

# **CITY OF BEEVILLE**

## **EMPLOYEE HANDBOOK**



400 N WASHINGTON  
BEEVILLE, TX 78102

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## **MISSION STATEMENT**

The City of Beeville is dedicated to delivering services in a timely fashion using cost effective methods that enhance the quality of life for all residents.

## **VISION STATEMENT**

Beeville will become proactive and make collaborate efforts for community enhancement that will make it a thriving, attractive and unified place for residents and employers for a higher quality of life through opportunities.

## **GUIDING PRINCIPLES**

A guiding principle expressed a basic value and operating policy that will apply regardless of the course of the action ultimately chosen.

- Beeville will be **POSITIVE** and **FORWARD-THINKING**, continuing to build on the momentum of recent partnerships and successes to address challenges and seize opportunities.
- Beeville will be an **ATTRACTIVE and OPPORTUNITY-FILLED** place to live, improving the image of the area as it strives to become a more complete community, with leisure offering to go with its strengthening economic base.
- Beeville will be a place that promotes a **HIGH QUALITY OF LIFE** for all residents, listening and responding to residents' concerns and aspirations, and seeking to involve more residents in making Beeville a strong community.
- Beeville will be **FOCUSED** on addressing core priorities, including providing an adequate supply and quality of housing and the necessary supporting infrastructure to accommodate growth.

## **Section 1.00: Introduction**

### **POLICY NO. 1.1 WELCOME TO CITY OF BEEVILLE**

The “City of Beeville” exists for only one reason. That reason is to provide specific services to the citizens of Beeville, Texas. The job of City employees is to help provide one or more of those services. City employees are representatives of the city. Always be courteous, listen carefully to complaints, and aid the citizens by referring him/her to the proper office for the correction of their problem, if you are not able to personally help. Success in providing services to the citizens of Beeville, as well as individual employee success, depends upon the cooperation of every employee, regardless of what the job may be.

These personnel policies will give you most of the answers about employment with the City; however, there will be additional administrative rules and regulations adopted by individual departments (subject to approval of the City Manager) that are needed to fit special needs of each department.

This Employee Handbook is a brief description of the personnel policies, benefits, rules of conduct, and safe practices of City of Beeville, Texas. It is designed as a reference and is subject to the terms and conditions of other standard operating procedures, personal instructions, and government regulations. City of Beeville policies, procedures, and benefits are periodically reviewed and may be changed. Regarding any provision of the Employee Handbook, all requests for approval by the City Manager shall be submitted in writing and the City Manager’s approval shall be in writing.

Nothing contained in this Employee Handbook, or any other materials or information distributed by the City of Beeville creates a contract of employment between an employee and the city. Employment is on an at-will basis. This means that employees are free to end their employment at any time, for any reason, and the city retains that same right. No agreements to the contrary, written, or oral, made either before or during an individual’s employment, can change this. No individual supervisor, manager, or officer can make a contrary agreement, except for the City Council; and even then, such an agreement must be set forth in a written employment contract with the employee, signed by the Mayor.

The policies in this manual are intended for all employees of the City of Beeville, its divisions and subsidiaries. The city reserves the right to revise, change, or terminate policies or procedures at any time, with or without notice.

This edition of the Employee Handbook, dated April 12, 2022, replaces previous personnel manuals, employment policies, guidelines, and other related memos notices, and emails, etc.

These policies present the primary rules for governing employment with the City of Beeville which are adopted in order to promote consistency, equitable, and effective practices by all City Employees. All employees are required to read the employee handbook carefully and to adhere to the rules and regulations stated herein. All employees must become familiar with and abide by these policies.

### **EQUAL OPPORTUNITY EMPLOYER:**

The City of Beeville is an Equal Opportunity Employer and does not discriminate in employment or services because of race, color, national origin, gender, age, religion, disability, or sexual preference. It is the policy of the City of Beeville to provide equality of rights as stipulated under state and federal law.

### **POLICY NO. 1.2 INTRODUCTION**

This Employee Handbook ("Handbook") is designed to summarize certain personnel policies and benefits of City of Beeville and to acquaint employees with many of the rules concerning employment with the City. This Handbook applies to all employees, and compliance with the City's policies is a condition of employment. This Handbook supersedes all previous employment policies, written and oral, express, and implied. The City reserves the right to modify, rescind, delete, or add to the provisions of this Handbook from time to time in its sole and absolute discretion. This Employee Handbook is not a binding contract between the City and its employees, nor is it intended to alter the at-will employment relationship between the City and its employees. The City reserves the right to interpret the policies in this Handbook and to deviate from them when, in its discretion, it determines it is appropriate.

### **POLICY NO. 1.3 ETHICS POLICY**

Ethics are an essential component of maintaining the public trust and achieving the City's values of integrity. Employees are responsible for understanding and complying with this policy. Among other things, the policy requires the following:

No employee of the City shall:

1. Accept any gift or economic benefit of more than \$50.00 in value from any person or entity which gift or economic benefit might reasonably tend to influence such officer, official or employee in the discharge of official duties, or grant in the discharge of official duties any improper gift, economic benefit, service or thing of value; however, the provisions of this subsection shall not apply to any political contribution made pursuant to the Texas Election Code;
2. Use his or her official position to solicit or secure special privileges or exemptions for himself/herself or others;
3. Directly or indirectly disclose or use any information gained solely by reason of his or her official position for his or her own personal gain or benefit or for the private interest of others;
4. Transact any business on behalf of the City in his or her official capacity with any business entity of which he or she is an officer, agent or member or in which he or she owns a substantial interest. If such a circumstance should arise, then in the case of an officer or official, he or she shall make known such interest and abstain from voting on the matter, or in the case of an employee, he or she shall turn the matter over to the employee's supervisor for reassignment, state the reasons for doing so and have nothing further to do with the matter involved;
5. Engage in any outside activities which will conflict with his or her assigned duties in the City, or which his or her employment with the City will give him or her an advantage over others engaged in a similar business, vocation or activity;
6. Engage in outside activities incompatible with the full and proper discharge of his or her duties and responsibilities with the City, or which might impair his or her independent judgment in the performance of his or her public duties;
7. Receive any fee or compensation for his or her services as an officer, official or employee of the City from any source other than the City, except as may otherwise be provided by law. This shall not prohibit an officer, official or employee from performing the same or other services that he or she performs for the City for a private organization if there is no conflict with his or her City duties and responsibilities;
8. Represent, directly or indirectly, or appear on behalf of the private interests of others before any agency, board, commission, authority or committee of the City, or accept any retainer or compensation that is contingent upon a specific action being taken by the City or any of its agencies, boards, commissions, authorities or committees, unless such officer, official or employee of the City has made full disclosure of such representation, retainer or compensation. For purposes of this section, the term "full disclosure" shall mean:
  - a. The filing of an affidavit with the City secretary describing such representation, retainer or compensation;
  - b. Disclosure, either orally or in writing, to the other members of the City agency, board, commission, authority or committee;
  - c. Refraining from any other discussion of the matter with other members of the City agency, board, commission, authority or committee; and
  - d. Refraining from voting on or participating in the consideration of such matter by the City agency, board, commission, authority or committee.
9. Knowingly perform or refuse to perform any act in order to deliberately hinder the execution and implementation of any City ordinances, rules or regulations or the achievement of official City programs;



