the Human Resources Department.
3. Position grade designations. The City's Classification and Compensation Plan evaluates positions and determines appropriate grade.
4. City pay plans and corresponding City pay ranges. Pay plans and corresponding pay ranges are established under the City's Personnel Ordinance and approved by City Council. An employee may meet with a representative of the Human Resources Department to address questions regarding pay plans and pay ranges.
5. Allegations of discrimination or harassment should be reported in compliance with Chapter 6 of these

guidelines.

**Grievance Procedure:**

1. All grievances are filed in writing with Human Resources within five (5) business days of the matter giving rise to the grievance.
2. Human Resources will work with the employee and the Department Director to resolve the grievance and Human Resources will make a determination on the grievance.
3. If either the employee or Department Director disagree with the determination of Human Resources, they may appeal Human Resources' determination to the City Manager within five (5) business days of Human Resources' determination. The decision of the City Manager is final.

## **CHAPTER 8 TRAINING AND DEVELOPMENT**

### **8.0 EMPLOYEE DEVELOPMENT**

Employees and supervisors have a shared responsibility in the development of a training work plan for successful performance of responsibilities.

#### **A. INDIVIDUAL EMPLOYEE RESPONSIBILITY**

Each employee is accountable for their job performance. At a minimum, employees should be able to competently perform their essential job duties and consistently exhibit behavior which is aligned with the City's values. Employees should request training from their supervisor in job related areas in need of improvement.

#### **B. IMMEDIATE SUPERVISOR RESPONSIBILITY**

Supervisors should ensure their employees are adequately trained to perform their assigned job duties and identify areas for improvement or further development.

### **8.1 TRAINING**

Training should be job related and beneficial to the City. Human Resources shall coordinate employee training as appropriate. Each Department will establish training protocols for their specific needs and forward training documentation to the Human Resources Department. Training for City employees is subject to available funding.

1. All training must be pre-approved by supervisors.
2. All out-of-state training must be pre-approved by the City Manager.
3. Any employee terminating employment with the City within 90 days after attending training with a total expense of \$750.00 or more will be required to reimburse the City for training.

### **8.2 EMPLOYEE PERFORMANCE EVALUATIONS**

Evaluations are an opportunity to periodically and regularly review employee job performance. An employee shall be evaluated at least annually. However, at any time an employee may be evaluated at the request of the Department Director as approved by the City Manager.

Employee evaluations must be candid. Failure to be candid is a disservice to both the employee and the City. Supervisors who cannot candidly evaluate employees may be removed from their supervisory positions.

Performance evaluations are designed to help supervisors and employees measure how well work is being performed and to provide a tool for management decisions including but not limited to pay increases, promotions, and retention of employees. Evaluators shall individually discuss the evaluation results with an employee and provide counseling as appropriate.

Performance evaluation reports shall be on forms provided by Human Resources Department as approved by the City Manager. All performance evaluation reports shall be permanently placed in the employee's personnel file. Employees shall be provided copies of their performance evaluation reports upon request.

Civil Service employees will comply with rules set forth in Chapter 143 of the Texas Local Government code and the City's local Civil Service Rules and Regulations.

### **8.3 PROMOTIONS**

Promotions may be posted internally or both internally and externally based on the determination of the City Manager.

Job posting and employee performance appraisals will provide the primary input to the internal selection process.

External recruiting sources may be used simultaneously with the internal search if both an internal and external posting is selected.

Non-exempt employees who are promoted to an exempt level position will be paid all compensatory time accrued at the rate of pay prior to promotion.

### **8.4 ADMINISTRATIVE TRANSFERS**

A transfer is the reassignment of an employee from one position to another. Transfers typically occur between positions with the same pay grade, similar responsibilities, and/or functions. A transfer not involving promotion or demotion may be affected at any time for administrative convenience. Transfers may be made administratively or in conjunction with a job posting. Transfers between job levels or between departments shall become effective following approval of the Department Director, Human Resources Department, and the City Manager.

### **8.5 TRAVEL POLICY**

This policy is applicable to all city officials and employees and applies to all travel on city business outside the city limits and to all travel reimbursements, subject to budget limitations and authenticated expenses.

The City Manager or his designee may authorize travel leave and expenses for City business outside the City. All travel requests must be approved by the Department Director and City Manager prior to its occurrence. All travel requests must be submitted on City approved forms. Any employee traveling on official City business shall provide contact information to the supervisor while traveling.

