City of Huntsville Policy and Procedures Manual

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1.01 Preface

A. The greatest asset of our City is the potential of our employees. Recognition and enhancement of this asset are of material benefit to the community and also fulfill a moral obligation to each employee. The City's intent is to work with all employees as respected individuals, ensure they are competitively compensated, politically unencumbered, and supported by the Administration and the City Council. Our success may well be measured by the extent to which our efforts give meaning and dignity to our employees lives, as reflected by their work and community relationships.

B. As the City has a responsibility to its employees, so the employees have a responsibility to the City. The welfare of both depends upon the ethical and effective way employees complete their responsibilities. To encourage a sense of responsibility, a spirit of confidence, and an attitude of cooperation among our employees is a primary administration goal. The City recognizes the value of individual employees and provides the essentials which will enable them to achieve the maximum satisfaction in their careers. In turn, individual employees are expected to recognize that their own satisfaction derives from loyal, ethical and conscientious service in the performance of their duties.

1.02 Authority

These policies apply to and govern all employees of the City of Huntsville, unless otherwise restricted or governed by State or Federal law or City Charter.

A. These policies supersede all existing policies and are effective and binding upon all employees, regardless of hire date. Continued employment with the City constitutes conclusive acceptance of the terms of these policies. These policies, including any modifications, are prepared for informational and guideline purposes only and do not constitute a contract (either express or implied) in any respect between the City and its employees.

B. Employment with the City is at-will and either the employee or the City may terminate the relationship at any time for any reason not contrary to law.

C. This removal power is subject to any exceptions in the applicable provisions of the City Charter. The at-will status of any employee may not be modified or rescinded by any oral or written statements by any person, including appointed or elected officials, any employee handbooks, employment applications, or other materials provided to employees. Nothing in this policy manual is intended to change or modify the at-will status of City employees or to create or confer any property rights or expectations of continued employment to any employee.

D. The failure of the City to follow or comply with any provision of this policy shall not constitute grounds for nor form the basis of any action or cause of action, either civil or criminal, arising from employment with the City.

1.03 Purpose

The purpose of this manual is to provide a consistent guide to personnel actions involving City employees. It is not intended to give specific guidelines for every conceivable personnel action, but rather to be a guide in ensuring that decisions are consistent, and in accordance with the desires of the City. The circumstances of any particular case or matter may warrant a deviation or exception in the application of this policy; where such circumstances justify an exception, the City Manager is authorized to do so. The objectives outlined in this manual include the following:

A. Promotion of increased efficiency and economy in the service of the City.

B. Provision of equal employment opportunity to all qualified applicants to enter and advance in City employment on the basis of demonstrated merit and fitness as determined through consistent and equitable methods of selection and promotion.

C. Development of a program of recruitment, advancement, and tenure, ensuring City service as a career path, encouraging employees to strive for excellence in performance.

D. Establishment and maintenance of a uniform plan of classification and compensation based upon duties and responsibilities performed in the service of the City.

E. Promotion of highest ethics among City employees through the provision of good working relationships, uniform administration of policies, opportunities for advancement, and consideration of employee welfare.

1.04 Policy Maintenance

The Director of Human Resources represents the City Manager with regard to routine administration of all phases of this policy. The Director of Human Resources shall monitor these policies and make every good faith effort to ensure compliance through departments not only with the letter but also with the spirit of this policy. All policies outlined in this manual are subject to the review and approval by the City Manager.

A. These policies will be distributed to all City employees and will be published on the City's website. Employees are responsible for compliance with all policies in this manual and with any and all revisions.

B. Department Directors have authority and are responsible for the proper and effective administration of these policies within their departments. Directors are encouraged to

maintain at least one paper copy of this manual for employee reference in their departments.

C. Department Directors may develop and implement written department procedures or practices which are in addition to and not inconsistent with the policies listed in this manual, and subject to Human Resources review. Human Resources has responsibility to review employment related departmental policies prior to implementation.

D. These policies may be changed or amended within the statutory and personnel administrative authority granted by law, the Code of Ordinances, specifically Ordinance 2015-15, or City Charter to the extent necessary to more effectively and efficiently promote the interests of the organization. Any new rules, regulations, or policies issued or updated in accordance with this section will supersede these regulations and are fully binding on all employees. Any provisions, terms, or conditions described in these policies may be changed, and continued employment with the City constitutes acceptance binding on all employees. Such new policies will, upon adoption, be set forth in writing and be made available to all employees and published on the City's website.

II. General Provisions

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2.01 Equal Opportunity

A. The City of Huntsville is committed to equal opportunity in any recruitment, examination, appointment, training, promotion, retention, discipline, and any other aspect of personnel administration without regard to age, race, sex, national origin, religion, disability veteran status, or any non-job related factor.

B. Age or physical disability may be considered if one of these factors constitutes a bona fide occupational qualification for a position necessary to the proper and efficient operation of the City.

C. All administrators, supervisors, and employees share a responsibility in establishing and maintaining work environments free of discrimination for all employees.

2.02 Americans with Disabilities Act

To ensure compliance with the Americans with Disabilities Act and the subsequent Americans with Disabilities Act as Amended (ADAAA), 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 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. The City's obligation under this policy is limited to providing reasonable accommodations that will not result in undue hardship to the City.

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.

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 the immediate Supervisor, Human Resources, the City Manager or designee.

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3.01 Authorized Positions

A. Positions are created and authorized through the budget and approval process by the City Manager with City Council approval. Generally, positions are approved annually during the annual budget adoption process.

B. Initial employment and subsequent advancement for these approved positions shall be based on approved or required examinations, merit, knowledge, skills and abilities, and physical fitness, where appropriate.

3.02 Types of Positions

A. Regular full-time positions are those in which the required workweek is scheduled to equal or exceed 40 hours and there is no pre-specified end time for the position.

B. Regular part-time positions are those in which the required workweek is scheduled for less than 40 hours and there is no pre-specified end time for the position. Regular part-time positions which are budgeted or scheduled for 1000 hours per year or more, or for which employees in those positions work or are scheduled to work for 1000 hours or more are required to participate in the Texas Municipal Retirement System (TMRS). Regular part-time positions that are planned and budgeted to work less than 1000 hours per year are required to contribute to the International City Management Association (ICMA) deferred compensation program.

C. Temporary full-time positions are those in which the required workweek is scheduled to equal or exceed 40 hours for a specified period of time, generally not to exceed six months. Extension of time beyond the six (6) months requires City Manager approval.

D. Temporary part-time positions are those in which the required workweek is scheduled for less than 40 hours for a specified period of time, generally not to exceed six months.

E. Seasonal positions are those in which the required workweek is for a specified period of time when the work increases due to the time of year (season).

3.03 Processing of Vacancies

A. All vacancies are reviewed for position control to ensure opening availability and processed through Human Resources.

B. All vacancies will be posted for at least five (5) business days according to current procedures. Selected promotional opportunities and related vacancies may be posted solely for internal applicants. Internal postings will be posted for a minimum of three (3) business days.

3.04 Applications

A. Applicants must complete an official application of employment with the City for each and every position for which they are applying, and submit any required ancillary documents. Current employees applying for another position must complete an internal employment application. Applicants may be defined as potential employees, former employees, and current employees seeking other positions or promotional opportunities.

B. Applications from qualified applicants will be reviewed, processed and forwarded to departments. Incomplete applications or applications without required ancillary documents attached may be disqualified from consideration.

C. Applications from previous employees who were involuntarily separated from the City (unless through a reduction in force) will not be considered without prior approval from the City Manager.

D. Applications from previous employees who voluntarily separated from employment will be considered if demonstrated prior service was acceptable and employees left in good standing. Rehired employees are subject to the conditions of employment and benefits of a newly hired employee, except where specifically stated otherwise or required by law.

E. If City of Huntsville retirees receiving TMRS benefits are rehired, the TMRS rules will apply.

F. Applications are accepted for budgeted, vacant and approved positions only, unless specific approval is granted by the City Manager.

3.05 Minimum Hiring Ages

A. Except for certain seasonal position (such as lifeguard or pool cashier), the minimum age for hiring is 18 for general positions and 21 for police uniformed services.

3.06 Pre-Employment Testing

A. Selection of employment is contingent on successful completion of any and all background screening and pre-employment testing for certain positions and may include any or all of those items identified below. Screenings or verifications for certain positions may be conducted on both new employees, rehired employees and those transferred or promoted.

    1. Verification of education and experience

    2. Verification of certification or licensing

3. Physical exam

4. Physical agility exam

5. Psychological exam

6. Polygraph exam

7. Drug and/or alcohol screening

8. Criminal history verification

9. Credit history verification

10. Driving record verification

11. Name search verification

12. Reference verification

3.07 I-9 Requirements

Federal law requires that all prospective employees complete an I-9 form on or before the first day of employment. Prospective employees must provide originals or certified copies of the required documents verifying United States citizenship or legal authorization to work in the United States within three (3) days of employment.

3.08 Non-Qualifying Driving Records

A. Applicants and employees who are required to drive as part of their job duties must meet and maintain the following criteria in order for initial and continued employment:

    1. No more than three moving violations in any rolling twenty-four (24) month period.

    2. No more than three at-fault accidents in any rolling twenty-four (24) month period.

    3. No DWI / DUI convictions for any employee for the past three (3) years, unless otherwise prohibited by law or certification requirements.

    4. Employees who are required to maintain their driver's licenses in good standing while employed and have their licenses suspended for any reason, will be released from employment unless their licenses are restored within thirty (30) days, as they will no

longer be able to perform the essential functions of the job. During the thirty (30) day period, duties may be restricted or denied.

B. The City requires that every employee who operates a City owned [or leased] vehicle, or who drives a privately owned vehicle while carrying out job duties for the City, must maintain a current valid Texas driver's license and an acceptable driving record as determined by the City, as well as carry the required insurance coverage on their privately owned vehicle while used for City business.

C. Driving records will be checked prior to employment and periodically throughout the course of employment. Applicants and employees are required to provide the City with any authorizations necessary for the City to perform such a check.

D. When a special classification of driver's license is required to operate City equipment, it is the employee’s responsibility to maintain the required license.

IV. Selection and Job Offers

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4.01 Selection

Selection of individuals for interview should be made based on job-related criteria in all cases. Job-related criteria should at a minimum, include possession of the necessary knowledge, skills, abilities and education to be successful in the position. The City reserves the right to select individuals for positions based on those who are best suited for the positions, consistent with all acceptable legal requirements.

4.02 Nepotism

The City of Huntsville has a primary responsibility of hiring the best, most qualified, most experienced applicants for each position. A secondary responsibility is to make sure that our decisions are not impaired by personal relationships, or that others do not call into question our professionalism or judgment because of personal relationships that exist. Occasionally, these two responsibilities will conflict with each other. This policy intends to guide the City in balancing these responsibilities. Each of the hiring circumstances may require individual review and consideration, and intends to allow applicants to apply for positions, go through the hiring process and face the issue of nepotism conflicts discussed in this policy at the time a conditional offer is being considered.

For the purposes of this policy, the following chart should be used as a reference:

Consanguinity (Includes individuals related by blood to the Officer or Employee)			Affinity (Includes the Officer's or Employee's Spouse and individuals related to the Spouse)		
First Degree	Second Degree	Third Degree	First Degree	Second Degree	Third Degree
Father or Mother	Grandparents	Great Grandparents	Spouse	Grandparents	Great Grandparents
Son or Daughter	Grandchildren	Great Grandchildren	Father or Mother	Grandchildren	Great Grandchildren
(& Spouse)	(& Spouse)	(& Spouse)			
	Uncle or Aunt	Great Uncle or Aunt	Son or Daughter	Uncle or Aunt	Great Uncle or Aunt
	(& Spouse)	(& Spouse)			
	First Cousin	Children of Great Uncle or Aunt (& Spouse)		First Cousin	Children of Great Uncle or Aunt
	(& Spouse)				
	Nephew or Niece	Second Cousin		Nephew or Niece	Second Cousin
	(& Spouse)	(& Spouse)			
	Brother or Sister	Children of First Cousin (& Spouse)		Brother or Sister	Children of First Cousin
	(& Spouse)				
		Grand Nephew or Niece (& Spouse)			Grand Nephew or Niece

A. Section 14.10 of the City of Huntsville Charter shall govern and prevail over any section within this policy.

B. Notwithstanding any relationship prohibited by Section 14.10 of the City of Huntsville Charter, all existing circumstances of Consanguinity or Affinity that exist as of the date of this policy adoption shall be "grandfathered" except those relationships that, by virtue of promotion may result in the circumstances described in "E" below.

C. All applicants will be asked to indicate on their application if they believe they are related in any way to a current City of Huntsville employee. Failure to answer the question correctly or omit any consanguinity or affinity shall be handled in the same way as incomplete or inaccurate information on applications.

D. Unless a seasonal position is involved, there shall be no First Degrees of Consanguinity or Affinity. In the event of a circumstance of first degree consanguinity or affinity, either the applicant must withdraw from consideration or the current employee must resign in order for the applicant to receive and accept a conditional offer for employment. In the event the applicant elects to accept the position and the current employee elects to resign, he/she will be provided with the same terminal pay as described in the City's Reduction in Force policy. In the event of a marriage or common law marriage between employees, one employee or the other must resign within 30 days (or be terminated). The employee choosing to resign will be provided with the same terminal pay as described in the City's Reduction in Force policy.