10. Have a substantial interest, direct or indirect, in any contract with the City or a substantial interest, direct or indirect, in the sale of the City of any land, rights or interest in any land, materials, supplies or service;
11. Participate in a vote or decision on any matter in which the officer or official has a direct or indirect substantial interest or in which a relative of the officer or official has a direct or indirect substantial interest;
12. Grant any special consideration, treatment or advantage to any individual, business organization or group beyond that which is normally available to every other individual, business organization or group. This shall not prevent the granting of fringe benefits to City employees as an element of their employment or as an added incentive to the securing or retention of employees;
13. Knowingly disclose information deemed confidential by law; or
14. Participate in any vote or decision relative to any amendment to the City's comprehensive master plan or any change in the zoning classification of property if the officer, official, employee or a relative of the officer, official or employee has any interest in any property within 200 feet of the property which is the subject of the amendment to the City's comprehensive master plan or on which the change in zoning classification is proposed. Further, any officer, official or employee who has any such interest in property shall be legally disqualified from participating in any vote or decision relative to the comprehensive master plan amendment or change in zoning classification.

#### **POLICY NO. 1.4 CHANGES IN POLICY**

Our City strives to stay current with all federal, state and local laws in order to ensure a safe and productive environment for our employees and customers. The City expressly reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits stated in this handbook or in any other document, except for the policy of at-will employment as described below. No oral statements or representations can in any way alter the provisions of this Handbook. Nothing in this employee handbook or in any other document, including benefit plan descriptions, creates or is intended to create a promise or representation of continued employment for any employee. Any changes to your at-will employment status, described below, must be in writing and must be signed by the City.

When we add policies or change existing ones, you will have 48 hours to review new policies or changes to existing ones and either:

- Sign an agreement that you will maintain compliance with said new policies or changes and continue your employment or
- Refuse to sign the acknowledgment and walk away from employment without cause.

All employees must become familiar with and abide by these policies. The City Manager reserves the right to make final decisions as to the interpretation and intent of all information contained in the Employee Manual.

If you are uncertain about any policy or procedure, please check with your Department Head or Human Resources.

#### **POLICY NO. 1.5 EMPLOYMENT-AT-WILL**

Employment with the City is for no fixed or definite term. All employment by the City has been and continues to be at-will, except for those positions that may have a written contract approved by the City Council. That means that both the employee and/or the City have the right to terminate employment at any time, with or without notice, and with or without cause. This Employee Handbook does not constitute a contract of employment. You are free to resign at any time, for any reason, with or without notice. Similarly, the City is free to conclude employment relationships at any time for any lawful reason, with or without cause, and with or without notice. The City Manager may remove, with or

without cause any employee of the City who is not appointed by the City Council. This removal power is subject to any exceptions in the applicable provisions of City Charter.

Nothing in this Employee Handbook will limit the right of either party to terminate an at-will employment. Nothing in this handbook is intended to alter the continuing at-will status of employment with the City. No section of this Handbook is meant to be construed, nor should be construed, as establishing anything other than an employment-at-will relationship. This Handbook does not limit management's discretion to make personnel decisions such as reassignment, change of wages and benefits, demotion, etc. The City has the right to change the content of City Ordinances or Resolutions related to employment matters at any time, with or without notice, and with or without cause.

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

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

## **Section 2.00: Employment Policies**

### **POLICY NO. 2.1 EMPLOYEE CLASSIFICATIONS**

The following terms are used to describe employees and their employment status:

- **Exempt Employees** - Employees whose positions meet specific tests established by the Federal Labor Standards Act ("FLSA") and Texas state law. In general, exempt employees are those engaged in executive, managerial, high-level administrative and professional jobs who are paid a fixed salary and perform certain duties. In addition, highly paid computer professionals are exempt. Exempt employees are not subject to the minimum wage and overtime laws.
- **Nonexempt Employees** - Employees whose positions do not meet specific tests established by the FLSA and Texas state law. All employees who are covered by the federal or state minimum wage and overtime laws are considered nonexempt. Employees working in nonexempt jobs are entitled to be paid at least the minimum wage per hour and time and a half for overtime.
- **Full-Time Employees** - Employees who are not temporary employees, independent contractors, or independent consultants and who are regularly scheduled to work a schedule of 40 hours per work week.
- **Part-Time Employees** - Employees who are not temporary employees, independent contractors, or independent consultants and who are regularly scheduled to work less than 18.5 hours per work week. Not eligible for benefits.
- **Temporary/ Seasonal Employees** - Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project. Employment assignments in this category are of limited duration and the temporary employee can be let go before the end of the defined period. Short term assignments generally are periods of three (3) months or less, however, such assignments may be extended. All Temporary employees are at-will regardless of the anticipated duration of the assignment (see Employment-at-Will Policy). Temporary employees retain that status unless and until notified in writing of a change. Not eligible for benefits.
- **Independent Contractor or Consultant** - These individuals are not employees of the City and are self-employed. An independent contractor or consultant is engaged to perform a task according to his/her own methods and is subject to control and direction

only as to the results to be accomplished. Independent contractors or consultants are not entitled to benefits.

Each employee will be advised of his or her status at the time of hire and any change in status. Regardless of the employee's status, the employee is employed at-will and the employment relationship can be terminated by the City or the employee at any time, with or without cause and with or without notice.

## **POLICY NO. 2.2 ESSENTIAL EMPLOYEE (see 6.18 Inclement Weather)**

Essential Personnel provide services that relate directly to the health, safety, and welfare of the city, ensure continuity of key operations.

In the event of severe weather conditions or emergency situations, the City Manager or designee may suspend normal operations and/or close City offices in whole or part. If this occurs, all employees deemed essential must remain at or report to their department or EOC as soon as conditions reasonably permit. During an emergency, essential personnel must ensure the continuity of services that relate directly to the health, safety, and welfare of the City of Beeville and ensure continuity of critical/essential services.

All essential personnel are expected to remain at or report to work in emergency situations unless they are specifically excused by their Department Head. Failure to remain at or report to work as directed may result in disciplinary action up to and including termination.

The individual employees' status may change as the needs of the City change during an emergency or inclement weather event at the discretion of the Department Head.