Cost and time should guide employees in selecting the appropriate mode of transportation. The City will typically pay for the least expensive mode of transportation unless approved by the City Manager.

#### **A. VEHICLES**

Normally, when travel is required for City business a city vehicle or personal vehicle may be used. Parking expenses will be reimbursed at 100 percent upon presentation of receipts or evidence of parking costs incurred.

1. City Vehicle – When available, a City vehicle may be used for out-of-town travel purposes. The City shall pay only for expenses incidental to the use of such vehicle (fuel, oil, repairs, etc.). Receipts will be required for reimbursement of actual expenses.
2. Personal Vehicle – Use of a personal vehicle shall be reimbursed at an amount equal to the Standard Mileage Rate established annually by the Internal Revenue Service (IRS). Mileage should be calculated from the employee's starting point.



3. Alternate routes which are desirable because of personal affairs of the traveler can be used, but only on the traveler's time and with the traveler bearing the additional cost of the alternate route. Mileage and expenses incurred on alternate routes must be shown on the expense account that is turned in for reimbursement or for advance in funds request.

## **B. AIR TRANSPORTATION**

1. Airfare is required to be approved in advance by the City Manager and Department Director and may only be considered if travel is beyond a 250-mile radius of the City.
2. Airfare shall be Coach or Economy.
3. Additionally, reimbursement will be made for the use of rental cars, taxi, or bus fares, provided such expenses are necessary and reasonable.

## **C. FOOD AND LODGING**

For all travel, the total cost of all meals and incidental expenses (M&IE) which includes tips, snacks, grocery store, etc., will be reimbursed in accordance the regular federal per diem rates and procedures published by the General Services Administration (GSA). No receipts are required. Under or over expenditures is the responsibility of the employee or official.

Additional information may be found at the official United States General Services Commission website: [www.gsa.gov](http://www.gsa.gov)

Whenever authorized by the City Manager lodging expenses associated with official city business travel shall be reimbursed for actual expenses incurred. Receipts will be required. Lodging will be reimbursed at single rates unless two or more employees occupy a single room, or otherwise approved by the City Manager. It shall be the policy of the city to reimburse for only lodging that is economical and practical.

Lodging rates shall generally comply with published GSA rates. Exceptions to this may be granted when less expensive hotel rooms are unavailable or where conferences are held in or nearby the hotel.

Reimbursement will not be made for alcoholic beverages, entertainment expenses, or other sundry items not relevant to the public purpose of the travel.

Meals included as part of the registration fees should be deducted from the employee's per diem request. Employees will not be reimbursed a per diem for any meals that are included in the cost of registration regardless of whether or not the employee eats the meal.

## **D. DAY TRIPS**

For the City of Hewitt, a day trip is considered a trip made for the purpose of conducting City Business within thirty (30) miles of the Hewitt city limits. For training or meetings in which a meal is not included as part of tuition or registration fees, an \$11.00 per day allowance is provided. No receipts are required and under expenditures or over expenditures is the responsibility of the employee or official.

## **E. ENTERTAINMENT**

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

#### **F. TRAVEL ADVANCES AND REPORTS**

City employees and City Officials may request a cash advance prior to traveling on City business in accordance with this policy. Lodging will typically be secured prior to travel and paid for with a City credit card. Where receipts are required and reimbursement necessary, the employee or official shall submit appropriate documentation to the Finance Department.

## **CHAPTER 9 SAFETY AND HEALTH**

### **9.0 FIREARMS POLICY**

No employee, other than a peace officer, is permitted to carry any type of firearm or weapon on their person at a City worksite, in any City building, or in any City owned or leased vehicle while conducting City business unless the weapon is in conjunction with the type of City service provided and carrying has been approved by the City Manager. This section applies to all employees whether or not the person is duly licensed by the State of Texas to carry a concealed handgun.

Employees who hold a concealed handgun license (CHL) or who may otherwise lawfully possess a firearm or ammunition may transport or store a firearm or ammunition in a locked, privately owned motor vehicle in a parking lot or other parking area provided by the City. Employees are responsible for the firearms stored in their vehicle while at work and may be subject to personal civil liability for any resulting damages.