E. No regular, full-time employee at pay grade 74 or higher for general exempt positions, including Department Directors, City Secretary, City Attorney or Municipal Court Judge; Grade E or F for the Police Department, Grade C or D for the Fire Department, may have personal relationships of first or second degree consanguinity or first or second degree affinity. This may be waived on a case by case basis by the City Manager or his designee with special consideration given to seasonal or part-time positions of temporary nature, the degree to which real or perceived conflicts may be mitigated by Directors and supervisors within each department in question, and/or the difficulty the City has had hiring for the position in question. The City Manager or his designee in their discretion to waive this may elect to allow the conflict and require a review at the conclusion of the employee's probationary period. In these circumstances, only the applicant may withdraw from consideration to resolve the conflict with policy.

F. No employee may work in any line of departmental supervision of another relative.

G. No employee may work in the same budget division with an employee related by second or third degree consanguinity or second or third degree of affinity. This may be waived on a case by case basis by the City Manager or his designee with special consideration given to seasonal or part-time positions of temporary nature, the degree to which real or perceived conflicts may be mitigated by Directors and supervisors within each department in question, and/or the difficulty the City has had hiring for the position in question. The City Manager or his designee in their discretion to waive this may elect to allow the conflict and require a review at the conclusion of the employee's probationary period.

The budget division is - ###-###-#####

Budget Division

4.03 Job Offer

A. Job offers are initiated by the department and approved by Human Resources. Supervisors will conduct the reference checks prior to making the conditional job offer. Conditional job offers should be delivered after verification of references by the hiring department.

B. After the conditional job offer is made, applicants must successfully complete verification of education, experience, driving record, physical and psychological exams, drug screens, criminal background checks and other related criteria, depending on the requirements of the position.

C. All job offer salaries are subject to approval by Human Resources prior to discussions with applicants regarding conditional job offers.

4.04 Hiring Pay Rate for External Applicants

A. Applicants whose education and experience meets the minimum qualifications will be hired at the minimum of the pay range.

B. Applicants whose education and experience exceeds the minimum qualifications may be hired above the minimum of the range, based on the criteria listed below.

   1. The applicant's higher qualifications may warrant higher pay.

   2. Hiring above the entry salary will not disrupt current internal equity and salary relationships. Department Directors have authority to approve up to step two (2) with written justification of the areas the applicant exceeds the minimum requirements to be submitted to Human Resources. Human Resources will recommend salary offers above step two (2) for approval by the City Manager.

   3. Funds are available.

   4. The action is in the best interest of the City.

4.05 Hiring Pay Rate for Promotions

A. Applicants who are current employees and for which this is a promotional opportunity, will receive an increase to the closest step (rounded up) providing 5% salary increase or the minimum of the range, whichever is greater, unless the employee has previous experience and clearly exceeds the minimum requirements, in which case the starting salary guidelines above may be applied. This date of promotion will affect any tenure raise date or performance review date. Police and Fire promotions are governed under the affected classification schedules.

4.06 Hiring Pay Rate for Lateral Transfers

A. Applicants who are current employees and for which this change is a lateral transfer, same grade, will retain tenure raise dates unless the duties of the job change substantially based on review by Human Resources. Their salaries will remain the same.

4.07 Hiring Pay Rate for Demotions

A. In the case of a demotion where the new position is of a lower grade, the employee's salary may be reduced. Applicants who are current employees and for which this is a voluntary or involuntary demotion, will retain tenure raise dates unless the duties of the job change substantially based on review by Human Resources. Department Directors may use starting salary guidelines to justify salary offers in the case of demotion. If the employee's salary exceeds the maximum of the new pay range, the pay will be reduced to the maximum of the new pay range. In the case of an administrative demotion in lieu of layoff, salary will be determined in conjunction with Human Resources.

4.08 Employee File Maintenance

A. Human Resources maintains official employee, or personnel files, in the Human Resources Department, except when otherwise authorized by law. Access to those files is limited to the employees and to those individuals with a need to know, unless otherwise controlled by State or Federal law.

B. Employees must ensure that any changes in name, address, phone, or emergency contact are documented in accordance with current standards set up both in the department and in the City.

C. Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. The Director of Human Resources maintains these confidential medical files.

    1. Examples of information that may be provided to the City by an employee or the employee's health care provider, and maintained in the confidential medical files, include:
        a. a note to justify an absence;
        b. a note to request a leave;
        c. a note to verify the employee's ability to return to work;
        d. medical records to support a claim for sick pay or disability benefits;
        e. insurance records;
        f. workers' compensation records; and
        g. medical history records

2. The City does not request genetic information from an applicant, employee, or health care provider. The City discourages health care providers from sending genetic information. Any genetic information inadvertently sent to the City will be returned to the health care provider.

3. It is important that employees understand that the records are confidential but that the confidentiality may be waived when the employee provides medical information to the supervisor or the Director of Human Resources. When an employee provides information to the supervisor, the supervisor is expected to share the information only on an "as needed" basis with other members of management.

4. In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of other coworkers' medical information. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors or anything else that may constitute an invasion of a co-worker's privacy or breach of confidence.

V. Orientation Period

5.01 ORIENTATION PERIOD **23**

5.01 Orientation Period

A. There will be an Orientation or probation period of six (6) months for all newly hired, rehired, transferred, demoted or promoted employees. It is the purpose of this orientation or probation period to allow both employees and the City to evaluate job satisfaction and continued employment. The probation period for newly hired police officers or firefighters will be twelve (12) or eighteen (18) months, depending on certifications at hire date.

B. At any time during this period, supervisors may determine that the employees are not meeting the requirements of the position or not performing in a satisfactory manner. If this is the case, those employees may be involuntarily terminated.

C. Prior to the dismissal of orientation period or probationary employees, departments must consult with their directors and Human Resources.

D. New employees and newly promoted employees terminated in their initial orientation or probation periods do not have appeal rights.

E. Current employees who have been transferred, demoted or promoted who are terminated in their initial orientation periods, may upon review be returned to their former positions, with departmental and Human Resources approval if such openings exist. This does not apply to police officers or firefighters.

F. Orientation periods may be extended, with documentation submitted to Human Resources for approval. The documentation must include an explanation of why the additional time is necessary and is required to effectively evaluate new employees.

G. At the end of the orientation period, the performance of the employees may be reviewed and discussed. If the performance is satisfactory after this period, employees will continue employment, and will retain their at-will status, and may subsequently be terminated, transferred, or demoted, with or without cause.

H. During this initial period, employees are generally not eligible for reassignment, promotion, or allowed to voluntarily transfer. Exceptions may be granted if determined to be in the best interest of the City and approved by the City Manager.

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6.01 Program Goals

A. The administration of salaries for each position is based on the philosophy of maintaining a competitive pay structure for the purpose of recruiting and retaining an effective workforce. Determination of appropriate compensation is based on the following principles:

   1. Provide compensation based on knowledge, skills and abilities for each job description.

   2. Regularly review the internal equity of positions, evaluating their job duties within the organization.

   3. Establish individual measures within the performance review process and provide for opportunities for performance-based step increases, as determined by funds availability.

   4. Review classifications to ensure competitiveness with similar jobs within the local economy or applicable labor market, establishing ranges similar to that market.

6.02 Job Classification and Title

A. Job Classification is a categorization of job type according to the nature of the work performed. Jobs are classified according to assigned responsibilities and other compensable factors. These assignments are not subject to appeal by employees. Classification recommendations and assignments are recommended by Human Resources and approved by the City Manager.

B. Job Classifications are generally slotted into pay plans. Those pay plans may include separate structures for exempt, non-exempt, Director, police, or fire.

C. Each position within the pay plan or structure will be classified as exempt or non-exempt, or as eligible or not eligible for overtime pay or compensatory time accruals.

D. Each position in the City shall be classified according to objective, legal criteria and the provisions outlined in this manual.

E. Official Titles shall be used for all official documents. Working or functional titles may be used where appropriate.

F. Job Descriptions will be established and reviewed before posting for all positions.

6.03 Job Reclassification

A. Job Reclassification is a re-categorization of a job based on or as a result of documented significant changes in complexity of duties, responsibilities, knowledge level required, impact on City operations, accountability, business necessity, or other relevant factors, some of which are included below:

    1. The level of responsibility for an existing position has significantly increased or decreased.

    2. The job duties of an existing position are expected to be combined with a vacant position in another classification.

    3. Additional programs, facilities or requirements of a higher knowledge, skill, and responsibility level are assigned that are not currently a part of the job responsibilities as currently stated.

B. Job Reclassification is not considered a business necessity for any of the factors identified below:

    1. Local, state or federal law requires a title or certification change but does not substantially change the job requirements.

    2. There is a volume increase in the workload or new tasks have been added.

    3. There is a desire to reward an employee for outstanding performance, the obtaining of a degree or certificate, reaching the top of the pay range, or for length of service.

C. When reviewing job classifications and titles, the appropriate steps will also be taken to review exempt or non-exempt status for overtime eligibility.

D. Job Reclassification request from the Directors will be conducted by the Human Resources Department and any recommended changes forwarded to the City Manager for review and approval.

6.04 Rates of Pay

A. The base rate of pay for employees is the amount the employees receive based on an established dollar amount that correlates to the appropriate step in the salary range of the classification to which the job title is attached.

B. The base plus rate of pay for employees for the purpose of payment of overtime is that amount the employees receive which includes the base pay, determined by placement in

the salary range of the classification to which the job title is attached, plus any longevity, certification, (police, fire, water, wastewater, bilingual), education (police and fire), and assignment pay (police and fire).

6.05 Overtime Compensation

Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour requirements. Exempt employees are not paid overtime compensation.

A. Exempt employees are those who are not covered by the overtime requirements of the FLSA. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek. Exempt employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner.

    1. "Docking" an exempt employee's pay for a partial day's absence will be permitted only as authorized by law and approved by the Director of Human Resources.
    2. Absent accrued paid leave time, an exempt employee need not be paid for any workweek in which no work was performed.
    3. It is the policy of the City not to make improper deductions from an exempt employee's pay. Any exempt employee who believes an improper pay deduction has been made must immediately notify the Director of Human Resources. The City will promptly reimburse an exempt employee for any improper deduction(s) and will make a good faith commitment to comply in the future.
    4. One exception to overtime compensation for exempt employees is during a governor declared state of emergency. When activated during a governor declared state of emergency, exempt employees may earn compensation at the straight time rate for hours outside the normal work schedule when activated. Overtime work still requires approval by the Department Director.

B. Non-exempt employees are eligible for compensatory time or overtime (as defined by FLSA). For purposes of determining overtime rates paid, costs are calculated on the base plus rate, times 1.5.

    1. The normal workday, for full-time employees, shall consist of a minimum of eight (8) consecutive hours of work and a meal period at a time established by the Department. Alternative work schedules must be approved by Human Resources and the City Manager.
    2. The normal work week is forty hours of actual work beginning at 12:01 a.m. on Monday and ending at midnight the following Sunday. The standard work hours vary from division to division if approved by Human Resources.

C. When the City's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime, at the request of the supervisor. When possible, advance notification of mandatory overtime assignments will be provided. Overtime assignments will be distributed as equitably as practical to all non-exempt employees qualified to perform the required work. Refusal or other failure to work mandatory overtime may result in disciplinary action up to and including termination of employment. Overtime work is otherwise subject to the same attendance policies as straight time work.

D. All non-exempt employees must receive their supervisor's and Department Director's prior authorization before performing any overtime work. This means employees may not begin work prior to their scheduled work day, and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor. Similarly, employees may not work through their lunch break without prior authorization from the appropriate supervisor. On the employee's time sheet, the appropriate supervisor must also approve any overtime before the time sheet is submitted for processing and payment. Non-exempt employees shall not remain on the work premises without authorization unless they are on duty or are scheduled to begin work within a short period of time. Non-exempt employees who work overtime without receiving proper authorization may be subject to disciplinary action, up to and including possible termination of employment.

E. Sick days, vacation days, holiday leave, emergency leave days, injury leave days, jury duty days, or other leave days do not count as "worked time" in determining eligible hours worked for purposes of computing overtime. Employees must be at work on the job in excess of the defined work week or work period to receive compensatory time or overtime.

F. For eligible employees, compensatory time or overtime will be accrued or paid for those eligible hours worked in excess of those defined in the work week or work period, not the work day. For non-police officer and firefighter positions, those defined work week or work period hours equal forty (40) in seven (7) days. For eligible police positions, that defined work period is fourteen (14) days consisting of eighty (80) work hours. For eligible fire positions, that defined work period is twenty-eight (28) days consisting of 212 work hours. Some Police and Fire employees work a regular 40 hour work week.

6.06 Compensatory Time

A. Compensatory time is accrued at the rate of 1.5 hours for every hour worked in excess of the established work week or work period for the position.

B. Compensatory time may be accrued and used at a later date, as with vacation, with supervisor approval.

C. Compensatory time may be accrued to a maximum of forty (40) hours.

D. Once employees have accrued 40 hours of compensatory time, all additional overtime hours will be paid at the overtime rate through payroll, or flexed off during the workweek it was earned, until such time as the compensatory time accrual has been reduced.

E. Department Directors have the authority to designate whether the department's non-exempt employees will receive overtime pay, compensatory time accruals, or a combination of both, for any hours worked over the maximum in the work week or work period.

F. Upon separation, promotion or transfer to another department, or promotion from non-exempt to an exempt position, employees will be paid all accrued compensatory time at the current rate.

G. Department Directors may approve flex hours within the regular work week to keep non-exempt employees hours worked within the standard 40 hour work week (not the 80 hour pay period) and avoid overtime. Police and Fire employees may flex hours within the established work period to avoid overtime.