1. "Emergency Essential Personnel" – Each Department Head is responsible for identifying those employees who will be designed as "Emergency Essential Personnel". "Emergency Essential Personnel" may be required to remain available immediately before, during and/or after the disaster/emergency conditions to perform duties directly related to the emergency conditions, case by case. The Department Head will also need to inform the Payroll Coordinator.
2. "Emergency Non-Essential Personnel" – (case by case) Following a needs assessment, some employees may be temporarily released from work, as determined by the Department Head. These employees are designated as "Emergency Non-Essential Personnel". The Department Head will also need to inform the Payroll Coordinator.
3. "Essential Recovery" – Some employees may be further identified as "Emergency Recovery." The City Manager and each Department Head are responsible for identifying those employees who are essential to the quick restoration of critical services to the community.

For more information see Inclement Weather Section 6:18

## **POLICY NO. 2.3 EQUAL EMPLOYMENT OPPORTUNITY & AMERICANS WITH DISABILITIES ACT.**

The City is an equal opportunity employer. It is the policy of the City to provide equal employment opportunities to all employees and employment applicants without regard to unlawful considerations of race, religion, creed, color, national origin, sex, pregnancy, sexual orientation, gender identity, age, ancestry, physical or mental disability, genetic information or any other classification protected by applicable local, state, or federal laws. This policy prohibits unlawful discrimination based on the perception that anyone has any of those characteristics or is associated with a person who has or is perceived as having any of those characteristics. This policy applies to all aspects of employment, including, but not limited to, hiring, job assignment, working conditions, compensation, promotion, benefits, scheduling, training, discipline, and termination.

To ensure compliance with the Americans with Disabilities Act (ADA) and 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 (including the effects of a pregnancy or childbirth) 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.

Moreover, in compliance with the Americans with Disabilities Act (ADA), the City will/may provide reasonable accommodations to qualified individuals with disabilities to the fullest extent required by law. The City may require medical certification of both the disability and the need for accommodation. Keep in mind that the City can only seek to accommodate the known physical or mental limitations of an otherwise qualified individual. Therefore, it is the employee's responsibility to come forward if they are in need of an accommodation. The City will engage in an interactive process with the employee to identify possible accommodations, if any will help the applicant or employee perform the job.

The City expects all employees to support our equal employment opportunity policy, and to take all steps necessary to maintain a workplace free from unlawful discrimination and harassment and to accommodate others in line with this policy to the fullest extent required by law.

Employees who have a complaint involving potential violations of the ADA 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.

#### **POLICY NO. 2.4 NON-DISCRIMINATION POLICY.**

The City of Beeville is an Equal Opportunity Employer and does not discriminate in employment or services because of race, color, national origin, gender, age, religion, disability, or sexual preference. This policy applies to all actions, conditions, and privileges of employment, including recruitment, selection, compensation, benefits, promotions, training, social activities, and discipline.

#### **POLICY NO. 2.5 CONFIDENTIALITY.**

Employees are required to protect and properly use personnel, customer, and city information available to them; and may not use, discuss, copy, print, share, distribute, transmit, or sell data about City of Beeville or its customers, suppliers, vendors, or employees, unless it is for official business purposes and in the best interest of the City.

#### **POLICY NO. 2.6 CONFIDENTIALITY OF EMPLOYEE MEDICAL INFORMATION**

Federal law, including the ADA/ADAAA and HIPAA, 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 Human Resources Department maintains these confidential medical files.

Examples of information that may be provided to the City by an employee's health care provider, and maintained in the confidential medical file, include:

- a note to justify a medically related absence;
- a note to request leave for medical purposes;
- a note to verify the employee's ability to return to work;
- a note to verify the employee's completion of a wellness program related activity;
- medical records to support a claim for sick pay or disability benefits;
- insurance records; and
- Workers' compensation records.

It is important that employees understand that the records are confidential, but that the confidentiality may be limited when certain medical disclosures are necessary, i.e., FMLA, ADA/ADAAA and worker's compensation. When an employee provides medical information to their supervisor, the supervisor shall disseminate the information to the Human Resources Department and only on "as needed" basis to other members of management. The Human Resources Department is the point of contact to receive medical information, to ensure confidentiality is maintained.

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their coworkers' medical information as well as their co-workers' family medical information. Employees are required 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 coworker's privacy or breach of confidence. Employees should not speculate about medical conditions of other employees or their family members and may not publicly discuss another person's medical information.

### **POLICY NO. 2.7 RESIDENCE REQUIREMENT**

It is recommended, but not required, that City employees reside within the corporation limits of the City of Beeville. In the event that applicants for a position are equal in all the selection criteria listed above, preference will be given in the following order:

- Resident of the City of Beeville
- Resident of Bee County
- Other considerations

The only exception to the above may occur when the applicant's work location is at a site outside the corporate limits of the City of Beeville. In this case it will be advantageous to the City for the employee to live close to the job site; and therefore, (1) and (2) above will not apply.

### **POLICY NO. 2.8 DEPARTMENT HEADS**

The City is organized so that the various functions can be directed by a Department Head having experience in that area. Department Heads are in complete charge of their respective departments. Consequently, all employees are responsible to a Department Head.

The role of the City Manager with respect to personnel matters is generally limited to working with the Department Heads, but the City Manager is responsible for all City employees. On occasion the City Manager hears grievance appeals from employees who are not satisfied with the decision of the Department Head. If an employee is not sure who is the head of his department, he may ask his immediate supervisor.

**Interim Department Heads or Supervisors are not allowed to change department policies and procedures without prior approval from the Department Head or Supervisor.**

### **POLICY NO. 2.9 PERFORMANCE MANAGEMENT**

The City of Beeville expects a culture of constant coaching and employee development. Supervisors are expected to provide constant feedback to employees regarding their representation of the principles of Servant Leadership and core competencies related to the City's values of Efficiency, Integrity, Innovation, and Customer Service.

**SCHEDULE.** On the date of an employee's anniversary, a supervisor will hold a formal coaching session to identify the strengths and areas of improvement regarding the core competencies related to the City's values. During this session, the supervisor and employee will work to develop an individual development plan to address the identified strengths and weaknesses as well as accommodate the professional goals of the employee.

Supervisors will continue to check in and give feedback to employees on a frequent basis and hold a formal follow-up within the first quarter of the calendar year after the formal coaching session to ensure that the employee has been making progress on their development plan.

**EMPLOYEE’S RESPONSIBILITIES.** Employees are expected to be knowledgeable about their essential job functions. The employee is also expected to seek out learning and development opportunities related to the individual development plan that comes out of their annual coaching session.

**PROCESS.** During the coaching session, all employee comments and supervisor comments should be discussed; a review of the core competencies should be discussed with the employee. The employee and the supervisor will sign and date the coaching document and development plan, and the employee will receive a copy. The signed original document will be sent to the Human Resources Department for inclusion in the employee’s personnel file.

Coaching will be made by an employee’s immediate supervisor. The supervisor will review a subordinate’s performance with his or her Department Head and discuss the employee’s development plan with them.

## **POLICY NO. 2.10 EMPLOYMENT OF MINORS.**

The FLSA's child labor provisions, which the City strictly adheres to, are designed to protect the educational opportunities of youth and prohibit their employment in jobs that are detrimental to their health and safety. As a general rule, the FLSA sets **14 years old as the minimum age for employment and limits the number of hours worked by minors under the age of 16**.