### **9.1 TOBACCO FREE WORKPLACE**

All employees are prohibited from the use of all tobacco products, including smokeless and electronic cigarettes, at any time in city buildings, city vehicles, and city equipment. No employee may use tobacco products while contacting the public.

Employees may use tobacco products on their normal breaks or lunch periods outside of the building in designated smoking areas. Smoke breaks which are excessive in frequency or length will be treated as an attendance issue.

Employees will not leave cigarette butts or other traces of litter or tobacco use on the ground or any other visible location. Employees that use smokeless tobacco are prohibited from spitting on sidewalks, in parking lots, landscaping, in bathroom facilities, or other locations on City property. Spit cups must be kept out of the view of other employees or the public and must not be disposed of in any of the trash cans inside a City building.

Possession of tobacco products is prohibited in City facilities. However, employees are allowed to possess tobacco products in their personal vehicles.

Disciplinary action, up to and including termination of employment, will be instituted for violation of this policy.

Employees are encouraged to take advantage of smoking cessation resources offered through the City.

#### **A. TOBACCO USE CESSATION INCENTIVE**

The City is committed to support all employees who wish to stop using tobacco products. Assistance to employees to overcome addiction to tobacco products is available through Human Resources. Referrals to cessation services are encouraged. The use of preventative methods such as nicotine patches and gum are encouraged during working hours and on City property. However, the use of mechanical cigarettes or tobacco free smokeless products is prohibited.

## **B. NON-TOBACCO USE INCENTIVE**

The City of Hewitt offers a Non-Tobacco Use Incentive, which includes a standard health care premium for non-tobacco users. The City reserves the right to amend, alter, change, or discontinue this program at any time without notice.

Participation in the City Tobacco Cession Incentive or the Non-Tobacco Use Incentive is voluntary for employees.

### **1. ELIGIBILITY**

- a. Non-Tobacco Users - Employees, who are non-tobacco users, are eligible to receive health care without the tobacco surcharge.
- b. Tobacco Users - Employees, who are tobacco users, are subject to the tobacco surcharge. After a period of 6 months or longer with no tobacco use, the employee may submit a Non-Tobacco User Affidavit to change their status to a non-tobacco user. After six (6) months of tobacco cessation, Employees are eligible to receive a retroactive health care premium surcharge repayment for three (3) months of the cessation period.

### **2. CHANGE IN STATUS**

- a. Non-Tobacco User - If the status changes to non-tobacco user (all use of tobacco products has ceased for a period of 6 months or longer), the employee may complete an updated Affidavit and submit to Human Resources. The employee will be eligible for the non-tobacco user premium effective the first day of the month following receipt of the Affidavit by Human Resources.
- b. Tobacco User - If the status changes to tobacco user, the employee must notify Human Resources within 30 days of the change and complete an updated Affidavit. The tobacco surcharge will apply to the first payroll after receipt of affidavit. If it is determined the employee did not submit an updated Affidavit within 30 days from the status change to tobacco user, may be cause for disciplinary action up to and including termination.

### **3. REQUIREMENTS**

- a. All participants in the City of Hewitt's medical plan must complete an Employee Tobacco Affidavit.

## **9.2 EMERGENCIES AFFECTING REGULAR BUSINESS OPERATIONS**

The City is always open for business during normal working hours; however, due to weather or other emergencies, the City may be faced with temporary service closure or have limited operations. The City Manager is the only person with the authority to make a decision regarding the staffing requirements during an emergency.

### **9.3 VIOLENCE FREE WORKPLACE**

All employees are expected to meet the City standards of professionalism and demonstrate courtesy to clients, co-workers, and members of the public. Each employee shares the responsibility for preventing possible workplace violence.

Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on City property, or during the employee's working time, or during the course of the employee's employment, will not be tolerated. Violations of this policy will lead to disciplinary action up to and including termination, arrest, and prosecution.

No existing City policy, practice, or procedure should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing.

#### **A. REPORTING ACTS OF VIOLENCE**

All City personnel are responsible for notifying their supervisor or Human Resources of any threats or acts of violence they have witnessed, received, or otherwise becomes aware of, or have been told that another person has witnessed or received. This includes behavior that could be interpreted as threatening. The "chain of command" need not be followed for reporting acts or threats of violence.

#### **B. THREATENING BEHAVIOR**

Any person who makes a substantial threat, exhibits threatening behavior, or engages in violent acts on City property shall be removed from the premises as quickly as safety permits, and shall remain off City premises pending the outcome of an investigation.