6.07 Standby or On Call Pay

A. Employees are considered officially scheduled and designated as on Standby or On Call only when approved by a supervisor in accordance with procedures established by the department. During this standby period, employees are free to pursue personal activities, but must respond within guidelines established by the department. Exempt employees are not eligible for “On Call” pay.

B. Standby and On-Call employees must be available for response within forty five (45) minutes.

C. Employees assigned to this category will be compensated at 1.5 times their base plus rate for hours worked during the callback period.

D. Employees called in to work will receive a minimum of two (2) hours pay.

6.08 Interim Appointment

A. Employees may be appointed to interim positions to ensure the proper delivery of City services if the position is vacant or the incumbent will be unavailable for an extended period of time, generally in excess of ninety (90) days.

B. An extended period of time may be defined by the City Manager, but it shall exclude routine vacation and sick leave absences.

C. Employees appointed to interim positions will be compensated in a manner approved by the City Manager, but at no less than a five percent (5%) increase in pay or minimum of the salary range, whichever is greater.

D. Interim appointments shall not be used to circumvent the normal selection procedures.

E. Interim appointment pay shall be removed at the end of the interim assignment.

6.09 Pay Structure Increases

A. The City is committed to market competitiveness and may conduct periodic reviews of the salary structures for employees. Based on this review, adjustments to the salary structures may occur.

B. Structure increases may or may not have an effect on employees' individual pay.

C. Structure increases will generally occur at the beginning of the fiscal year and are subject to City Council approval and subsequent funding availability.

6.10 Across the Board Pay Increases

A. The City may grant across the board pay increases that apply to one or all salary structures.

B. With this type of increase, the pay structures, or pay ranges, may stay the same.

C. Across the board pay increases will generally occur at the beginning of the fiscal year and are subject to City Council approval and subsequent funding availability.

6.11 Step Increases

A. The City may grant employees the ability to earn step increases, based on job performance.

B. With this type of increase, the pay structures, or pay ranges, may stay the same.

C. Step pay increases will generally occur on anniversary dates or at the beginning of the fiscal year and are subject to City Council approval and subsequent funding availability.

6.12 Longevity Pay

A. Longevity Pay is additional pay granted based on years of continuous full-time service. Previous service time as a seasonal or part-time employee, does not count toward credited service for longevity pay.

B. Regular full-time employees are eligible for longevity pay after one full year of service, at the end of the month in which they began working.

C. Longevity is granted at the rate of $4.00 per month for each year of service, to a maximum of twenty-five (25) years of service.

6.13 Bilingual Pay

A. Bilingual pay is afforded to those employees in departments which have a demonstrated need for bilingual employees to interpret, speak, read, and write in another language. A need for bilingual employees must be approved by the Department Director.

B. Employees who are eligible for bilingual pay must successfully pass a competency exam administered by the City. The competency exam will be in both verbal and written forms.

C. Bilingual pay will be eliminated if the department no longer has a need, employees are transferred to other positions or departments, employees' skills no longer satisfy program requirements, employees are on extended leave, or employees voluntarily leave the program.

6.14 Payroll Deductions

A. Initial and continued employment is conditional upon agreement for payroll deductions as follows:

1. When required or allowed by law or regulation

2. As payment for fringe benefits or otherwise available, with employee consent

3. As repayment for erroneous payments or overpayments made by the City

4. As repayment for benefits paid while employees are receiving other income, such as workers' compensation payments

6.15 Payroll Checks

A. Employees are responsible for their own review of all payroll checks, deductions and allowances.

B. Employees who are eligible to receive additional pay due to assignments or certifications are responsible for bringing those assignments or certifications to the attention of the department. Compensation for assignments or certifications will be paid to a maximum of three months in arrears to any employee not reporting to their department or payroll, either their eligibility for such pay or any payroll check errors.

C. The City retains the right to retrieve overpayments on payroll checks or non-payments for any type of elected benefits.

VII. Paid Leave

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7.01 Holiday Leave

A. Regular full-time and part-time employees are eligible for paid holidays upon hire.

B. Regular full-time employees are paid eight (8) hours for holidays. Regular part-time employees shall be compensated for holidays according to hours of work that are normally scheduled for that workday. The holiday must fall on a day normally scheduled as a workday for regular part-time employees to be eligible for compensation.

C. The following holidays are currently approved for City employees and may be modified at any time.

Holiday Title	Observance
New Year's Day	January 1
Martin Luther King Day	Third Monday in January
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day Holiday	First Monday in September (except Firefighters who observe September 11th Remembrance Day)
Thanksgiving	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Day	December 25
Additional Christmas Holiday	Designated by City Manager

D. Designation of the holidays listed does not authorize absences should employees be scheduled to work on that day.

E. If a holiday falls on a Saturday, the preceding Friday shall be observed.

F. If a holiday falls on a Sunday, the following Monday shall be observed.

G. Departments may authorize observance of designated holidays and may revoke or restrict holiday observance in order to provide necessary City services.

H. No overtime or extra pay is authorized for employees who are required to work on a designated holiday.

I. Employees required to work on holidays may accrue the holiday for later use. Those employees may accrue up to a maximum of 32 hours of holiday time, or be paid eight (8) hours holiday pay for that day.

J. Holidays occurring during vacations will be charged as holiday leave, not vacation leave.

K. Police and Fire shift employees may schedule holidays to be used on days other than the officially observed day. If separating employees have scheduled and used holidays prior to the officially observed days listed above, that holiday pay will be deducted from any final pay.

L. Non-exempt employees on alternate schedules will need to utilize the appropriate holiday and leave hours to ensure full pay for the pay period when applicable. Employees on a 9/80 schedule who have a holiday fall on their "off" day, will need to take another day off during the work period or accrue the holiday for later use. Employees may use vacation, compensatory time or personal leave to ensure full pay for the pay period.

M. Personal leave time may be earned and used as listed below.

1. New employees are eligible for personal leave time upon hire on a prorated basis and must use that personal leave time during the calendar year. Existing employees receive 24 hours of personal leave annually on the first payroll in January.

2. There is no carryover for the personal leave hours, and there is no payout for the unused personal leave hours at time of separation. All personal leave hours must be used during the calendar year earned, and must be taken in a minimum of half-hour increments.

7.02 Vacation Leave

This section on accruals and payouts applies to all regular full-time employees (police officers and firefighters have a different accrual schedule). Years equals years of continuous, active full-time service. An eligible employee that has completed the six (6) month initial orientation period will be paid all accumulated vacation hours on the final check upon separation.

Years Completed	Accrued Hours/Pay Period	Accrued Hours/Year	Max Accruals
0 - 4	3.0770	80	160
5 - 9	3.6923	96	192
10 - 15	4.6154	120	240
16	4.9231	128	256
17	5.2308	136	272
18	5.5385	144	288
19	5.8462	152	304
20+	6.1539	160	320

This section on accruals and payouts applies to all regular full-time police officers and firefighters. Years equals years of continuous, active full-time service. An eligible employee that has completed the six (6) months of the initial orientation period will be paid all accumulated vacation hours on the final check upon separation.

Years Completed	Accrued Hours/Pay Period	Accrued Hours/Year	Max Accruals
0 - 15	4.6154	120	240
16	4.9231	128	256
17	5.2308	136	272
18	5.5385	144	288
19	5.8462	152	304
20+	6.1539	160	320

A. Maximum hours accrued is limited to two times (2x) annual accrual.

B. Accruals are awarded each pay period.

C. Vacation leave may not be advanced or transferred to other employees unless donated through the catastrophic leave program.

D. Payment of unused vacation time is calculated on the base rate of pay for separating employees.

E. Vacation leave must be taken in a minimum of half-hour increments.

F. Vacation leave must be requested by employees and approved by departments in advance, unless the absence is the result of an unforeseen emergency, in which case the department may determine if vacation may be granted.

G. Vacation leave shall be scheduled giving due consideration to service requirements and expectations. Employees shall be permitted to use paid vacation at such times as may be determined by the department to be in the best interest of the City.

H. Vacation leave shall not accrue for any pay period in which employees are in a non-pay status and absent for the pay period.

I. Vacation leave shall not be used for any day in which employees are in a suspended status from work due to disciplinary actions.

J. Non-exempt employees on alternate work schedules will need to utilize the appropriate vacation hours to ensure full pay for the pay period when appropriate.

7.03 Sick Leave

A. Regular full-time employees are immediately eligible for paid sick leave. Sick leave hours will accrue on a bi-weekly basis at the rate of eight (8) hours for each month worked. Employees may accrue over 720 hours of sick leave, but this will be "reset" to 720 hours as of January 1 each year. Any donations to the catastrophic leave program will be made after January 1 each year.

    1. This section on accruals and payouts applies to all regular full-time employees, including police officers and 24-hour shift firefighters. Years equals years of continuous, active full-time service. Maximum hours payout means maximum cash paid at time of separation for unused leave.

B. Accruals are awarded at the end of each pay period.

C. Sick leave is to be used for health care needs which may include illness and routine health care appointments of the employee or relative to include spouse, parents, parents-in-law, step-parents, step-parents-in-law, grandparents, grandparents-in-law, children, step-children, grandchildren, siblings, step-siblings, siblings-in-law.

D. Supervisors may request physician statements when sick leave use is excessive.

    1. Frequent sick leave use by employees may indicate a necessity for a fitness for duty examination at the request of the department after review with Human Resources.

E. Sick leave may not be advanced or transferred to other employees, except through the catastrophic leave program.

F. Payment of unused sick time is calculated on the <u>base</u> rate of pay for separating employees who have completed five (5) years of continuous service. Payment will be for one-third of the balance not to exceed 240 hours.

G. Sick leave must be taken in a minimum of half-hour increments.

H. Non-exempt employees on alternate schedules will need to utilize the appropriate hours to ensure full pay for the pay period when applicable.

I. Sick leave shall not accrue for any month in which employees are in a non-pay status for at least one full pay period.

J. Sick leave shall not be used for any day in which employees are in a suspended status from work due to disciplinary actions.

K. Employees using sick leave must contact their supervisors prior to or within the first thirty (30) minutes of their shifts. Employees who are on duty are required to notify their immediate supervisors of their personal or family illness prior to leaving the worksite.

7.04 Bereavement Leave

A. Regular full-time employees may use up to 40 hours of sick leave for bereavement purposes. Additional paid leave time may be used if necessary in case of death of a family member listed below:
   1. Spouse
   2. Parents, parents-in-law, step-parents, step-parents-in-law
   3. Grandparents, grandparents-in-law
   4. Children, step-children
   5. Grandchildren
   6. Siblings, step-siblings, siblings-in-law

7.05 Jury Duty Leave

A. Regular full and part-time employees shall be granted paid leave for required non-voluntary, City related appearances in a city, state, federal or appellate court, or a legislative or administrative proceeding. Employees must provide documentation of required attendance.

B. Employees receiving payment from outside employers for appearances covered by this section must use accrued paid or unpaid leave.

C. Monies earned from jury duty need not be reimbursed to the City.

D. Employees excused from jury duty or court appearances as identified above must return to work that same day. Employees serving on a grand jury may require need for extended time away from work.

7.06 Breaks

A. Rest Breaks: Full-time employees may, depending on individual departmental work schedules at the discretion of the supervisor, take up to two fifteen minute, paid breaks each day, one during the first part of the work day and the other during the latter part of the work day. Breaks may not be combined, “banked” to carry over to next day, used to extend lunch break, or used as a means to earn overtime when work performed during a designated break period. Time spent on rest breaks will be compensated as hours worked. An employee is expected to be punctual in starting and ending breaks and will be subject to disciplinary action for tardiness.

B. Meal Periods. Full-time employees (excluding most Police and Fire Department employees) are normally provided a one-hour or half-hour unpaid meal break near the middle of the workday. Meal periods may be staggered by the Department Director in order to minimize departmental interruption. Supervisors will provide employees with the starting and ending times for their specific meal periods. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period.

C. Break Time for New Mothers: Nursing mothers will be provided with reasonable unpaid break time to express breast milk for up to one year after the birth of a child in accordance with applicable law. If an employee needs time beyond the usual lunch and break times, the employee may use vacation or make up time as approved by supervisor. Employees and supervisors are expected to agree, in advance, upon a break schedule and how the time will be counted or made up. A private room will be provided for nursing mothers to use. Employees who have a private office may use it if they prefer.

D. Supervisor Responsibility: Supervisors are responsible for scheduling the time for employee rest and lactation breaks and should take into consideration the work load and nature of the job performed. Whenever necessary, the supervisor may change the frequency and length of rest breaks.

7.07 On the Job Injury Leave

A. Regular full-time employees who sustain injuries on the job and in the line of duty will receive salary continuation for the duration of their incapacity, not to exceed sixty (60) calendar days. Employees must be totally off of work to receive the salary continuation. Employees, who are off work longer than 60 days, may supplement their worker's compensation payments with accrued paid leave. Salary continuation is offered to employees as one of the two options listed herein.

1. Salary continuation shall be defined as the current base rate less any workers' compensation payments, if workers' compensation payments are retained by the employee.

2. Salary continuation shall be defined as the current base rate if workers' compensation payments are returned to the City. Employees electing this option are required to return workers' compensation payments within three (3) days of receipt of each check in order to continue to receive salary continuation.

3. Employees on injury leave are required to report weekly to their departments to update them on their conditions and possible return to work. Employees who do not report weekly will have their salary continuation payments stopped, and disciplinary action may follow.