The FLSA sets the minimum age for employment

- 14 – 15 years for non-agricultural jobs,
- restricts the hours youth under the age of 16 may work, and
- prohibits youth under the age of 18 from being employed in hazardous occupations.

In addition, the FLSA establishes subminimum wage standards for certain employees who are less than 20 years of age, full-time students, student learners, apprentices, and workers with disabilities. Employers generally must have authorization from the U.S. Department of Labor's Wage and Hour Division (WHD) in order to pay sub-minimum wage rates.

### **WORK HOURS**

- A child 14 or 15 years of age may not work during school hours, may not work more than three (3) hours on a school day or 18 hours during a school week, and may not work more than eight (8) hours on a non-school day or 40 hours during a non-school week.
- A child 14 or 15 years of age may work only between 7 a.m. and 7 p.m. during the school years.
- Between June 1 and Labor Day, a child may work between the hours of 7 a.m. and 9 p.m.
- A child 16 or 17 years of age have no restrictions of the number of hours or times of day they may work.

For more information go to [YouthRules | U.S. Department of Labor \(dol.gov\)](https://www.dol.gov/youthrules).

## **POLICY NO. 2.11 EMPLOYMENT OF RELATIVES.**

The City recognizes that the employment of relatives in certain circumstances, such as when they will work in the same department, supervise or manage the other, or have access to confidential or sensitive information regarding the other, can cause problems related to supervision, safety, security or morale, or create conflicts of interest that materially and substantially disrupt the City's operations. When the City determines any of these problems will be present, it will decline to hire an individual to work in the same department as a relative. Relatives subject to this policy include father, mother, sister, brother,

current spouse or domestic partner, child (natural, foster, or adopted), current mother-in-law, current father-in-law, grandparent, or grandchild.

If present employees become relatives during employment, the City should be notified so that we may determine whether a problem involving supervision, safety, security or morale, or a conflict of interest that would materially and substantially disrupt the City's operations exists. Upon adoption of this policy if it is determined that violation exists, the City will take appropriate steps to resolve the problem, which may include reassignment of one relative. This policy applies to all full-time, part-time and temporary seasonal employees of the City. **NO ONE IS GRANDFATHERED IN UNDER THIS EMPLOYEE HANDBOOK OR POLICY.**

### **A. OTHER RESTRICTIONS**

The following restrictions apply on the employment of any relative, including those defined as family members under this policy:

- No employee in the relationship will supervise, review or process the work of the other.
- The employees' relationship must not create a conflict between employees/ City interests; and
- There must be no interdependence or relationship between the jobs of the individuals concerned which could be potentially detrimental to the interests of the City.
- Two relatives cannot be in the same department or be supervised by the same Department Head.
- Department Heads cannot supervise a supervisor's relative.

Relatives will not normally be permitted to work in the same department with each other without prior written authorization from the City Manager (or designee). In addition, written authorization must also be obtained from the City Manager (or designee) to employ any relative of a current City employee.

### **B. MARRIAGE OF CURRENT EMPLOYEES**

In the event of a marriage between two City employees, a promotion, reorganization, or any other situation giving rise to a relationship prohibited in this policy, one or both of the affected employees must immediately seek a transfer to another available position within the City for which the employee is qualified and that meets the requirements of this policy. If a suitable transfer cannot be made within ninety (90) days of the event giving rise to a relationship prohibited by this policy, one or both of the affected employees will be required to transfer. City Manager or designee may extend the 90 days depending on budget due to constraints.

### **POLICY NO. 2.12 NEPOTISM**

No person related to the City Council, or the City Manager within the second degree of "Relationship by Marriage (affinity) or within the third degree of "Relationship by Blood" (consanguinity) shall be appointed to, or selected for, any office, position or clerkship or other service to the City. (Refer to Appendix C for details.)

An employee may not work under the direct supervision or line-of-authority of a person who is related by marriage or blood, as defined above.

### **POLICY NO. 2.13 MEDICAL EXAMS (PHYSICALS)**

The City may require a medical exam of prospective employees for a job position that requires physical labor or exertion. The physical will measure the applicant's ability to perform the essential functions of the job, with or without reasonable accommodation. If a person is directed by the City to have a medical exam, the City will pay for the cost of the exam. If a medical examination is required, employment will be contingent upon successful completion of the medical examination and determination by the City that the person can perform the essential functions of the job with or without reasonable

accommodation. Medical Exams will be treated in the same manner as in section 2.6 Confidentiality of Employee Information.

### **Medical Records.**

Medical records and sensitive information regarding an employee's health will be kept confidential as required by law. Limited information may be provided to supervisors and managers, first aid and safety personnel, government officials, Texas Workers' Compensation Commission, and as necessary for insurance and other business-related purposes.

## **POLICY NO. 2.14 INTRODUCTORY (ORIENTATION) PERIOD.**

The first 6 months of employment are considered an introductory period for all newly hired employees. During this time, you will learn your new responsibilities, get acquainted with fellow employees, and determine whether you are happy with the position. Also, during this time, your Department Head will monitor your performance. Upon completion of the introductory period, your Department Head will review your performance. If the City finds your performance satisfactory and decides to continue your employment, you will be advised of any improvements expected and applicable training will be provided. This is also an opportunity for you to make suggestions to improve the City's efficiency and operations. Completion of the introductory period does not entitle you to remain employed by the City for any definite period of time, but instead allows both you and the City to evaluate whether or not you are right for the position. Your status as an at-will employee does not change-the employment relationship may be terminated with or without cause and with or without advance notice, at any time by you or the City.

At the end of successfully completed the introductory period, employee may be given a small increase in hourly pay effective the day you successfully met the six months, subject to available funding. It is your supervisor's responsibility to submit the appropriate documentation for this increase. If your supervisor forgets it is your responsibility to remind him. If documentation is not submitted until months later, we can only go back as far as the current fiscal year.

Additionally, termination of an employee while on the introductory period will not be subject to Grievance / Complaint Procedure unless the employee's grievance is based on discrimination or harassment as described in the policy (section 4.1 Anti-Harassment and Discrimination).

An employee may be put on an extended 30-day provisional period if management believes it is necessary for training, counseling, evaluation, or discipline. Extensions can only be extended twice.

### **Absences During Performance Orientation Period.**

During the performance orientation period, an employee is eligible to use sick leave for qualifying absences and may use vacation leave for an absence due to illness or injury only if all sick leave has been exhausted. However, accrued vacation cannot be sold or used during the introductory period.

#### **A. Extensions to Orientation Period.**

- An orientation period may be extended for time spent on an approved Leave of Absence including leaves of absences due to injury, illness or approved Military Leave. The approved extension will normally equal the length of time away from work. Accordingly, each full-day absence incurred by an employee during the orientation period will normally extend the six-month orientation period by an additional day.