#### **C. WEAPONS**

No unlawful or unauthorized weapons will be carried or stored in any City property, including buildings, structures, or vehicles, unless in the authorized performance of duty.

No firearms will be discharged unless in the authorized performance of duty and not in violation of other City or Department rules or regulations, City Ordinance, State or Federal law.

The following list of behaviors, while not inclusive, provides examples of prohibited conduct:

1. Causing physical injury to another person.
2. Making threatening remarks.
3. Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress.
4. Intentionally damaging City property or property of another employee.
5. Possession of a weapon, including objects or tools with the intended purpose for use as a weapon, while on City property or while on City business.
6. Committing acts motivated by, or related to, sexual harassment or domestic violence in the workplace.
7. Resentment or animosity toward a person based on race, color, religion, sex, age, national origin, sexual orientation, or disability status.

The City will maintain a zero-tolerance policy for acts of violence and threats of violence. Such incidents will lead to disciplinary action up to and including termination. While we do not expect employees to be skilled at

identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform the Human Resources Department and their supervisor if any employee exhibits behavior that could be a sign of potentially dangerous situations. In addition, supervisors and managers have the obligation to take action upon witnessing this type of behavior by their employees as well as any other employee within the organization.

Any potentially dangerous situation must be reported immediately to a supervisor or the Human Resources Department. Employees are to call 911 and Human Resources for imminent dangerous situations. Reports can be made anonymously, and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. The City will actively intervene at any indication of a possibly hostile or violent situation. Employees who make false reports may be subject to disciplinary action up to and including termination.

Other than public safety personnel, employees who confront or encounter an armed or dangerous person should not attempt to challenge or disarm the individual. Employees should remain calm, make constant eye contact, and talk to the individual. If a supervisor can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given. Otherwise, cooperate and follow the instructions given.

## **9.4 DRIVING POLICY**

City-owned or leased vehicles may only be used for official City business. City owned or leased vehicles may only be driven by authorized City employees.

### **A. REQUIREMENTS FOR OPERATIONS**

Whether an employee drives his/her own vehicle or a City-owned, rented, or leased vehicle on the job or while carrying out City-related business, the employee must comply with the following:

1. Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
2. Always observe all posted laws and speed limits excluding police officers in performance of duty.
3. Always wear seat belts when the vehicle is in operation.
4. No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the Department Director.
5. All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor.
6. Report any broken, missing or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
7. All drivers must be eligible for coverage under the City's auto liability insurance policy.
8. Drivers covered by Department of Transportation regulations must comply with those

regulations at all times.

9. NO TEXTING. Employees may not use hand-held devices while operating a City vehicle, whether the vehicle is in motion or stopped. This includes, but is not limited to, answering, or making phone calls, engaging in phone conversations, and reading or responding to emails, instant messages, and text messages. All City vehicles must be legally, and safely parked to operate hand-held devices. Exemptions apply to Police and Fire department personnel.
10. At no time may an employee under the influence of alcohol or illegal drugs drive a city vehicle or a personal vehicle while conducting city business.
11. Employees involved in an accident while operating a city vehicle or while operating a personal vehicle on city business, must immediately notify the proper law enforcement agency (if applicable) and the appropriate supervisor, accident reports, along with any law enforcement report, must be filed by the employee with the Department Director. An employee involved in an accident will be subject to a post-accident drug and alcohol test

## **B. DRIVING RECORDS**

The City may at any time, check the driving record of a City employee who drives as part of his/her job duties to determine that he/she maintains the necessary qualifications as a City driver. Employees agree that they will cooperate in giving the City whatever authorization is required for this purpose. An employee involved in an accident will be subject to a post-accident drug and alcohol test.

## **C. TAKING HOME A CITY VEHICLE**

1. No employee will take a City vehicle home at the end of their shift without approval of their Department Director or the City Manager.
2. Department Directors may assign an employee to take a City vehicle home when:
  - a. An employee is subject to frequent emergency call back during non-working hours.
  - b. An employee requires special tools when called back.
  - c. An employee reporting to a City site to pick up a City vehicle would pose a threat to life or property.
3. City vehicles are to be used for conducting official city business. The City reserves the right to search those vehicles at any time, for any purpose. Personal use is not allowed.
4. When an employee can take a City vehicle home, they are responsible for assuring the safety of the vehicle to the best of their ability.
5. When a City vehicle is damaged at an employee's home, the employee should immediately notify their supervisor.
6. If an accident occurs while taking a vehicle home, the employee and their supervisor shall report the accident to their Director immediately. A drug and alcohol test will then be

administered.