B. Salary Continuation payments will be provided to employees who comply with all physician instructions regarding treatment and are not found to be working for pay at any other job.

C. Employees may be assigned to modified duty for a period not to exceed ninety (90) days without additional approval from the City Manager.

7.08 Modified Duty

A. The City may modify duty assignments available to ill or injured employees who are unable to perform their regular job duties. The decision to offer an employee a modified duty assignment is made at the City's sole discretion. A modified duty assignment may be in the employee's own or another department in the City. Factors considered by the City in making its decision include, but are not limited to: the nature of the employee's illness or injury; the medical release provided in support of modified duty; the risk that a modified duty assignment may result in aggravation of the employee's injury or illness; the type of modified duty work available; the length of the employee's employment with the City; the employee's performance and disciplinary history; and whether the illness or injury occurred on or off duty.

B. Employees who are released for and given a modified duty assignment may not perform work duties in violation of their medical release. An employee, who violates the terms of the medical release while on a modified duty assignment may lose the modified duty assignment and, in addition, may be disciplined up to and including termination of employment.

C. Modified duty will not normally extend beyond 90 calendar days without an evaluation by the employee's treating physician and a recommendation from the Department Director and Director of Human Resources to the City Manager. Pregnancy will be treated as a temporary disability, and the length of modified duty may be extended due to the accommodation for pregnancy. Only the City Manager may approve an extension of a modified duty assignment. Employees still unable to return to regular duty within the time limit established for modified duty must re-qualify for modified duty through evaluation by the treating physician or revert to workers' compensation indemnity payment, accumulated sick leave, Family Medical Leave Act (FMLA) or vacation benefits, if available.

D. An employee who is released for and offered modified duty by the City, but who elects not to accept such an assignment, will be ineligible for salary continuation benefits under workers' compensation, but may still be entitled to unpaid leave under the City's Family Medical Leave Act policy.

E. During a modified duty assignment, employees will typically work an 8-hour workday, Monday through Friday. This means that 24-hour shift employees, as well as other

employees who work a non-traditional schedule, will usually be temporarily reassigned to an 8-hour workday, Monday through Friday, for the duration of their modified duty assignment.

F. An employee's salary during any modified duty assignment shall be at the same rate as the salary received prior to the injury.

G. All modified duty requests and assignments will be reviewed by and coordinated through the Director of Human Resources. The Director of Human Resources will work with the employee's department in making its decision whether modified duty work will be offered. Before returning to regular job duties following a modified duty assignment, the employee must provide a full release from the physician to return to work and coordinate the return through the Director of Human Resources.

7.09 Official Travel Leave

A. Regular full-time employees may be granted leave to attend conferences, schools and other events designed to improve education and knowledge.

B. This leave is counted as regular hours worked if required by the City.

C. The City's travel policy and procedure is further defined in the Administrative Rules.

D. Compensation for travel and training time:

General travel rules:
For non-exempt employees, time spent traveling for training or other City business is compensated as follows:

For a single day of travel, including regular workday, weekend or holiday, all actual travel time, less mealtime, shall be counted as compensable time worked for purposes of computing overtime.

For multi-day travel (with overnight stay):
All actual travel time during regular work hours or corresponding hours on non-working days (weekends or holidays). less mealtime, will count as time worked. For example, if an employee regularly works from 8 a.m. to 5 p.m. on the weekdays, any travel time between the hours of 8 a.m. and 5 p.m. on a weekday or the weekend will count as time worked.

Travel time spent outside of regular work hours or corresponding hours on nonworking days (weekends or holidays), less mealtime, will count as time worked for drivers only. For example, an employee who regularly works from 8 am to 5 p.m. on weekdays will be

paid for travel after 5 p.m. on a weekday or the weekend only if he is driving, but not if the employee is a passenger.

Normal travel time between home and the employee's first worksite is not considered time worked. However, time spent traveling between home and work for a special assignment outside of the county, or for unscheduled emergency call backs to work, will be counted as time worked. If a driver is offered a different, faster mode of transportation, but chooses to drive, then such additional driving time before and after work hours is not counted as time worked.

Employees who attend training or other meetings and events as part of City-related business will be compensated for the training/meeting and eligible travel time according to this policy.

If an employee voluntarily attends courses outside of work hours at an independent school, including a college or trade school, time spent in class or doing homework for such class is not compensable by the City and will not be paid, even if the course is related to the employee's job at the City and even if the City is reimbursing the employee for the cost of the class.

Employees who have questions regarding these travel/training policies should contact Human Resources.

7.10 Military Leave

A. The City is committed to fulfilling its obligations under state and federal law and demonstrating its support of national or regional efforts by providing military leave as specified herein. The City also acknowledges that time spent by employees on military leave is often relevant or complementary to any workplace responsibilities, and that the skills, leadership, discipline and teamwork experience that employees acquire during military service can prove valuable on the job.

B. Employment and re-employment rights of military personnel in civilian employment are governed by the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Texas Gov't Code 431.005.

C. All paid military leave days will be given only in lieu of regularly scheduled work hours.

D. Requests for military leave shall be made in writing and in advance to Human Resources and accompanied by military orders. Where military necessity prevents advance notice and documentation, notice and documentation are to be provided as soon as possible, but no later than immediately after the absence, in order for benefits to be paid.

E. All regular full-time employees are eligible for fifteen (15) paid days or a total of 120 hours to allow for response to orders of military service, beginning on October 1 of each year. A day is defined as eight (8) hours.

7.11 Voting Leave

A. Employees are encouraged to exercise the right to vote in elections. If the polls are not open on election day for voting for two consecutive hours outside of the employee's working hours, the employee will be permitted reasonable time to vote during the working hours. Employees are encouraged to take advantage of early voting.

B. Upon adequate advance notice to the supervisor, employees will be granted time off to attend a precinct convention or a county, district, or state convention to which the employee is a delegate. Time may be charged to vacation, accrued compensatory time, personal leave or leave without pay for the period of time missed.

7.12 Fitness for Duty Exams

A. Employees are responsible for maintaining their required standards of physical and mental health fitness required for performing the essential functions of the position, either with or without reasonable accommodation.

B. Employees with potentially life-threatening and / or infectious illnesses or physical and / or mental disabilities may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. Employees must be able to perform the essential functions of their jobs, with or without reasonable accommodations, without creating undue hardships, and medical evidence indicates that their condition is not a direct threat to themselves or others.

C. Employees may be required to undergo a medical and/or psychological examination to determine fitness for continued employment, as may be necessary in order for the City to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with applicable laws.

D. Prior to returning to work, employees must coordinate with the Human Resources Department.

7.13 Administrative Leave

A. 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.

B. 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.

C. Written notice of administrative leave shall be provided to the employee and a copy forwarded to the Director of Human Resources for proper payroll processing.

VIII. Unpaid Leave

8.01 LEAVES OF ABSENCE.....46

8.01 Leave of Absence

A. This section applies to employees who are not currently eligible for leave under the Family Medical Leave Act (FMLA).

B. Employees may be granted unpaid leaves of absence for any purpose which has been approved by the Department Director and the City Manager.

C. Employees shall request unpaid leaves of absence a minimum of two (2) weeks prior to the onset of the requested leave, other than in cases of emergency.

D. Requests shall be evaluated on the basis of length and reason and may not be granted if the employees have leave accruals.

E. Unpaid leave may be granted in thirty (30) day increments for no longer than six (6) months.

F. Employees on leave without pay for more than thirty (30) days shall not be guaranteed re-employment in their former positions if that leave has a negative impact on department operations, as determined by the Department Director.

G. Employees on unpaid leave must make payment for insurance benefit programs. Eligibility for any benefit from the City may be suspended during periods of unpaid leave.

H. Employees on unpaid leave for a full pay period will not accrue sick and vacation benefits.

IX. Family and Medical Leave

9.01 FAMILY AND MEDICAL LEAVE ACT **48**

9.01 Family and Medical Leave Act

A. This section provides criteria for compliance with the Family Medical Leave Act (FMLA).

B. This section identifies those who are eligible for leave under FMLA.

1. Employees must have worked for the City at least twelve (12) months prior to the commencement of leave, and this twelve months need not be consecutive.

2. Employees will be considered employed for one week if they were in a paid status for any part of the week.

3. Prior to the commencement of leave, employees must have worked at least 1250 hours during the twelve (12) month period.

4. Employees who are off work in excess of three (3) working days or two (2) fire shifts for a qualifying reason are eligible to be placed on family and medical leave.

C. This section identifies eligible reasons for leave under FMLA.

1. Employees are eligible for this leave for the birth of a child or in order to care for that child, with leave completed within twelve (12) months of the birth.

2. Employees are eligible for this leave for the placement of a child for adoption or foster care, with leave completed within twelve (12) months of the adoption or foster placement.

3. Employees are eligible for this leave in order to provide care for a spouse, child, or parent with a serious health condition. This includes a spouse in a legal same-sex marriage.

4. Employees are eligible for leave due to their own serious health condition that makes them unable to perform the essential functions of the position. Generally, a workers' compensation injury resulting in lost time automatically meets the criteria.

5. Employees are eligible for leave due to a qualifying exigency arising out of the fact that a spouse, son, daughter or parent is on active duty or has been notified of an impending call.

6. Employees are eligible for leave to care for a spouse, son, daughter, parent or next of kin who suffered an injury or illness in the line of duty while serving in the military.

D. Medical certifications are required to document serious health conditions and must

include the conditions identified as required by law, with submission to and approval by Human Resources, on the appropriate documents.

E. The City may require a second opinion if it has reason to doubt the medical certification. The second opinion will be performed by a physician of the City's choice and at the City's expense. If necessary to resolve a conflict between the original medical certification and the second opinion, the City and the employee will jointly select a third physician. The City will pay for the third opinion. This third opinion will be considered final.

F. Eligible employees may take up to twelve (12) weeks (or 26 weeks longer for qualifying exigency leaves) during a rolling twelve (12) month period.

G. Spouses working for the City taking qualifying leave for the birth, adoption or placement of a child, may take a total of twelve (12) weeks of leave between them.

H. Employees must use accrued paid leave prior to using unpaid leave for FMLA.

I. A serious health condition of the employee or of a family member, or the birth, adoption or placement of a child in foster care, requires the use of all accrued leave prior to an employee being placed in leave without pay (LWOP) status.

J. Employees may take intermittent leave as needed, to a total of twelve (12) weeks, unless the leave involves exigency. During intermittent leave, the City may temporarily transfer employees to available alternative positions with equivalent pay and benefits, in order to meet service requirements.

K. Employees may take intermittent leave for the birth, adoption or placement of a child only if the arrangement is requested by employees and agreed to by the Department Directors.

L. All requests for leave under the Act must be made in writing to Human Resources, where all certification documents will be reviewed and maintained.

M. In cases of emergency, supervisors will coordinate with employees or, if employees are unable to provide information, with the next of kin, to obtain information on the circumstances requiring leave. Supervisors will then contact Human Resources Department for coordination of the leave.

N. Employees on leave for more than one pay period are required to report to their supervisors on a regular basis regarding the status of their leave and their intent to return to work.

O. Use of leave beyond FMLA approved leave for either personal illness or for the illness of

an immediate family member may be approved after review by Human Resources.

P. Employees on paid leave under these provisions will continue to accrue leave benefits, with deductions continuing for their contributions for any benefit plans.

Q. Employees on unpaid leave for a full pay period will not accrue leave benefits and must pay their portion of any insurance premiums monthly in order to continue coverage.

R. Employees opting not to return to work following family and medical leave for reasons other than a continued serious health condition may be required to reimburse the City's share of any paid benefit premiums during the absence.

X. Benefits

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10.01 Insurance for Employees

As part of its overall compensation package, the City provides a variety of insurance and voluntary coverage options for eligible employees and their families. Regular full-time employees, part-time employees budgeted for 30 hours per week, and eligible retirees, may elect to participate in the health insurance plan. Eligibility for health insurance benefits begins on the first of the month after date of hire. The City Manager and Human Resources will be responsible for advising the City Council on the program and necessary in-house administration. Human Resources will promote the benefits and provide information and assistance to those eligible. A benefits summary is available to all employees detailing specific health plan coverage.

A. The City provides life insurance with a value of one year's annual salary to all employees. The City offers an additional voluntary life insurance plan through payroll deduction for the employee, spouse and dependents. Various other voluntary coverages are also offered such as disability, accident, and catastrophic health policies, which can be purchased by the employee. These plans are available to full-time employees.

B. The City has available a free resource to confidentially help employees deal with life's stresses and work or life problems. The Employee Assistance Program (EAP) can help with issues including: family issues, communication skills, parenting skills, stress or time management, legal and financial issues or grief counseling. This service is available to all City employees; it can be continued for up to six months after leaving employment at no cost.

10.02 Catastrophic Leave Program

This program establishes the procedure for full-time employees to donate vacation or sick leave to a "pool" that is designed to provide income replacement for fellow employees who have experienced a non-job related catastrophic illness, or who have a family member (as defined in Section 7.03C) in this situation. The employee must exhaust all paid leave to be eligible to apply for Catastrophic Leave, and the employee must contribute at least four (4) hours of sick leave or vacation per year to participate. Contributions will typically occur in January.

A. The employee must have completed six months of continuous service before being eligible to receive Catastrophic Leave. Employees may receive leave distributions for up to 480 hours in a rolling calendar year. The medical condition must meet the definition of "serious health condition" as defined by FMLA, and if the employee meets the tenure and family relationship requirements of FMLA, they must apply for FMLA and provide appropriate medical certification. Medical certification will be required in all circumstances before approval of Catastrophic Leave. Normal pregnancy does not apply under this policy.