#### **B. Termination of Employees Serving in the Orientation Period.**

An employee serving in the initial orientation period who is terminated has no right of appeal. Employees serving in the initial orientation period are subject to all policies and procedures of the City with the exception of appeal rights.

## **POLICY NO. 2.15 PERSONNEL RECORDS AND EMPLOYEE REFERENCES.**



The Human Resources Department will exclusively maintain personnel records of each active employee. Separate personnel files shall not be kept at the department level. Records will also be maintained on inactive employees for not less than the period required by law. An employee's records are available for inspection in the Human Resources Department by the employee, any individual authorized by the employee, his/her immediate supervisor, Department Head or designee. The Human Resources Department will not release personnel records to individuals or agencies outside the City unless it is required by law. The City will cooperate with requests from authorized law enforcement or local, state, or federal agencies conducting official investigations and as otherwise legally required or an open records request

Personnel files and payroll records are the property of the City and may not be removed from City premises without written authorization from Human Resources Manager. Because personnel files and payroll records are confidential, access to the records is restricted. Generally, only those who have a legitimate reason to review information in an employee's file are allowed to do so. Disclosure of personnel information to outside sources will be limited.

An employee always has a right to inspect any and all inclusions made a part of his/her personnel records. Employees will be given a copy of any written record of a disciplinary or performance counseling that is added to their personnel file. An employee may add your comments to any disputed item in the file.

Employees may contact a Human Resources to request a time to review their payroll records and/or personnel file. With reasonable advance notice, an employee may review his or her own records in the City's offices during regular business hours and in the presence of an individual appointed by the City to maintain the records. Employees will be provided a copy of any record placed in their file, and upon termination of their employment may be provided a complete copy of their file at no cost, if requested. Additional copies will be provided at the standard charge for producing document copies. Tampering with Personnel Files will result in disciplinary action or dismissal.

By policy, the City will provide only the former or present employee's dates of employment and position(s) held with the City. Compensation information may also be verified if written authorization is provided by the employee.

## **POLICY NO. 2.16 PRIVACY.**

The City of Beeville is respectful of employee privacy. All employee demographic and personal information will be shared only as required in the normal course of business. Healthcare enrollment information is kept in a separate folder from other human resources forms. Workers' Compensation information is not considered private healthcare information; however, this information will be released only on a need-to-know basis.

The City does not make or receive any private healthcare information through the course of normal work. If any employee voluntarily shares private healthcare information with a member of management, this information will be kept confidential. If applicable, the City will set up guidelines for employees and management to follow to ensure that company employees conform to the requirements of the Health Insurance Portability and Accountability Act (HIPAA).

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.

## **POLICY NO. 2.17 IMMIGRATION LAW COMPLIANCE.**

The City employs only United States citizens or persons legally admitted and authorized to work in the United States.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 on the date of hire and present documentation establishing identity and employment eligibility within three business days of date of hire. Former employees who are rehired must also complete an I-9 form if they have not completed an I-9 form with the City within the past three years, or if their previous I-9 form is no longer retained or valid. You may raise questions or complaints about immigration law compliance without fear of reprisal.

## **POLICY NO. 2.18 POLITICAL NEUTRALITY.**

Maintenance of individual freedom and our political institutions necessitates broad scale participation by citizens concerning the selection, nomination, and election of our public office holders. The City will not discriminate against any employee because of identification with and support of any lawful political activity. City employees are entitled to their own personal political position. The City will not discriminate against employees based on their lawful political activity engaged in outside of work. If you are engaging in political activity, however, you should always make it clear that your actions and opinions are your own and not those of the City, and that you are not representing the City.

No City employee is prohibited from becoming a candidate for public office. However, City employees may not:

- Use the employee's position or office to coerce political support from employees or citizens.
- 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.
- 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.
- Contribute money, labor, time or other valuable thing to any person for City election purposes, except as permitted by law.
- Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment. Upon being elected to such an office, an employee must immediately resign or will be dismissed upon failure to do so.

## **POLICY NO. 2.19 VISITOR AND WORK INTERRUPTIONS**

Employees must limit personal visiting, both in the number of visitors and the amount of time spent talking – in person or on the telephone. Frequent visitors or lengthy visits are distracting and disruptive to City business and are not allowed. Abuse of this privilege after warning may result in disciplinary action. Emergency messages will be forwarded to employees as soon as possible. Other messages will be forwarded to employees at the supervisor's convenience.

Family members are not allowed to meet with Department Heads/ Supervisors to discuss employment personnel matters regarding an employee without the employee's presence.

- Visits are limited to locations accessible by the general public, but are not permitted at active, outdoor work locations.
- Children should not roam freely about the workplace without supervision.
- Visitors are not allowed access to any equipment, vehicles, or employee assigned computers.
- Department Heads may approve additional time for special occasions.

## **POLICY NO. 2.20 EMPLOYEE IDENTIFICATION BADGES**

All City employees are issued an Employee Identification Badge with photo when they are hired. New employees receive their Employee Identification Badge during New Employee Orientation. Contractors

who will be working on site as well as temporary, seasonal and less than part-time employees will also be issued identification badges.

The employee Identification Badge is City property. It can only be used for identification purposes and for employee access to City buildings. Access to secure locations must be approved by the City Manager. The employee must wear the badge when engaged in City business unless working conditions make wearing the badge hazardous or impractical. The Department director must give approval for an employee to not wear the badge due to hazardous or impractical conditions.

Employees wearing a department City issued uniform with official city logo are not required to wear an employee Identification Badge but must have the badge in their possession.

The employee must wear the badge in City facilities and when dealing with the public. It must be worn so that the employee's name and photo are clearly visible. Old, faded or damaged badges should be replaced immediately.

If an employee loses their Identification Badge, the employee should immediately contact Human Resources Director so that the card can be deactivated. Then, contact your Department Head and fill out a form to request for a replacement badge.

When an employee's employment ends, the Department Head will retrieve the employee Identification Badge and other City property. If an employee terminates employment without notice, the Department Head will contact the Human Resource Director immediately to deactivate the Identification Badge. The Human Resources Director will attempt to contact the terminated employee to retrieve the Identification Badge and other City property in the ex-employee's possession.

If repeatedly lost, an employee may be subject to the cost of the replacement badge.

## **POLICY NO. 2.21 OUTSIDE EMPLOYMENT**

As a matter of general policy, the City prefers that employees not have other employment. In some instances, it is difficult to do a good job in primary employment when an employee's rest and relaxation hours are devoted to other work. However, the City realizes that circumstances may make it necessary to work during off-hours from City employment. Employees should make this known in writing to their department heads, if applicable.

Loyalty, which includes adequate performance of duties, must be first demonstrated to the primary employer. If, as the result of secondary employment, an employee cannot perform City work properly and fully, the employee will be requested to terminate such off-duty work.

Employees may not accept outside or self-employment that conflicts with the effective performance of the employee while on duty with the City or conflicts in any way with the best interests of the City. City employees cannot contract with the City for services.