7. Employees and supervisors who fail to comply with the requirements of this policy will be subject to disciplinary action up to and including termination.
8. A non-exempt City vehicle used as a take-home vehicle is a taxable fringe benefit. The employee will have \$3.00 per day for five days per week added to his/her gross income. Exempt vehicles are generally marked police, fire, or emergency vehicles.

## 9.5 DRUG AND ALCOHOL POLICY

It is the policy of the City to endeavor to maintain a workplace that is free from the effects of alcohol and drug use so that employees may work in a safe and healthy environment. Compliance with this policy is a condition of each individual's employment or continued employment with the City.

### A. PROHIBITED CONDUCT

Employees are prohibited from the use, sale, dispensing, distribution, possession, or manufacture of illegal drugs, narcotics, inhalants, alcoholic beverages, drug paraphernalia, or other controlled substances on City premises and work sites, or while in City vehicles, or operating City equipment. Employees are prohibited from being under the influence of illegal drugs, narcotics, inhalants, alcoholic beverages, or other controlled substances during work hours or while performing employment tasks for the City. Having any detectable amount of an illegal drug or alcohol in one's system while performing work for the City is prohibited whether or not such would rise to the level of "intoxication" or "being under the influence" for purposes of criminal laws.

The unlawful use of legal drugs or the use of legal drugs contrary to the prescription for such drugs can present the same types of concerns as use of illegal drugs. Therefore, the unlawful use or excessive use of lawful drugs in a manner contrary to the prescription for such drugs which has or could have an effect on an employee's ability to perform his or her job, or could adversely affect the safety of the employee, co-workers, or the public, is absolutely prohibited in the same manner as illegal drugs are prohibited under this Policy.

### B. DRUG AND ALCOHOL TESTING

1. **Pre-Employment.** Applicants for employment will be subject to post-offer, pre-employment drug and alcohol testing.
2. **Reasonable Suspicion.** ALL employees are subject to drug/alcohol testing where there is "reasonable suspicion" to believe that the employee has used drugs or alcohol while on duty for the City or has performed duties for the City under the influence of the same. Reasonable suspicion is not at the Supervisor's sole discretion. Consultation with Human Resources is required. Reasonable suspicion testing cannot be conducted without the approval of Human Resources or the City Manager.
3. **Post-Accident.** Employees who operate equipment or drive vehicles as part of their job for the City are subject to post-accident testing where the accident resulted in injury or death, or where the accident caused any property damage to the property of a third person or caused damage to City property or equipment. Separate policies may also apply to employees required to maintain a



commercial driver's license as part of their job with the City. An employee must immediately report the accident to his or her Supervisor. The Supervisor shall assure that the employee submits to post-accident testing. The testing should be conducted within two hours of the accident, but at any rate shall be conducted as soon as possible after the accident. The Supervisor must immediately contact Human Resources and the City Manager's Office upon learning of the accident.

4. **Other Violations.** Refusal to submit to testing, attempts to adulterate or evade testing, or refusal to execute any instruments required by the testing vendor are all violations of this policy.
5. **Nature of Testing.** Testing will be conducted by an outside service provider in a clinic or professional office setting. Urinalysis is the standard testing method, but in some instances breath or hair analysis may be conducted.
6. **Discipline.** Employees violating this policy will be subject to disciplinary action up to and including dismissal from employment.
7. **Potential Treatment Options.** Treatment for drug, alcohol, or substance abuse may be available according to the provisions of the employee's health plan. Please contact Human Resources for additional information.
8. **Educational Information.** Employees may contact Human Resources for assistance in obtaining educational materials related to drug, alcohol, or substance abuse.

### C. SAFETY SENSITIVE POSITIONS

City employees who are considered in a Safety Sensitive position are subject to random testing for controlled substances. "Safety Sensitive" employees are those who:

- a. Discharge duties fraught with risks of injury to themselves or others or employees whose job responsibilities involve public safety or the safety of others; or
- b. Must use dangerous tools/equipment in the performance of their job duties; or
- c. Must perform job duties at heights or in other environments fraught with risks of injury; or
- d. Must perform job duties involving the use dangerous chemicals or narcotics and/or drugs; or
- e. Must carry a firearm in the performance of job duties.