B. Employees wishing to make donations to the Catastrophic Leave fund will contact Human Resources. Donations will typically occur during open enrollment for health insurance, and the transfer of the hours will generally occur in January.

C. Employees requesting leave will make application through the Human Resources Department. Only full-time employees are eligible to use this leave. Human Resources will review and notify the employee if approved. Any appeal of the decision by Human Resources shall be made within five (5) work days after receiving the decision. The appeal shall be in writing to the City Manager. The City Manager will review, and his decision will be final.

10.03 Vacation Buy-Back

If an employee has taken at least 80 hours of vacation time off during the previous fiscal year and so elects, he/she may buy back up to 40 hours of unused vacation time. The buy-back option may be used to make a one-time contribution to the employee's deferred compensation plan for that year, or it may be distributed in a one-time payment through payroll. Completed forms must be submitted to Human Resources for approval by the first Monday in November. All requests for buy-back will be distributed during the second payroll in November. This option is subject to available funding and City Council approval through the budget process each year.

10.04 Tuition Reimbursement

A. The City of Huntsville recognizes that the skills and knowledge of its employees are critical to the success of the organization. The educational assistance program encourages personal development through formal education so that employees can maintain and improve related skills or enhance their ability to compete for reasonably attainable jobs within the City.

   The City of Huntsville will provide educational assistance to all full-time regular employees who meet the following eligibility requirements:

   1. Completed one year of continuous employment with the City;
   2. Remain on the active payroll;
   3. Perform their job satisfactorily throughout the completion of each course.

B. While educational assistance is expected to enhance employee performance and professional abilities, the City cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases.

C. Guidelines: Individual courses or courses that are part of a degree, licensing, or certification program must be related to the employee's current job duties or a foreseeable future position within the organization in order to be eligible for educational assistance. Human Resources in coordination with the Department Director has the discretion to determine whether a course relates to an employee's current job duties or a foreseeable future position.

D. The City invests in educational assistance to employees with the expectation that the investment be returned through enhanced job performance. However, if an employee voluntarily separates from the City's employment within one year of the last educational assistance payment, the amount of the payment will be considered only a loan. Accordingly, the employee will be required to repay up to one hundred percent (100%) of the original educational assistance payment for the prior year.

E. Approval shall be obtained in advance, prior to starting the course, from the department Director and Human Resources.

F. The City will allow up to $500 (grade of "C" or better) per employee, per course, up to $1500 per fiscal year, upon successful completion of the course for either undergraduate or post graduate course work.

G. Tuition reimbursement funding will be administered centrally by Human Resources. Final grades and course completion documents must be submitted to Human Resources for reimbursement processing. Expenses authorized under this policy will be subject to overall budget availability.

XI. Retirement Benefits

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11.01 Texas Municipal Retirement System (TMRS)

A. Regular full-time employees are required to participate in the Texas Municipal Retirement System. Participation is immediate upon hire.

B. Regular part-time employees whose positions are scheduled or budgeted to work 1000 hours or more per year or who generally work 1000 hours or more per year are required to participate in the Texas Municipal Retirement System, irrespective of budgeted hours.

C. TMRS has both vesting and contribution requirements which are adopted by ordinance.

D. Specifics of the current plan and retirement estimates are available on the TMRS website at www.tmrs.org, or in Human Resources.

E. Employee changes such as beneficiaries, addresses and other information should be regularly updated and submitted on TMRS forms available at www.tmrs.org and a copy forwarded to Human Resources.

11.02 Optional Retirement Systems

A. Regular full-time employees may participate in voluntary deferred compensation plans offered through the International City Managers Association (ICMA). Participation may commence or cease at any time and contribution amounts may be amended at any time.

B. Regular full-time employees may participate in voluntary after-tax savings programs offered through ICMA. Participation may commence or cease at any time and contribution amounts may be amended at any time.

11.03 Social Security

The City does not participate in Social Security. Therefore, part-time and seasonal employees are required to participate in the ICMA deferred compensation plan at the rate of 7% of payroll on an after tax basis.

XII. Standards of Conduct

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12.01 Outside Employment

A. Prior to obtaining any outside employment, whether as an employee, independent contractor or otherwise, full-time employees must request prior approval in writing through their Department Directors. Department Directors must obtain this approval from the City Manager in advance. Requests will be kept on file in the HR Department.

B. Employees shall not engage in any outside employment whereby such employment would constitute a conflict of interest, would adversely affect the performance of duty, or would create a significant appearance of impropriety.

C. Outside employment must be conducted so that it does not conflict with regular duties and performance and work must not be performed during regular work hours. Performance or conflict of interest issues related to outside employment may be addressed at any time by the Department, Human Resources, or the City Manager if appropriate; the employee may need to discontinue the outside employment if it interferes with the performance of job duties.

12.02 Code of Ethics

A. It is the intent of the City of Huntsville to conduct all its business in accordance with the highest standards of ethical conduct.

B. Employees shall 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 positions of power for improper personal or professional gain.

C. City employees must not engage in any activities, transactions, or relationships that are incompatible with the impartial, objective, and effective performance of their duties, or that are adverse to the City's interest, or that may adversely affect the City's reputation.

D. Employees shall not solicit, or accept, or give any gift, gratuity, favor, entertainment, reward, or any other item of monetary value that might influence, or appear to influence, the judgment or conduct of the employee in the performance of his or her job.

E. The City encourages employees to fully exercise their constitutional rights as citizens to vote and participate in political activities, but City employees are subject to the restrictions specified in this Chapter relating to use of work time, City property, or use of their official status in political activity.

F. Employees shall avoid any action, whether or not specifically prohibited, which might result in, or create the appearance of any of the following, as identified below.

Employees must disclose any concerns or questions regarding these actions, activities or relationships to their Department Director or City Manager in advance:

1. Using public office or position for private gain
2. Giving preferential treatment to any organization or person
3. Impeding efficiency or economy
4. Losing complete independence or impartiality of action
5. Making a government decision outside official channels
6. Adversely affecting the confidence of the public in the integrity of the organization
7. Connecting the employee's public employment or position with any advertisement, product, or service. Public employment or position includes the name or logo of the City, the name of its departments, or the use of its offices.

12.03 Financial Interests

A. Employees shall not have a financial interest in any exchange with, purchase by, or sale of property, goods, or services with the City, unless the employee has disclosed the financial interest to the appropriate Department Director before any contact with the City concerning the transaction. The Department Director must notify the City Manager of the potential conflict.

12.04 Use of Official Position

A. Employees shall not use their official positions, official identifications or business cards for personal or financial gain, for obtaining privileges not otherwise available to them, or for soliciting donations or contributions, except in the performance of assigned duties or where authorized by the City Manager.

B. Employees shall not permit or authorize use of their names, photographs or official titles which identify them as City employees, or permit or authorize the name or logo of the City of Huntsville, or any of its departments or offices, or property of the City to be used in connection with testimonials or advertisements of any commodity or commercial enterprise, for any personal reasons, or for soliciting donations or contributions, without the approval of the City Manager or designee.

12.05 Disclosure of Information

A. Employees shall not make known any information concerning an investigation, a known or reported law violation, a condition against which action is to be taken at a future time, or any proposed enforcement action to any person not authorized to receive it.

B. Employees may not remove or copy official records or reports from the City unless in accordance with established procedures.

C. Employees shall not promise confidentiality or divulge the identity of a person giving confidential information, except when authorized by proper authority and necessary in the performance of their work.

D. Employees shall not use information obtained in the course and scope of employment, including City reports, records, files, or contacts with citizens, to contact any person for any purpose other than official business.

12.06 Gifts and Gratuities

A. Employees shall not accept or solicit any money, property, or any other item of value, which could be perceived in any way as intent to influence the employee in his/her official capacity.

B. Employees shall not seek, ask, or share in any fee, reward, or other reimbursement or gratuity for the performance of official duties.

C. Any gift or money received by an employee must be approved by the Department Director, and if appropriate, may be shared with other employees or donated to an approved organization.

D. Disclosure of any vendor relationships shall be in accordance with Chapter 176 of the Local Government Code, as amended, September 1, 2015.

12.07 Political Activity

A. City employees will not be appointed or retained on the basis of their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. City employees may not:

B. Engage in political activities that are violations of law, or while on duty, while in uniform or in a City vehicle, by use of employee official title or status, in offices, buildings or non-public areas of City property;

C. Publicly campaign in any manner for any person seeking a City public office;

D. Use the employee's position or office to coerce political support from employees or citizens;

E. Use the employee's official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office;

F. Make, solicit or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Council or take any part in the management, affairs or political campaign of any such candidate; provided nothing herein shall infringe upon the constitutional rights of an employee to express his or her opinions and to cast his or her vote; and,

G. Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.

12.08 Council Contacts

Employees assigned directly or indirectly to the City Manager do not have the need or authority to discuss matters affecting their employment or working conditions with members of the City Council. Employees with problems of this nature should follow their department's organizational chart, chain of command, and/or the grievance procedure as established in this handbook. Employees who do have work-related conversations with a Councilmember should disclose these conversations to their supervisor and/or the City Manager. Failure to disclose these conversations may result in disciplinary action. This policy does not apply to appointed positions (City Manager, City Secretary, Municipal Court Judge, City Attorney). Employees are not prohibited from discussing matters of public concern with a member of the City Council.

12.09 Electronic Communications System

The City may provide computer networks, Internet access, instant messaging, email, telephones, cell phones, smart phones, wireless air cards, tablet devices, iPods, laptops, PCs, flash drives, digital cameras, voice mail, printers, copiers and fax machines for use by City employees in the performance of their job duties. These communication resources are referred to collectively in this policy as "electronic communication systems". These electronic communication systems are designed to support and enhance the communication, research and information capabilities of City employees and to encourage work-related communication and sharing of information within the City. This policy governs user behavior pertaining to usage of the City's electronic communication systems. This policy applies to all City employees, contractors, volunteers and other affiliates who use the City's electronic communication systems. The City's electronic communication systems must be used in a professional, responsible, efficient, ethical and legal manner. Supervisors cannot alter the restrictions of this policy.

A. Computer, Internet and email access: Users desiring computer, Internet and/or email access must obtain approval from their immediate supervisor who must then submit a request to the IT Department. Users must acknowledge an understanding of this policy and its guidelines as a condition of receiving a computer, Internet and/or email access

account. Users must understand that use of any of the City's electronic communication systems, such as a computer, Internet and email, is a privilege. Failure to adhere to this policy and its guidelines may result in suspending or revoking the offender's privilege of access and/or other disciplinary action under City policies, up to and including termination of employment.

B. Acceptable Use: Acceptable uses of the City's electronic communication systems are limited to those activities that support City business in line with the user's job responsibilities; however, minimal personal use of the Internet, instant messaging, email and other electronic communication systems is allowed under this policy as long as such use is not excessive and/or inappropriate and does not impede job performance.

C. Unacceptable Uses of Electronic Communication Systems include:
   - Using profanity, obscenity, or other language which may be offensive or harassing to coworkers or third parties.
   - Accessing, displaying, downloading or distributing sexually explicit material.
   - Accessing, displaying, downloading or distributing profane, obscene, harassing, offensive or unprofessional messages or content.
   - Copying or downloading commercial software in violation of copyright law.
   - Using the systems for financial gain or for any commercial activity unrelated to City business.
   - Using the systems in such a manner as to create a security breach of the City's network.
   - Looking or applying for work or business opportunities other than for internal City postings.
   - Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, genetics, color, sex, national origin, age, disability, physical attributes, or veteran status.
   - Perpetuating chain e-mail letters or their equivalents and creating and/or sending spam.
   - Transmitting or sharing information regarding a coworker's health status without permission.
   - Expressing opinions or personal views that could be misconstrued as being those of the City.
   - Expressing opinions or personal views regarding management of the City or other political views.
   - Using the City's electronic communication systems for any illegal purpose or in any way that violates City policy or is contrary to the City's best interest.

D. Cellular Phone and Wireless Communications Devices:
   Devices included are cell phones, smartphones, wireless air cards, iPods, iPads, tablet

devices, laptops, netbooks, wireless hotspots, access points, pagers, and all other devices with wireless and/or 3g, 4g, or similar capabilities.

1. Employees shall comply with applicable laws regarding the use of cell phones and wireless communication devices while driving and avoid any use that may jeopardize the safety of the employee or others (see section 12.10).
2. Employees are prohibited from talking, texting, e-mailing, or surfing the internet while driving a City vehicle.
3. Public safety employees are exempt from this section of the policy only when conducting official police/fire business where stopping or parking is not an option.
4. Employees may submit a request for reimbursement when their personal cell phone is used for City related business calls. Employees may be eligible for a cell phone allowance based on their job duties, with approval of the Department Director or City Manager.

E. Filtering: The City uses software to filter Internet content for all employees. These filters are designed to prevent the viewing of any of the following types of content:
- Violence/Profanity
- Full or partial nudity
- Sexual or deviant acts
- Satanic/Cult
- Militant/Extremist
- Illegal activities

The City will review these filters on a periodic basis and may modify this list of prohibited content without notification to City employees, contractors, volunteers or other affiliates. The City Manager (or designee) may grant exceptions and exemptions to Internet filtering only after a review of the requested information has been conducted and a determination that the City's current filtering practice impedes the requestor's ability to perform his/her job duties.