An employee will not be covered by the City's workers' compensation insurance while working for another employer or while self-employed except for law enforcement officers working within the official function. In addition, an employee on sick leave, disability leave, workers' compensation leave, or an unpaid leave of absence, may not engage in outside or self-employment, as defined in this policy, unless expressly authorized in writing by the City Manager.

## **POLICY NO. 2.22 EXIT INTERVIEWS**

The City usually provides separating employees with an exit interview prior to their last day of work. The purpose of the exit interview is to finalize all compensation due, return City equipment, provide explanation of any continuing benefits, review employment history, discuss the reason(s) for the separation, and solicit constructive feedback to improve the City. The Human Resources Manager, or designee, shall complete an Exit Interview Form, and the supervisor also completes a form to confirm all City equipment, uniforms, technology, and keys were returned.

Exit interviews are conducted confidentially by the Human Resources Manager. Information discussed during the exit interview may be shared with the City Manager's office and acted upon as deemed appropriate by the City. The Department Head (or designee) is responsible for promptly notifying the Human Resources Manager of all separations, arranging for the exit interview and providing documentation of receipt of all departmental and/or City property from the exiting employee.

Final payment of compensation may be withheld pending return of City property, completion of necessary paperwork, and other requirements of separation.

## **Section 3.00: Hours of Work and Payroll Practices**

Wages and salaries are based on education, experience, skill level, performance, training, certification, licensing and the interaction between employees and citizens; as well as economic factors that affect the overall success of the City.

The working hours of the City are from 8:00 a.m. to 5:00 p.m., Monday through Friday. However, certain departments provide critical and important services that require department operations on a 24-hour, seven days a week basis, either as a regular schedule or for special needs. Each Department Head will inform employees of the normal working hours of their department. The workweek for employees is 40 hours, but in the case of those departments furnishing critical and important services certain employees may be on 24-hour call.

In case of a major emergency, all City employees may be subject to 24-hour call. The Mayor and/or City Manager will declare whether an Emergency situation exists and who shall be subject to 24-hour call.

### **POLICY NO. 3.1 PAY PERIODS AND PAYDAYS.**

Employees are paid on a bi-weekly basis --- every other Friday. All employees are paid by check or direct deposit on the above-mentioned payday. If the regular payday falls on a weekend or City holiday, employees will be paid on the last business day before the holiday and/or weekend.

The payroll period for hourly employees who receive overtime begins on Sunday and ends on Saturday each week, with paydays every other Friday. There are two methods of calculating employee pay, depending on the type of work being done and the job classification of each employee:

1. HOURLY EMPLOYEES are paid for each hour worked at a fixed rate per hour, with paychecks or direct deposit distributed bi-weekly --- every other Friday. If payday is on a holiday, pay will be distributed the day before.
2. SALARIED EMPLOYEES are paid a set amount per week, with paychecks or direct deposit distributed bi-weekly --- every other Friday. If payday is on a holiday, pay will be distributed the day before.

Employees are expected to come to work on time and be prepared to work a full day for a full day's pay. Employees are not allowed to take extended rest breaks (past 15 minutes) or sleep on the job.

### **POLICY NO 3.2 SAFE HARBOR - CORRECT PAY IS EVERYONE'S RESPONSIBILITIES**

Ensuring that employees are paid what they are due requires teamwork and communication. Obviously, the City, as the employer, has an obligation to use its best efforts to make sure that each employee's pay is correct. However, employees also are responsible for properly recording and reporting their time and for pointing out any mistakes or uncompensated time relating to their pay.

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

Employees who are classified as non-exempt employees must maintain an accurate record of the total hours worked each day. It is the responsibility of each employee to verify that their time entry is correct. Employee time entries must accurately reflect all regular and overtime hours worked, any absences, late

arrivals, early departures, and meal breaks. Each time a paycheck is received, employees should immediately verify that payment was correct for all regular and overtime hours (if applicable) worked.

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

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

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

Should be reported ***immediately*** to the Payroll Coordinator.

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

### **EXEMPT EMPLOYEES**

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

1. Absence from work for one or more full days for personal reasons, sickness, or disability.
2. Full day disciplinary suspensions for infractions of our written policies and procedures.
3. Full day disciplinary suspensions for violating safety rules of a major significance.
4. Unpaid Family and Medical Leave, Military Leave, or other unpaid leave of absence.

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

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

If an employee has any questions about deductions from his/her pay, please immediately contact the immediate Supervisor. If an employee is questioning that he/she may have been subject to any improper deduction(s) or the pay does not accurately reflect the hours worked, the employee should immediately report the matter to the Payroll Coordinator.

### **POLICY NO. 3.3 OVERTIME.**

According to the Fair Labor Standards Act and U.S. Department of Labor regulations, only hourly, non-exempt employees are paid for working overtime. Non-Exempt employees will be paid in accordance with federal and Texas state law.

Overtime for hourly, non-exempt employees is paid at one-and-one-half times the hourly rate. For pay purposes, overtime includes only the hours actually worked in excess of 40 per payroll week, which begins on Sunday and ends on Saturday. Holidays, vacation, jury duty, or other times away from work are “not considered as hours worked” for overtime purposes.

Required Overtime. Employees may be required to work overtime, when necessary, as determined by the department head. When it is necessary to work overtime the department head will ask for *volunteers*. If additional employees are needed, the department head will select other personnel as required.

Overtime will be requested only when it is not possible to adjust staffing patterns and/or employee work schedules to perform the required workload during normal working hours. Examples include:

- The unexpected absence of an employee whose position must be filled to avoid a disruption in service.
- The necessity to immediately perform an unexpected, busier than normal, volume of work to avoid a disruption of service.
- The necessity to meet an increase in workloads due to emergency situations such as storms, or other disruptions.

When employees are required to work overtime, specific overtime assignments will be rotated and allocated as evenly as possible among employees qualified to do the work. Employees are expected to respond to reasonable requests to work overtime and may be subject to disciplinary action for failing to stay or report for overtime work.

All overtime work by non-exempt employees must be authorized in advance by their supervisor. Only hours actually worked in excess of 40 per pay period will be used to calculate comp time or overtime pay.

### **POLICY NO. 3.4 COMPENSATORY TIME FOR HOURLY EMPLOYEES**

Hourly employees will accumulate compensatory time at a rate of 1½ hours of compensatory time for each hour of overtime worked. Compensatory time records will be maintained by department supervisors, and an employee’s use of compensatory time is subject to approval of the employee’s supervisor.

Public Safety and emergency response employees may accrue compensatory time balances not to exceed 480 hours. All other employees may accrue compensatory time balances not to exceed 240 hours. If compensation is paid to an employee for accrued compensatory time, such compensation will be paid at the employee’s regular rate of pay at the time the employee receives payment. Unused compensatory time will be paid to an employee upon termination of employment at the employee’s current regular rate of pay.