*(i.e. Police Officers, Firefighters, Dispatchers, Evidence Technician, Records Clerk, Field Assistants, Commercial Driver's License holders, and any newly created positions that fall under these guidelines)*

At the discretion of the Human Resources Department, Safety Sensitive employees shall, at all times, be subject to a random drug testing.

Once an employee has been randomly selected from a pool of eligible employees, the Human Resources Department will notify the Department Director or City Manager.

The Department Director will first determine the availability of an employee for random drug testing. If the Department Director determines that an employee is available, the employee shall immediately report to the designated testing facility.

If an employee is found to be unavailable by the Department Director, the Department Director shall under no circumstances notify an employee that they have been selected for random drug testing. The Department Director shall immediately report the unavailability of the employee to the Human Resources Department. All reasons for unavailability shall immediately be formally documented and are subject to review by the City Manager. However, once an employee is determined to be available, the Department Director shall inform the employee of the random drug screening. The employee shall then immediately report to the designated testing facility.

A Department Director's availability will be determined by the City Manager.

Nothing in this Safety Sensitive Position policy alters the City's right to require drug testing of employees in connection with a job offer, after an accident, or upon reasonable suspicion.

#### **D. APPEAL OF TEST RESULTS**

1. An applicant or eligible employee whose drug or alcohol test is reported positive will be offered the opportunity of a meeting with Human Resources and the Department Director to offer an explanation. The purpose of the meeting will be to determine if there is any reason that a positive finding could have resulted from some cause other than drug or alcohol use. The City, through its health and/or city management officials, will judge whether an offered explanation merits further inquiry.
2. An employee whose drug or alcohol test is reported positive will be offered the opportunity to:
  - a. Obtain and independently test, at the employee's expense, the remaining portion of the specimen that yielded the positive result.
  - b. Obtain the written test result and present it to an independent medical review at the employee's expense.
3. During the period of an appeal and any resulting inquiries, the pre-employment selection process for an applicant will be placed on hold, and the employment status of an employee may be suspended. An employee who is suspended pending appeal will be permitted to use any available annual leave in order to remain in an active pay status. If the employee has no annual leave or chooses not to use it, the suspension will be without pay.

#### **9.6 LACTATION/BREASTFEEDING POLICY**

The City of Hewitt recognizes a mother's responsibility to her job and child and supports breastfeeding mothers by accommodating the mother to express breast milk during her workday when separated from her newborn child.

The City shall accommodate the breastfeeding-related needs of employees for a period up to one year from the birth of a child, including access to appropriate facilities, time, and storage.

The City will provide accessible, adequate, and private facilities other than a restroom for breast milk expression. Each Lactation Room or designated office space will be free from intrusion, either by the use of a locked door or restricted entry access devices. The facility will be equipped with suitable lighting and electricity if necessary for pumping apparatus. The City will provide a Lactation Room or designated office space on a

case-by-case basis in consultation with the employee and department. Lactation rooms will have access to a nearby sink with running water available to the employee.

Normally scheduled break times and lunch period for non-exempt employees will be primarily utilized for milk expression, with additional unpaid time utilizing leave time or time to be made up by the employee as mutually agreed upon by the breastfeeding employee and the supervisor. Employee must be completely relieved from duty during unpaid time. Break times can be combined and redistributed if needed and as agreed upon by the employee and her supervisor.

The City will make reasonable efforts to provide suitable facilities such as a refrigerator during the employee's daily work period. If a City refrigerator is utilized, the employee's bottles or containers should be clearly labeled with the employee's name. Storage in a City refrigerator is limited to no longer than the end of the business day when it is expressed. Should employer-provided facilities not be available, an employee may store milk in her own personal cooler.

## **9.7 EMPLOYEE ACCESS AND IDENTIFICATION BADGE POLICY**

### **A. CITY EMPLOYEES**

As a vital part of our safety and security system, the City of Hewitt provides identification badges and access badges (if in controlled access building) to our employees.

If an access and/or identification badge is lost or stolen, you must obtain a replacement. Lost or stolen cards should be reported to Human Resources, as soon as possible. Employees should never loan their badge or borrow another employee's badge.