F. Responsibility: Employees are responsible for the proper use of City issued user account(s) regardless if using with a personal device or on personal time. Examples include safeguarding passwords and not allowing others to use the employee's account(s). Exchanges that occur in the course of conducting City business on the City's electronic communication systems will be considered a communication of the City and held to the same standards as formal letters.

Employees should exercise good judgment and restraint when using these City owned resources.

G. No Right of Privacy/Monitoring: Users of City electronic communication systems may not assume they are provided any degree of anonymity and employees have no right to privacy with regard to such systems. Personal passwords are not an assurance of confidentiality. To ensure proper use of its electronic communication systems, the City will monitor their use. Management staff has the ability and will, with or without advance notice, monitor and view usage, including but not limited to: employee email, voice mail, Internet, text messages and information transmitted, received or stored on the City's electronic communication systems to assure that the City's resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with City policies.

The IT Director or designee has the authority to override any individual passwords and give management access to any device or data used by an employee.

H. Technology Hardware and Software:

The IT Department has ultimate responsibility for all IT hardware and software that is purchased for the City and its compatibility for use on or with the City's network. All City-wide purchases for IT hardware and software are to be made by the IT Department. IT will have the authority to remove or replace any equipment and/or software as required to implement the City's overall Information Technology needs.

1. Hardware/software**:** Any hardware/software purchased without IT approval may not be connected to the city's network, nor will it be maintained by IT staff.

2. Employee-owned equipment: Employee-owned equipment must NOT be connected to the City's network as it may contain viruses, spyware and other malicious software which can quickly damage the City's network causing performance issues, loss of data, or impairment of other important resources.

3. Redline Equipment: Occasionally IT receives requests from Departments to be issued and use computers or other equipment that is destined for disposal, "Redlined." This equipment is viewed as "free" by the receiving department, since there is no up-front cost. However, this older, obsolete equipment must still be supported by IT. This creates a burden in that the "Redline" equipment is removed from the installed base, so it results in a lower amount being budgeted for equipment replacement yet requires IT staff support for maintenance and upkeep.
   Requests for "Redline" equipment will be evaluated on a case by case basis and if approved by IT, will only be supported through the following budget year. Departments using "Redline" equipment will be responsible for submitting a supplemental budget request to replace the older equipment during the next regular budget cycle or obtaining other funding to support replacement. A supplemental budget request for "Redline" equipment not recommended for approval in the

budget will no longer be supported by IT.

4. Storage Media Destruction: When the useful life of storage media (e.g. hard/solid state drives, backup tapes) has passed, the City's IT Department destroys the media or wipes the drives with a U.S. Department of Defense approved formatting scheme. This prevents important City data from getting into the wrong hands. All unused or obsolete storage media must be turned into the IT Department for disposal. Users should never dispose of storage media by throwing the media away.

5. IT Hardware obtained as a gift, grant or other means: Unlike other forms of equipment, computers and related IT hardware represent a long-term resource commitment for administration, technical support, user support, software licensing costs, and upgrades. The initial procurement through gifts, grant funds and similar means are not "free" and should be subject to careful consideration. Any such devices must be approved by IT prior to being accepted for use by the City.

I. Copyright Restriction: Any software or other material, including music, downloaded to a City computer may be used only in ways consistent with the licenses and copyrights of the vendor, author or owner of the material. Prior written authorization from the IT Director is required before introducing any software into the City's computer system. Employees may not download entertainment software, games or any other software unrelated to their work.

J. Social Networking Policy: 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 online forums, instant messaging, social media and blogging sites. Protecting the City's reputation and ensuring that an employee's communication with people outside the City not only reflects positively on the employee as an individual, but also on the City.

The City expects all employees to follow the guidelines below when posting City related information on the Internet, regardless if done during or after work hours. This policy encompasses: wikis, tweets and twittering, Facebook, LinkedIn, blogs, and other online journals and diaries; bulletin boards and chat rooms, micro-blogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media, as well as City-operated networks.

This policy should be read and interpreted in conjunction with other City policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior and the City's Electronic Communication Systems Policy. Violations of the City's Social Networking Policy may lead to disciplinary action.

Employee complaints should be handled through the City's Grievance Policy.

Employee Guidelines:

- Any blogging or posting of information on the Internet must comply with the City's guidelines (as listed below), regardless of where the blogging or posting is done.
- 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. Requests for City documents must be processed through the Public Information Act as appropriate.
- Employees must abide by all Federal and State law and policies of the City with regard to information sent through the Internet.
- If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.
- City employees must notify their supervisors and the IT Director or designee if they identify a City business need to create a social networking site or service to conduct City business, prior to the creation of such a site. All of the employee's time spent updating or posting on behalf of the City as part of the employee's job duties is compensable time that must be reported and counted in the calculation of overtime.
- Respect coworkers and the City. Do not put anything on your blog or post any information and/or pictures on the Internet that may defame, embarrass, insult, demean or damage the reputation of the City or any of its employees.
- Do not put anything in your blog or post any information and/or pictures that may constitute violation of the City's Harassment policy. Do not post any pornographic pictures of any type that could identify you as an employee of the City.
- Do not post information on the Internet that could adversely impact the City and/or an employee of the City.
- Do not permit or fail to remove postings violating this policy, even when placed by others on the employee's blog. Recognize that postings, even if done off premises and while off duty could have an adverse effect on the City's legitimate business interests. Remember that your personal and professional lives overlap in your online activity; thus, before posting, consider how your comment or behavior would be received if it appeared in the mass media. In other words, behave as if you are in any other public setting.
- Individual supervisors do not have the authority to make exceptions to these guidelines.

12.10 Cell Phones

A. Whether department issue or otherwise, the City recognizes that many employees bring cell phones to work. Cell phones may belong to the employee or be provided for the employee's use by the City. The use of these phones, including those with cameras and video, must not interfere with job duties or performance. As with desk phones, employees must not allow excessive or loud phone use to become disruptive or interfere with their own or someone else's ability to do their jobs.

B. Except in emergencies, employees will not use cell phones without a hands free device while operating a City vehicle while on City business, including both making and receiving phone calls and texting. Other devices deemed by the Department to cause distractions or interfere with the performance of job duties, may not be utilized.

C. Texting while driving is prohibited.

D. Employees using City-issued cell phones or personal cell phones for City related business have no expectation of privacy in calls, pictures, videos, or text messages.

E. Employees are advised that records related to calls, videos, online storage and text messages made and received on City-owned devices are public information. Information related to telephone numbers called, length of call, and time and date of call as well as pictures, video, texts or online storage may be obtainable as a public record.

F. Inadvertent monitoring of private cellular conversations is possible. Caution should be used whenever confidential or sensitive information must be discussed on a City-provided cell phone.

12.11 Sexual and Other Forms of Harassment

A. All employees are entitled to a workplace free of harassment by management, supervisors, co-workers, citizens, and vendors. City employees are also prohibited from harassing other employees, citizens, vendors, and all other third parties.

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

   1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
   2. submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or

3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

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

D. Harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by law is also prohibited.

E. Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited.

F. Prohibited conduct also includes the sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via any electronic devices, media or the internet. Harassment of any nature, when based on race, religion, color, sex, national origin, age or disability, genetics, veteran status, citizenship or any other characteristic protected by law is prohibited.

G. Reporting of harassment is strongly encouraged, regardless of the offender's identity or position. Employees who observe or otherwise learn of possible harassment in the workplace or who feel that harassment as occurred or has been subjected to conduct prohibited by this policy may report it to Human Resources or the City Manager's Office. Under this policy, employees may report to or contact the Director of Human Resources directly, without regard to the normal chain of command.

H. Retaliation against employees who make good faith charges or reports of prohibited conduct or who assist in complaint investigations is prohibited. Acts of retaliation must be reported immediately as set out above.

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

J. Employees are required to comply with an investigation under this or any other policy.

K. All complaints of harassment will be promptly investigated under the guidance of Human Resources, the City Attorney, and/or by an outside investigator as determined by the City.

12.12 Dress Code and Uniforms

It is the policy of the City of Huntsville that each employee's dress, grooming, personal hygiene and appearance should be appropriate for the work situation. During business hours or when representing the City of Huntsville, employees are expected to present a professional, businesslike image. On certain days or occasions, employees are allowed to dress in a more casual fashion than normal, upon approval of the City Manager or Department Director. On these days or occasions, employees are still expected to present a neat, appropriate appearance, and must adhere to dress code standards.

Department Directors are responsible for establishing reasonable dress codes for their individual departments that are appropriate for the job being performed or the work situation, outside of an office environment. Certain employees may be required to wear uniforms. Employees required to wear uniforms must follow individual department guidelines regarding uniforms, which may include cleaning schedules, returning of uniforms, and the wearing of uniforms outside of the workplace.

For those employees wearing approved, City-furnished uniforms, the uniforms shall be relatively clean, and free from tears and rips. The City logo and employee's name shall remain visible and should not be covered up or shielded unless a jacket or sweater is worn over the uniform shirt because of weather conditions. Only proper names or pre-approved "nicknames" will be used on City uniforms. Employees, who wear hats or caps during business hours or when representing the City, must wear City issued hats or caps only, and must be approved by the Department.

Any employee who does not meet the standards of this policy will be directed by the employee's Manager/Supervisor or Department Director to take corrective action, which may include leaving the workplace until he/she is properly dressed or groomed. An employee's failure to comply with this directive will be grounds for disciplinary action. The employee may not be compensated during time away from work to comply with this policy.

12.13 Arrests and Confinement

A. Employees are required to notify their departments in the case of an arrest, confinement, or driving under the influence allegation.

B. Employee Detained by Law Enforcement Authorities: An employee that is questioned by law enforcement authorities and not free to leave is considered to be "detained." A detained employee, who fails to report to work at the employee's regularly scheduled time, and/or provide timely notification to the supervisor, will be subject to disciplinary action for unauthorized absence. Employees are to contact their immediate supervisor at the beginning of the next work shift after being detained by law enforcement authorities, to report the detainment, arrest, confinement or indictment and reason. If the employee is unable to report to the supervisor because of confinement, the employee must have someone contact the supervisor for the employee, no later than the beginning of the next scheduled work shift, to report why the employee is unable to report to work.

C. Violations of Law Discovered through Criminal History Check: The City may conduct criminal history checks on existing employees at any time during their employment, for any reason. Conduct constituting an offense, arrest or conviction that is discovered may result in disciplinary action, up to and including termination.

D. Exempt Employees: Depending on the circumstances of the arrest, confinement, or indictment, the salary or the leave accruals of an exempt employee may be docked for absences of less than one (1) full work day.

E. Non-exempt Employees: If a non-exempt employee does not report to work as scheduled, the time missed will be recorded as unpaid leave.

F. Felonies and Misdemeanors: Employees must immediately notify their supervisor and/or Department Director within twenty-four (24) hours if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead nolo contendere to any misdemeanor or felony. In most instances, the City will conduct its own investigation and take appropriate action. An employee arrested, charged, or indicted for a felony or misdemeanor, or accused by information of official misconduct or other serious criminal violation may be placed on administrative leave (with or without pay) until the charge, indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are completed and all related administrative matters are concluded. Such a determination will typically be made by the Department Director and the Director of Human Resources. An employee on administrative leave may, in the City's sole discretion, be reinstated to the position held before being placed on administrative leave (if available), if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.

G. Employee Status after Violation of Law: At the time the employee's department is made aware of an employee's arrest or conduct constituting an offense, the Department Director shall consult with Human Resources to determine available options which may include, but are not limited to:

1. allowing the employee to return to regular duty with pay;
2. allowing the employee to return to restricted duty with pay;
3. placing the employee on paid administrative leave;
4. placing the employee on unpaid administrative leave; or
5. terminating the employee.

H. Disciplinary Action: Disciplinary action may be pursued concurrently or in place of the above options or imposed at a later date. Multiple violations of law or confinements within a prescribed time period may also result in disciplinary action.

I. Other Policies: This policy should not be construed to limit disciplinary action that may be taken in accordance with other Personnel Policies and Procedures, department policies, or other city wide policies.

12.14 Tobacco Use

A. Employees are prohibited from using any type of tobacco in any City building, and other facilities, in City vehicles, and while using City equipment. Tobacco is defined as cigars, cigarettes, electronic cigarettes, or any type of smokeless tobacco.

B. Employees may smoke or use smokeless tobacco in designated areas only.

C. Departments which provide regularly scheduled work breaks are not required to provide tobacco-use breaks in addition to regularly scheduled work breaks.

12.15 City Property

A. The City attempts to provide employees with adequate tools, equipment, vehicles and facilities for the job being performed, and the City requires all employees to observe safe work practices and lawful, careful and courteous operation of vehicles and equipment. Any City-provided safety equipment must be used at all times.

1. From time to time, the City may issue various equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, uniforms, cell phones, computers, and computer-related equipment. Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties. At the time of issuance, employees may be required to sign certain forms or

other documentation evidencing their receipt of property and/or equipment and authorizing a payroll deduction for the cost of lost, damaged, or unreturned items. In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.

2. Employees must notify their supervisor immediately if any vehicle, equipment, machinery, tools, etc. appears to be damaged or defective, or are in need of repair. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of equipment will likely result in disciplinary action.

B. Personal Use Prohibited. City property, materials, supplies, tools, equipment or vehicles may not be removed from the premises or used for personal business without prior written approval by the City Manager, or the Department Director.

C. Vehicle Allowance. An employee may be given a monthly allowance for consistently using such employee's own vehicle for City business if the use is deemed necessary by the City Manager. The amount of the allowance shall be determined by the City Manager.