If an employee is close to or exceeds these limits above, the Department Head/ Supervisor can send him or her home to lower compensatory time accumulated but only if this will not disruption work or services provided to the citizens of Beeville. The Department Head/ Supervisor may also request the employee use his or her accumulated compensatory time when taking an extended leave (e.g., vacation).

It is the Department Head’s responsibility to track compensatory time of employees in their department.

The Dept. Head may choose to give the employee CT if there are no funds available to pay OT. The Dept. Head will let the employee know that they will be given CT in lieu of OT before requiring the employee to work extra hours.

### **POLICY NO. 3.5 TIME SPENT IN MEETINGS AND TRAINING PROGRAMS**

City paid training is a benefit. Attendance at lectures, meeting, training programs and similar activities need not be counted as working time if all the following four criteria are met: 29 C.F.R. 785.27

- Attendance is outside the employee’s regular working hours
- Attendance is in fact voluntary
- The course, lecture, or meeting is not directly related to the employee’s job, and
- The employee does not perform any work during such attendance.

Training directly related to the employee job is compensable (refer to Policy 8.8 TRAVEL TIME for details).

### **POLICY NO. 3.6 PROMOTIONS**

An employee may receive a promotion in various ways:

- By having his pay range increased while his job title remains the same; or
- Moving to a different job title having a higher pay range; or
- Obtaining a qualifying certification of license; or
- Passing a competitive examination, such as for police officers

Any advancement will be based on performance, education, experience, skill, knowledge, the ability to get along with others, and length-of-service. Promotions are given careful consideration before an advance is made. The department head may initiate promotion action accompanied by a memo to the City Manager describing the condition(s) which justify the promotion. Promotions may be made with the approval of the City Manager, provided sufficient funds are in the budget for the pay increase.

- (1) **Promotion to higher pay range for the same job title:** To be raised to a higher pay range while retaining the same job title, the employee must have a record of outstanding performance of his duties, a desire to improve his performance, a positive attitude, good conduct, and continuing service with the City for at least one year. Promotion in this category is limited to **a max of four percent of the employee’s** present range. Promotions under this condition does not require a six-months provisional period.
- (2) **Promotion to a different job title having a higher pay range:** When an opening occurs in a higher job title, qualified City employees will automatically be considered. If they are found to be the most qualified applicant, they will be promoted to that position. If outside applicants have equal qualifications the City employee will be given preference. If an employee is promoted to a higher position, he/she will again be required to satisfactory complete a six-month provisional period. There will ~~not~~ be a limit to the salary range increase from the employee’s current range **to a max of four percent**. The promoted employee is entitled to receive the pay increase associated with the position on the first day of the employee assumes the new position.
- (3) Police promotions within the ranks require passing a competitive examination along with proper prior performance that indicates the ability to serve in a more responsible capacity.

### **POLICY NO. 3.7 DEMOTIONS**

A demotion may occur in two ways.

- (1) One type of demotion is by having an employee’s pay range and/or step decreased while the job title remains the same.
- (2) The other is a demotion to a job title (and duties) having a lower pay-range and/or step. An employee may be demoted at his own request, or the department head may direct that there be a demotion if the employee cannot meet the requirements of the present job or as a disciplinary measure.
- (3) The City Manager and Human Resources must be notified when a Demotion is being

considered; and the City Manager must authorize such action.

An employee may appeal a demotion, following the process established under Grievances. (Refer to Policy 4.3 GRIEVANCE COMPLAINT PROCEDURE for details.)

### **POLICY NO. 3.8 REST AND MEAL PERIODS**

All rest and meal periods will be in accordance with Texas state law. To the extent Texas state law does not require rest and meal breaks, nonexempt employees will be provided a 15-minute rest break for every four-hour period of work. This time is counted and paid as time worked. Nonexempt employees scheduled to work more than a five-hour period will be provided one hour of unpaid meal period.

The 15-minute rest break can be 15 minutes away from the work area. At the conclusion of the fifteen-minute rest break employees need to be back at the worksite. Most City employees work in full view of the public and rest breaks of excessive periods of time away from the job will not be tolerated. The 15-minute breaks cannot be combined so the employee can end their workday thirty minutes early, thirty minutes late, and cannot be combined with lunch time without supervisor's consent.

### **MEAL PERIODS**

All employees are entitled to one 60-minute lunch (meal) period per 8 hour working day. This means 60 minutes away from the work area. Lunch periods may in some instances be limited to 30 minutes, but this will be in special cases only. The time of day for lunch periods depends on the needs of each department, but the usual hour is from 12:00 noon to 1:00 p.m. and may vary within certain department providing services to citizens (e.g., utility billing department).

### **POLICY NO. 3.9 TIMESHEETS.**

Employees are required to keep an accurate and complete record of their attendance and hours worked on a timesheet. Timesheets are official City records and may not be altered without the employee's supervisor's approval and may not be falsified in any way. Employees are required to record all time worked on a Timesheet. It is necessary to record arrival, departure, lunch period, and any other time that an employee is not working. Employees may not record time for another employee doing so will be grounds for disciplinary action including termination.

The City depends on the accuracy of its time records; errors, corrections, changes, or exceptions must be brought to the attention of the department head. It's the immediate Supervisor's responsibility to make sure employees are accurately recording ALL TIME WORKED on their timesheet.

### **POLICY NO. 3.10 PAYROLL DEDUCTIONS**

Certain payments are automatically taken out of each employee's paycheck; the law requires specific deductions and others are for the convenience of the employees:

- Federal Withholding Tax
- Social Security Tax
- Medicare Tax
- Court-ordered Child Support
- Insurance Premiums
- Uniforms

Employees can adjust their federal income tax withholding by completing the proper federal form and submitting it to Payroll or Human Resources. At the start of each calendar year, you will be supplied with your Wage and Tax Statement (W-2) form for the prior year. This statement summarizes your income and deductions for the year.

### **POLICY NO. 3.11 WAGE GARNISHMENT**

A garnishment is a court order requiring an employer to remit part of an employee's wages to a third party to satisfy a just debt. Once the City receives the legal papers ordering a garnishment, we are required by law to continue making deductions from your check until we have withheld the full amount or until we receive legal papers from the court to stop the garnishment. Even if you have already paid the debt, we still need the legal papers to stop the garnishment.

### **POLICY NO. 3.12 WITHHOLDING FEDERAL INCOME TAX**



Federal law requires the City to deduct from the wages and salaries of employees' specific amounts which are paid to the government as income tax. The amount of this tax deduction is determined by several factors, including the number of dependents. Any changes in the number of dependents should be reported immediately by the employee to the office of the Finance Director, Payroll, or HR.

### **POLICY NO. 3.13 WITHHOLDING SOCIAL SECURITY TAX**

Federal law requires employees to participate in Federal Social Security and Medicare. The City must deduct from the wages and salaries of employees' specific amounts which are paid to the government as a tax.