Upon termination, employees will be required to return Access and ID badges to Human Resources.

### **B. CONTRACTORS AND TEMPORARY STAFF**

Contractors and temporary staff will be issued a temporary ID badge. Contractors and Temporary ID badges must be worn on the issued lanyard around the neck at all times while in City buildings.

## **9.8 PARKING POLICY**

Employees should park personal and City vehicles in authorized locations designated by their Department Director or the City Manager (e.g., Controlled Access Parking). Vehicles should be parked in one designated parking spot between two marked lines.

## **CHAPTER 10**

### **SEPARATION OF EMPLOYMENT**

#### **10.0 POLICY**

The purpose of this policy is to establish a set of guidelines to be followed whenever an employee separates employment from the City of Hewitt. Termination can be for any reason not prohibited by law. In the absence of a specific written agreement, an employee is free to resign at any time and for any reason, and the City reserves the right to terminate employment at any time and for any reason.

#### **10.1 RESIGNATION**

- A. A minimum of two weeks' notice is desirable for all resigning personnel. An earlier notice is desirable for employees who resign from highly skilled or technical positions or where replacement may require extensive recruitment.
- B. A resignation letter or other notice is required by all full time and part time resigning employees. Notice of resignation by an employee is determined to be accepted by the City and irrevocable by the employee once it is acknowledged by the Department Director, Supervisor, Human Resources, and/or City Manager.
- C. All exiting employees must complete out-processing procedures through the Human Resources Department.
- D. Payment for unused vacation leave, if applicable, shall be made at the separation of employment (in good standing only), retirement, or death of employees. Payment for accrued vacation leave shall be paid at the employee's straight time pay rate. See maximum amounts paid in Vacation Chart (Section 4.2).
- E. Only employees in positions designated as non-exempt are eligible to be paid for accrued compensatory time.
- F. Payment for unused sick leave, if applicable, shall be made at separation of employment (in good standing only), retirement, or death of employees. Payment for accrued sick leave shall be paid at the employee's straight time pay rate. See maximum amount paid in the Sick Leave Accrual Chart (Section 4.3).

In the event of an indefinite suspension of a Civil Service employee, payout of sick leave is not processed until final adjudication of any appeal filed. If no appeal is filed, it is paid on the pay date following the conclusion of the ten-day appeal period. Civil Service employees are paid sick leave upon termination.

- G. Employees who fail to report to work or to contact their supervisor for two (2) consecutive workdays shall be considered to have voluntarily resigned effective at the end of the normal shift on the second day, with or without a written resignation. The supervisor shall notify the Human Resources Department of any no call/no show incidents.
- H. The Human Resources Department shall conduct a voluntary exit interview.
- I. Insurance held by an employee through the City shall be maintained on the employee through the end of the month in which the employee terminates.

- J. Employees must return all City properties and reimburse the City for employment agreements prior to receiving their last paycheck.

## **10.2 LAYOFF**

A separation which results as a consequence of organizational restructuring, work redesign, or reduced staffing requirements.

## **10.3 INCAPACITY**

An employee may be terminated for medical reasons when the employee no longer is able to perform the essential functions of the job. A finding of incapacity shall be based on an individual medical determination by a competent physician prescribed by the City Manager. Terminations for incapacity shall not be considered disciplinary action and shall not operate to deny any employee the use of any accrued illness, injury, disability, or other benefits.

## **10.4 RETIREMENT**

Eligible employees may elect to retire from the city service in accordance with applicable retirement programs.

Employees can retire with TMRS, if they meet the following requirements:

1. Employees must be at least 60 years of age and be vested with TMRS; or
2. Employees may be any age and have twenty (20) years of service credit with TMRS.

Employees must contact their Department Director and/or Human Resources at least one (1) month before the planned retirement date to allow for completion of paperwork.

## **10.5 TERMINATION**

A separation in which the employee is removed from the payroll for violation of employee standards of conduct or safety regulations, unsatisfactory job performance, or any other reason deemed by the City to warrant termination. Terminated employees are not eligible to receive accrued vacation or sick leave.

The Human Resources Department must be contacted prior to termination or suspension without pay of any employee to ensure the termination or suspension without pay is consistent with City policies and procedures, there is sufficient documentation, and it is in compliance with all city, state, and federal laws.