D. Take Home Vehicles**.** A City vehicle may be assigned to a position or employee when it is more economical than payment of a car allowance or mileage reimbursement. To be eligible for assignment of a take-home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal work station. No personal use of a take-home vehicle is permitted except to commute to and from home or work. A City vehicle is not to be used for personal business such as going to the bank, grocery store, etc. without prior written approval of the City Manager or Department Director. No alcoholic beverages are allowed in City vehicles. No passengers may be transported in take-home vehicles except as required by official duties approved by the Department. Public Safety employees should refer to Departmental policy.

E. The City's vehicles are classified as either "exempt" or **"**non-exempt" as prescribed by law. Employee**s** to whom a "non-exempt" vehicle is assigned for take-home will likely incur a federal income tax liability for the fringe benefit of commuting to and from work. Most pickups, vans and automobiles are classified as "non-exempt" vehicles. Police and Fire vehicles used by employees on call 24-hours are normally exempt from the fringe benefit tax liability.

F. Use of City Vehicles. City-owned or leased vehicles may be used only for official City business. City owned or leased vehicles may only be driven by authorized City employees. If an employee drives a personal 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.

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. No personal use of City-provided vehicles is allowed without the prior, specific approval of the Department Director.

6. All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor.

7. Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.

8. All drivers must be eligible for coverage under the City's insurance policy.

9. AT NO TIME MAY AN EMPLOYEE UNDER THE INFLUENCE OF ALCOHOL OR A PRESENCE IN THE SYSTEM OF ILLEGAL DRUGS DRIVE A CITY VEHICLE OR A PERSONAL VEHICLE WHILE CONDUCTING CITY BUSINESS.

10. EMPLOYEES INVOLVED IN A COLLISION 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, DEPARTMENT DIRECTOR, AND/OR CITY MANAGER. ACCIDENT REPORTS, ALONG WITH ANY LAW ENFORCEMENT REPORT, MUST BE FILED BY THE EMPLOYEE WITH THE DEPARTMENT DIRECTOR AND THE DIRECTOR OF HUMAN RESOURCES.

The City may, at any time, check the driving record of a City employee who drives as part of the job duties to determine that the necessary qualifications are maintained as a City driver. Employees must cooperate in giving the City whatever authorization is required for this purpose.

The above is not a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive,

unauthorized, or unsafe use or operation of a vehicle, may result in loss of driving privilege or disciplinary action.

G. All employees shall be solely responsible for their personal property at all times.

12.16 Weapons Control and Violence Prevention Policy

The City strives to provide a safe and secure working environment for its employees. This policy is designed to help prevent incidents of violence from occurring in the workplace and to provide for the appropriate response when and if such incidents do occur.

A. Zero Tolerance: This policy prohibits harassment, intimidation, threats, and violent behavior by or towards anyone in the workplace, that is in any way job- or City-related, that is or might be carried out on City-property, or that is in any way connected to the employee's employment with the City, whether the conduct occurs on-duty or off-duty. The City has a zero tolerance policy for this type of misconduct.

B. Weapons Banned: Unless specifically authorized by the City Manager, no employee, other than a licensed peace officer, shall carry or possess a firearm or other weapon on City property. Employees are also prohibited from carrying a weapon while on duty. Prohibited weapons include firearms, clubs, explosive devices, or knives with blades exceeding 5 ½ inches. Employees do not have an expectation of privacy, and the City retains the right to search for firearms or other weapons on City property.

   Employees licensed by the State of Texas to carry a concealed weapon may have a permitted weapon only on the City parking lot, parking garage or parking area, if it is locked in the employee's vehicle. This would also apply to any "open carry" provision in the law.

C. Mandatory Reporting: Each City employee must immediately notify his/her supervisor, Department Director, the Director of Human Resources and /or the Police Department of any act of violence or of any threat involving a City employee that the employee has witnessed, received, or has been told that another person has witnessed or received. Even without an actual threat, each City employee must also report any behavior that the employee regards as threatening or violent when that behavior is job-related or might be carried out on City property, a City-controlled site or City job site, or when that behavior is in any manner connected to City employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the target of the threatening behavior. A supervisor who is made aware of such a threat or other conduct must immediately notify his/her Department Director and the Director of Human Resources.

D. Protective Orders: Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas must immediately provide to the Director of Human Resources and the City's Police Department a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. City employee**s** must immediately advise their Department Director and the Director of Human Resources of any protective or restraining order issued against them.

E. Confidentiality: To the extent possible, while accomplishing the purposes of this policy, the City will respect the privacy of reporting employees and will treat information and reports confidentially. Such information will be released or distributed only to appropriate law enforcement personnel, City management, and others on a need-to-know basis and as may otherwise be required by law.

F. City Property: For purposes of this policy, City property includes but is not limited to owned or leased vehicles, buildings and facilities, entrances, exits, break areas, parking lots and surrounding areas, recreation centers, swimming pools, and parks.

G. Documentation: When appropriate, threats and incidents of violence will be documented. Documentation will be maintained by the Director of Human Resources and/or the Police Department.

H. Policy Violations: Violations of this policy may lead to disciplinary action, up to and including termination of employment. Policy violations may also result in arrest and prosecution.

XIII. Drug Free Workplace

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13.01 Prohibition Against Alcohol and Illegal and Unauthorized Drugs

A. It is the desire of the City to provide an alcohol and drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.

B. While on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment, no employee may use, possess, distribute, sell, or be under the influence of alcohol (except under the limited circumstances described below), inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.

C. The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle or City vehicle while under the influence of alcohol. No employee in his or her work-related capacity should ever be impaired because of the excessive use of alcohol. Absent specific approval by the City Manager, City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.

D. Prohibition Against Illegal and Unauthorized Drug-Related Paraphernalia. This policy also prohibits the use, possession, distribution and sale of drug-related paraphernalia while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

E. Permissive Use of Prescribed and Over-The-Counter Drugs. The legal use of prescribed and over-the-counter drugs is permitted only if it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.

F. Police Department Employees. Certain Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such

employees will be exempted from certain portions of this policy under certain limited conditions. Additional guidelines may be established by Police Department operating procedures.

G. Mandatory Disclosure by Employees. Employees taking prescription medication and/or over-the-counter medication must report such use to either their Department Director or to the City Manager if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his or her job (or operate a vehicle, property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.

H. On-Call Employees. Employees scheduled to be on call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on call, and is called out, is governed by this policy. Sometimes, an employee who is not scheduled to be on call may nevertheless be called out. If this or any other situation occurs where the employee called out is under the influence of alcohol or has a presence in the system of drugs, such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty. The employee will not be required to report to work.

I. Mandatory Reporting of Arrests and Convictions. Employees must notify their immediate supervisor and the Department Director, in writing, of any alcohol or drug-related arrest and/or convictions (including a plea of nolo contendere) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than twenty-four (24) hours after the arrest and/or conviction. Refer to section 12.13.

J. Off-Duty Conduct. The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects the employee's job performance. Any employee reporting to work under the influence of illegal drugs or alcohol (.02 BAC or higher) may be disciplined, up to and including termination.

13.02 Rehabilitation/Treatment

A. It is the City's desire to assist employees who voluntarily request assistance with alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge the problem and seek and accept counseling and/or rehabilitation before it impairs job performance and/or jeopardizes the employee's employment.

B. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The leave of absence may be granted in the City's sole discretion. Factors considered by the City in deciding whether to grant leave include:

1. the length of the employee's employment with the City;

2. the employee's prior work and disciplinary history;

3. the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program;

4. the reputation of the program and the likelihood of a successful outcome;

5. the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace; and

6. the resulting hardship on the City due to the employee's absence.

Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during the course of an employee's employment with the City.

C. The cost of any rehabilitation or treatment may be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.

D. During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time.

E. If the employee successfully completes the prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to the prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:

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

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

3. Employees will be required to sign a HIPAA release for the purpose of periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;

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

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

13.03 Policy Violations

Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. The Police and Fire Departments may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the Director of Human Resources to receive assistance or referrals to appropriate resources in the community.

13.04 Testing

A. Types of Tests. Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, intoxilyzer, blood, or other generally-accepted testing procedure.

B. Testing of Applicants. All applicants for employment to whom a conditional offer of employment has been made will be required to submit to testing for alcohol and illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the City.

C. Testing of Employees.

1. Employees may be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or accident or "near miss," when reasonable suspicion exists, or in

connection with any required treatment or rehabilitation. Supervisors must coordinate all testing with the Human Resources Director or designee.

2. Police and Fire Department employees are also subject to any applicable Departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.

3. For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee's behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).

4. Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee's normal work time.

5. Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.

6. A positive test result is a violation of the City's Drug and Alcohol Use Policy and will result in termination of employment.

7. The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Please see the City's Drug and Alcohol Policy for DOT Employees for additional information.

D. Testing Procedures.

1. All testing must normally be authorized in advance by both the employee's Department Director and the Director of Human Resources. If the Department Director is unavailable within a reasonable period of time, the Director of Human Resources may, with sole discretion, authorize the testing of an employee. If the Director of Human Resources is unavailable within a reasonable period of time, the Department Director may, with sole discretion, authorize the testing of an

employee. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable factors which led the supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.

2. If an employee's conduct resulted in a work place accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put the employee on paid administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing.

3. All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.

4. Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the Director of Human Resources; supervisors and managers on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

13.05 DOT Drug and Alcohol Policy

Employees who drive a commercial motor vehicle (CMV) requiring a Commercial Driver's License (CDL) as part of their job duties are subject to alcohol and drug testing as required by the U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration and as outlined in "FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA) PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAM."

Human Resources and the hiring Supervisor will advise the employee if the employee is subject to DOT testing and of the terms of this policy. Employees who are not required by DOT to hold a CDL are not subject to this policy. Applicants for employment for a position requiring a CDL are also subject to testing under this policy.

Employees covered by this policy are also required to comply with the City's Drug and Alcohol Policy. This DOT Drug and Alcohol Policy is in addition to, not in lieu of, the provisions of the City's General Drug and Alcohol Use Policy. DOT tests will be completely separate from non-DOT tests in all respects. DOT tests take priority and will be conducted and completed before a non-DOT test is begun. All drug and alcohol testing performed under this DOT Policy will comply with applicable DOT procedures. If this policy conflicts with DOT regulations in any way, the DOT regulations will govern.

Employees required by DOT to hold a CDL, due to the type of equipment they operate, must be certified by Human Resources prior to performing the covered functions under this policy, and are subject to this policy. Employees who hold these jobs are required to carry their CDLs when they are at work or are operating City equipment. Employees required to hold a CDL for their position will be subject to random testing, reasonable suspicion testing, and post-accident testing. Post-accident testing will be conducted in accordance with 49 CFR Part 382.303.

XIV. Discipline Process

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14.01 At-will Employment

A. At-will employment is not affected by any progressive discipline process.

B. Employment with the City is at-will and either the employee or the employer may terminate the relationship at any time for any reason not contrary to law or no reason at all. Any employee of the City may be removed with or without cause. This removal power is subject to any exceptions in the City Charter.

C. 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 handbooks, employment applications, or other materials provided to employees.

D. Nothing in this policy manual is intended to change or modify the at will status of City employees or to create or confer any property rights or expectations of continued employment to any employee.

14.02 Progressive Discipline

A. The City may use a progressive disciplinary system. The City is not obligated to use all of the progressive disciplinary steps available, and may begin the disciplinary process at any level, up to and including immediate discharge without the use of prior disciplinary steps, depending upon the severity of the conduct, prior work performance and prior disciplinary history, length of service, and any mitigating circumstances.

B. Disciplinary action may consist of any of the steps identified below. Police and fire employees are also subject to the provisions of Chapter 614 Subchapter B in the Local Government Code.

   1. Verbal warning or counseling
   2. Written warning or reprimand
   3. Suspension with or without pay
   4. Probation
   5. Last Chance Agreement
   6. Demotion
   7. Discharge

C. All forms of discipline, other than verbal warnings, must be documented and will be placed in the employee's official file. In the event an employee is to be discharged, the supervisor shall forward a copy of the documentation to Human Resources for review prior to taking the action.

14.03 Supervisor Responsibilities

A. All employees with the responsibility and authority to supervise and direct employees under their control shall administer policies and procedures within their scope of authority; document subordinate job performance, conduct, and behavior as appropriate; properly conduct evaluations of subordinates in a timely manner; discipline subordinates as required under their departmental and City policies and procedures, as well as address performance appeals submitted to them as provided by policy in a professional manner, in an attempt to resolve such issues at the lowest possible supervisory level.

14.04 Human Resources Review

A. Proposed disciplinary actions in excess of verbal warnings should be reviewed by Human Resources prior to being given to the employee. This applies to both employees serving their initial orientation periods and regular employees who have completed their initial orientation periods.

B. Proposed disciplinary actions consisting of suspensions or above (demotion, discharge or other) must be reviewed by Human Resources. This applies to both employees serving in their initial orientation periods and regular employees who have completed the initial orientation periods.

14.05 Employee Discharge Processing

A. Department Directors must approve all disciplinary actions and coordinate with Human Resources to ensure proper documentation. Two supervisors or the supervisor and a representative from Human Resources must be present during employee terminations.

B. Exiting employees must schedule an appointment with Human Resources for completion of final paperwork regarding return of City property, final pay and benefits.

14.06 Appeals of Discipline

A. All employees are employed “at will.” In cases where disciplinary actions involve suspension, demotion or discharge, employees normally are provided an opportunity to respond to the allegations prior to disciplinary action. Employees may request a review by the next level supervisor up to review by the City Manager. However, positions classified at the director level and above are employed at the will and pleasure of the City Manager and have no right of appeal for any type of disciplinary action, including termination.

B. Employees serving their initial orientation periods have no right of appeal for disciplinary action taken against them, including termination.

14.07 Prohibited Activities

A. Disciplinary action will be imposed for violations of City or department policies and procedures, codes of conduct, and rules and regulations, either written or verbal.

B. Disciplinary action will be imposed for acts not specifically addressed in policies and procedures, codes of conduct, and rules and regulations, as they may adversely affect the City or put the health and safety of fellow employees, citizens or other third parties at risk.

C. As it is impossible to list all forms of behaviors considered unacceptable in the workplace, the following is a list of examples which will likely result in disciplinary action, up to and including termination of employment.

    1. Theft or inappropriate removal or use of City property or other property not belonging to employees

    2. Falsification of time worked or other records, including applications

    3. Working under the influence or a presence in the system of alcohol or illegal drugs, or not reporting to supervisor medications that may influence ability to complete tasks or job duties safely

    4. Possession, distribution, sale, transfer or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City-owned or leased equipment (unless authorized under section 13.01)

    5. Violation of the sexual or other unlawful harassment policy

    6. Interfering with work schedules or another employee's ability to work

    7. Misuse of phones, computers, mail systems, internet, social media, etc.

    8. Excessive or unscheduled absenteeism, tardiness, breaks or absences without notice or approval

    9. Breaks in excess of the allotted time allowed

    10. Violation of safety or health rules

    11. Failure to report accidents or injuries

    12. Profanity, abusive language or racial or sexist slurs

13. Disclosure of confidential information

14. Violation of City or department policies, code of conduct, rules and procedures, or City Charter

15. Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials or others

16. Making or publishing false, vicious, or malicious statements about the City, employees, citizens or others

17. Discourteous treatment of the public

18. Unsatisfactory performance or conduct, inefficiency, incompetence or neglect of duty

19. Fighting, provoking or instigating a fight or threatening violence, or other disruptive activities

20. Engaging in work stoppages

21. Conduct resulting in waste or damage of another employee's, City, or citizen owned property

22. Insubordination, disrespectful or unprofessional conduct, discourteous treatment of the public

23. Unauthorized possession of weapons on City time, on City premises or while on City business (except licensed peace officers required to carry a weapon as part of the job duties or employees with a legally permitted weapon locked in their personal vehicle)

24. Violations of local, state or federal law

25. Conviction of a felony

26. Failure to report to work upon conclusion of authorized leave or disciplinary action

27. Outside employment conflicting with City interests

28. Acceptance of payment of any kind for activities related to City employment

29. Refusal or failure to follow directives

30. Sleeping on the job (except for fire Department personnel who are governed by applicable Fire Department Rules and Regulations)

31. Dishonesty, including misrepresentation during the hiring process

32. Disruptive activity in the workplace

33. Accumulation of minor infractions

14.08 Pre-Disciplinary Process

A. Prior to any suspension, demotion or termination, employees will be provided, in writing, an outline of the rule violations, conduct or behavior leading up to the proposed disciplinary action. Subsequently, the employee will be provided an opportunity to respond, in writing, to the conduct leading up to the proposed disciplinary action.

B. During any investigation of any conduct or behavior which may result in discipline, employees may be placed on administrative leave at the City's sole discretion. This leave may be with or without pay, or may be charged to available accrued leave if authorized by the City Manager.

XV. Appeals and Grievances

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15.01 Appeals and Grievances Definitions

A. An appeal is a formal process whereby employees may dispute disciplinary actions above the written reprimand level. Employees may appeal disciplinary actions through this process.

B. A grievance is a formal process whereby employees may complain about perceived inconsistent or unlawful treatment, inconsistent interpretation or application of City or department policies, procedures or practices, and retaliation. Employees may file grievances through this process.

15.02 Grievance Process

A. Employees desiring to submit complaints or grievances must first discuss them with their immediate supervisor or Director as appropriate.

B. If the matter is not resolved to the satisfaction of the employee, the employee must discuss the matter with the Department Director. Matters submitted to the employee's Department Director must be submitted in writing within three (3) business days of receiving the verbal response from the supervisor.

C. Department Directors must respond, in writing, to the grieving employees, within five (5) business days of receipt the grievance. If circumstances require an extension of the five days, the Director must communicate to the employee the reason and agree on a time line for response.

D. If the matter is not resolved to the satisfaction of the employee, and the employee desires to forward the issue to the City Manager, the employee must present the matter to the Director of Human Resources, in writing, within three (3) business days of receiving the response from the Department Director. Employees must state: 1) the basis of the grievance, 2) why the Department Director's response is not satisfactory and 3) the employee's desire to have the grievance considered by the City Manager. Upon receipt of the grievance, the Director of Human Resources will forward the written grievance to the City Manager.

E. At the discretion of the City Manager, a review or investigation of the grievance may be conducted.

F. The decision of the City Manager is final.

15.03 Response to a Written Reprimand and Below

A. Employees may write a response to a written reprimand and have it filed in the personnel file with the original disciplinary document.

15.04 Appeals Process for Actions above Written Reprimand

A. All disciplinary actions above the written reprimand level (suspension, demotion, discharge, etc.) must be forwarded to the Department Director within three (3) business days of the action for review. Employees may request review of the Department Director's decision to the City Manager. Therefore, appeal for relief to the City Manager must be submitted in writing to the Director of Human Resources, within three (3) business days of the action. In requesting the appeal, employees must state: 1) the reason for the appeal, 2) requested resolution and 3) a desire to have the appeal considered by the City Manager.

B. At the discretion of the City Manager, a review or investigation of the appeal may be conducted.

C. The decision of the City Manager is final.

D. If the decision through the appeal process is reinstatement, the employee's pay will be restored and the employee may be paid for any time lost through the appeals process. The original documentation will be placed in the employee's personnel file along with the final decision of the City Manager.

XVI. Employee Separation

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16.01 Voluntary Separation

A. Voluntary separation, in the form of termination by resignation or retirement, occurs when employees voluntarily resign with a written two week notice stating the final working day and the reason for the resignation. Employees who provide such notice will be determined to have left in good standing. It is understood that, in most Director level positions, generally a longer notice period is acceptable practice.

B. Departments will retain responsibility for gathering all keys, phones, equipment, badges and other items for which the exiting employees are responsible, and ending electronic access to systems and programs.

C. Payouts will include all time and accruals based on current policy, which are identified in a separate section of this policy.

16.02 Involuntary Separation

A. Involuntary separation may be in the form of disciplinary termination, termination for incapacity, job abandonment, or reduction in force or death.

B. Dismissal/Termination. The City may terminate an employee's employment as a result of unsatisfactory performance or conduct and/or violation of City policies or procedures, including a new hire who fails to successfully complete the orientation period. City employees who are terminated, or who resign in lieu of termination, due to unsatisfactory performance, pending results of an investigation, or conduct and /or violation of City policies or procedures, are not eligible for rehire.

C. Dismissal may also occur for the following:

1. Job Abandonment. If an employee fails to properly notify the City of an absence from work or if an employee is absent without authorization and/or notification for two or more consecutive days, the City will normally consider the employee to have abandoned employment, and the employee will be considered to have resigned from the position.

2. Long-Term Absence. Leave of absence may be granted if it is a reasonable accommodation justified by medical necessity and doesn't create an undue hardship on the City. This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act.

3. Incapacity. An employee may be terminated for incapacity when after engaging in communication with Human Resources, they no longer meet the physical or mental requirement of the job with or without accommodations. A termination for

incapacity is not considered a disciplinary action. The employee may then elect to receive accrued vacation and sick leave benefits if provided by policy, if any, payable upon termination.

4. Reductions-in-Force/Reorganization. An employee may be separated from City service when it is deemed necessary by reason of shortage of funds or work, the abolition of the position, or other material change in the duties of the organization, or for other reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee.

5. Death. If a City employee dies, the designated beneficiary or estate will be paid all earned pay and payable benefits.

D. Departments will retain responsibility for gathering all keys, phones, equipment, badges and other items for which the exiting employees are responsible, and ending electronic access to systems and programs.

E. Payouts will include all time and accruals based on current policy, which are identified in a separate section of this policy.

F. Employees who are involuntarily separated due to disciplinary actions and who are unsuccessful in any appeal process will retain the original termination date.

16.03 Reduction in Force

A. The policy of the City of Huntsville is to ensure departments and divisions are staffed with adequate personnel to provide effective and efficient delivery of services to the citizens. When economic or other conditions create funding difficulties which may necessitate reduction in delivery of services to the citizens, the City may be required to reduce staffing levels in certain departments or divisions. This policy applies to all regular full-time employees at the City, including police officers and fire fighters.

B. Department Directors may reduce the work force in their respective departments by laying off an employee by reason of abolition of position, changes in services, shortage of work or funds or other reasons outside the employee's control which do not reflect discredit on the work performance of the employee. Reduction in force is not considered disciplinary. All recommended reduction in force and reorganization decisions must be discussed with Human Resources. An employee whose position has been eliminated in one department or division may be transferred to a comparable position elsewhere in the City, if such position is available and the employee meets the minimum qualifications of the new position. Compensation may be adjusted accordingly. The City cannot guarantee the employee another position.

If layoffs are required, the decisions will be determined by the current operating needs of the City with consideration given to other job related criteria.

C. Severance pay is based on the number of full, continuous, non-interrupted years of service with the City, as described below. An employee may receive up to a maximum of seven (7) weeks of pay:

Years of Service	Benefit (Hours of Severance Pay)
< 1 year	1 week (40 hours)
1 – 2 years	10 days (80 hours)
3 – 5 years	15 days (120 hours)
6 – 8 years	20 days (160 hours)
9 –12 years	25 days (200 hours)
13 – 15 years	30 days (240 hours)
Over 16 years	35 days (280 hours)

Any other benefits which the employee is eligible upon separation will be paid in accordance with those policies.

D. Re-employment Benefits. If a laid-off employee successfully completes the application process and is rehired with the City within six (6) months after the effective date of the lay-off, that employee will be reinstated with the same level benefits documented at the time of lay-off. Any employees rehired with over a six (6) month break in service will be considered as any other new employee. The term of the separation may not be used toward the employee's retirement eligibility, and no contributions will be made by the employee or the City for this term.

XVII. Attendance

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17.01 Attendance Standards

A. To maintain a high level of responsiveness to the needs of citizens and other employees, departments will establish and maintain standard working hours for employees. It is the responsibility of all employees to follow established work hours, avoid tardiness and unauthorized absences, and follow department reporting requirements.

B. The City reserves the right to establish official work hours for any position. Department Directors may provide alternate work schedules to meet department or individual needs, as appropriate.

17.02 Hours of Work

A. Each department will establish and define the normal work week or in the case of police and fire, the normal work period. Human Resources must review for compliance with the Fair Labor Standards Act (FLSA) prior to implementation.

B. Directors may define different workweeks and work periods for different employees or groups of employees provided Human Resources has reviewed for compliance with FLSA. These may include flexible working arrangements.

C. Hours worked is defined as the time the department requires or permits non-exempt employees to be on duty.

17.03 Additional Work

A. When necessary or required by the department, employees may be required to work hours in excess of official hours. Such assignments may be rotated and allocated among employees, and may be granted for a specific period of time, or on an ongoing basis, as circumstances warrant.

B. Unless approved in advance by the immediate supervisor, non-exempt employees completing work or tasks at any time other than authorized work hours, is prohibited. Examples include working before or after regular working hours, taking work home, and updating official social media sites after hours.

C. Employees working unauthorized work hours or overtime may be subject to disciplinary action.

17.04 Job Abandonment

Employees who fail to properly notify the City of an absence from work or if an employee is absent without authorization and/or notification for two or more

consecutive days, the City will normally consider the employee to have abandoned employment and resigned their position.

17.05 Inclement Weather

A. Except for extraordinary circumstances, City offices will remain open. All City employees, whether exempt or non-exempt, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations.

B. If an employee determines that the weather conditions constitute a danger to life and/or property, the employee must notify the immediate supervisor and/or Department Director and make arrangements to report to work if weather conditions improve. Any leave taken due to inclement weather can be flexed or charged to accrued time with the exception of sick leave. Regular full-time and part-time non-exempt employees who are unable to flex their time and who have no eligible accrued time available will not be paid for the time missed.

C. The Department Director/immediate supervisor is responsible for seeing that City services are staffed while City offices are open for business during inclement weather or emergency conditions. Any City service that cannot be provided during inclement weather or other emergency conditions must be immediately reported to the City Manager's Office.

D. When weather or other conditions are such that the City Manager declares certain City offices/departments officially closed, all affected personnel, i.e., those non-essential employees who were scheduled to work during the time of closure, will be granted “administrative leave” for the time the office/department is closed. Essential personnel must report to work even when other City departments are officially closed due to weather or other type of extraordinary circumstances. Essential personnel required to be on the job regardless of adverse weather or other conditions are designated by the Department Director and/or the City Manager. Essential personnel who fail to report to work may be subject to disciplinary action up to and including termination of employment. Employees are required to sign an acknowledgement form that they have received notice of their designation of essential or non-essential status and requirement to work during inclement weather at time of employment. Department Directors will establish essential and/or non-essential personnel based on the specific emergency or tasks required.