### **POLICY NO. 3.14 DIRECT DEPOSIT**

All fulltime employees are encouraged, but not required, to use direct deposit and have their paychecks deposited into a bank account of an accredited participating bank or credit union.

### **POLICY NO. 3.15 PAY ADVANCES**

The City does not loan money or advancing pay before it is earned. Including a payment arrangement for any past due monies due to the City of Beeville. These types of payment arrangements are a state violation.

### **POLICY NO. 3.16 CHRISTMAS BONUS**

Upon annual budget approval by the City Council the City may provide fulltime and part-time employees that were employed prior to the new fiscal year (October 1<sup>st</sup>) will receive the Christmas Bonus. Employees (FT & PT) will receive the bonus after they successfully meet the six (6) month provisional period. Part-time employees will only receive 50%.

### **POLICY NO. 3.17 EXPENSE CHECKS**

Some City employees receive monthly expense checks for the use of private vehicles for City business, and for clothing (uniforms) or other purposes. Volunteers also receive compensation for services provided to the City through volunteer organizations, such as the Fire Department. All such checks will be paid on the 1st day of each month or on the Friday preceding that day if the 1st falls on Saturday, Sunday or a Monday holiday.

The vehicle allowance/mileage are included in payroll on a bi-weekly basis.

### **POLICY NO. 3.18 LONGEVITY PAY**

#### **Statement of Purpose:**

A longevity pay plan has been established to compensate employees for their length of service with the City. Longevity is based on a dollars per pay period (bi-weekly) for each year of continuous service not to exceed eleven (11) years of service starting after completion of two (2) years of service. Longevity pay is to acknowledge and reward the long service of our employees.

Current employees that meet this requirement are eligible for this benefit effective the following pay day.

**Eligibility.** Employee eligible to receive longevity pay include all, regular full-time and part-time employees that are actively employed with the City for at least two (2) years as of October 1. For employees who began their tenure with the City as a part/temporary employee, and who subsequently converted to full-time employee status, time worked for the City as a part-time/ temporary employee will go towards time eligible for longevity.

**Procedures.** Calculation and Payment of Longevity Pay. An allocated amount will be paid to each eligible full-time and part-time employee for each FULL month employed after 24 months of employment for a **maximum of 11 years of service**. See Longevity Pay Scale below.

**Required Deductions.** Longevity pay is considered income and is subject to Social Security, Medicare, Federal Income Tax and TMRS deductions as required by State and federal law.

**Gaps in Service Eligibility.** Service with the City eligible for longevity **does not have to be consecutive.** If a former employee returns to work for the City of Beeville within 2 years and on good standing, previous time worked for the City will be eligible for Longevity Pay. As of adoption of this policy, your most recent hire date is your starting date for longevity.

<b>LONGEVITY PAY SCALE (MONTHLY)</b>	
STARTING THE SECOND YEAR OF EMPLOYMENT	\$5.00
STARTING THE THIRD YEAR OF EMPLOYMENT	\$10.00
STARTING THE FOURTH YEARS OF EMPLOYMENT	\$15.00
STARTING THE FIFTH YEARS OF EMPLOYMENT	\$22.50
STARTING THE SIX YEARS OF EMPLOYMENT	\$30.00
STARTING THE SEVENTH YEAR EMPLOYMENT	\$37.50
STARTING THE EIGHTH YEAR OF EMPLOYMENT	\$47.50
STARTING THE NINETH YEAR OF EMPLOYMENT	\$57.50
STARTING THE TENTH YEAR OF EMPLOYMENT	\$67.50
STARTING THE ELEVENTH YEAR OF EMPLOYMENT	\$77.50

**POLICY NO. 3.19 TUITION REIMBURSEMENT**

The Tuition Assistance Program is to provide an opportunity and an incentive for employees to increase their individual level of education and expertise to the organization, thereby enhancing their job skills and degree of professionalism and subsequently improving the ability for staff to provide continued quality service to the community. The City makes this investment in the employee with the expectation that it will improve the employee’s productivity and that the employee is committed to continued employment with the City.

**A. ELIGIBILITY**

Participation in the Tuition Assistance Program is subject to availability of funds in the City’s annual operating budget and prior written approval of the City Manager or his/her designee. Participation in the Tuition Reimbursement Program is a privilege of employment, not a right. Therefore, participation in the program is subject to approval and is not guaranteed for any employee.

- Only full-time employees are eligible for tuition assistance after successful completion of their new hire probationary period.
- Employee must meet the performance expectations of his or her current position.
- Employees who have been placed on a Performance Improvement Plan are not eligible for tuition assistance until successful completion of the Performance Improvement Plan.
- The employee must not be subject to formal disciplinary action.

- The employee must maintain a satisfactory grade of “B” or better for undergraduate, graduate, and PhD
- A “Pass” is required if it’s a pass/ fail activity to qualify for reimbursement.

**B. REIMBURSEMENT CATEGORIES**

This section defines the categories used in the Tuition Assistance Program. The employee should review this section to determine which category applies.

The City of Beeville will reimburse the employee 50% of tuition, laboratory, and registration fees (excluding textbooks & parking fees) up to the annual maximum amount of tuition that is reimbursable as determined by the City Manager’s Office. **No more than four courses (12 credit hours) per year.**

- College Courses for Associates, Bachelor’s, or Master’s, PhD degree plans
- Bilingual course (Spanish)

LETTER GRADE EARNED	PERCENTAGE OF TUITION
A	50%
B	40%
C	30%
D	0%
F	0%

**C. COURSE ELIGIBILITY**

- a. The City of Beeville may aid when the courses or employee’s degree program meet one or more of the following criteria:
  - i. Relates to current job duties
  - ii. Provides new knowledge and skills to enhance job performance and/or support the city’s mission.
  - iii. Are required for a job-related degree program
  - iv. Enhances the City’s ability to respond to current and future needs or
  - v. Supports the employee development plan of the employee’s Performance Evaluation.
- b. Individual courses outside of the degree plan, but which are directly related to the employee’s present or potential position with the City, may be considered for tuition assistance under this plan on a case-by-case basis, with the final determination on written approval made by the City Manager and Department Head.

**D. GUIDELINES**

- a. The City of Beeville will reimburse the employee 50% of tuition, laboratory, and registration fees (excluding textbooks & parking fees) up to the annual maximum amount of tuition that is reimbursable as determined by the City Manager’s Office.
- b. Tuition assistance will only be granted for courses taken at or through an accredited university or college and which is part of an approved degree plan.

- c. A written reprimand or suspension disqualifies employees from tuition reimbursement for 1 year with no other verbal or written warnings or reprimands during that year.
- d. Employees who cease employment with the City (voluntary or involuntary) prior to completion of the course are not eligible for the tuition reimbursement benefits, as of the last day of employment.
- e. If the employee does not maintain employment with the city for two years after reimbursement for the course(s), the employee will be required to repay the tuition and fees that were reimbursed by the city. The Payroll Coordinator will be responsible for tracking any tuition assistance money due upon termination of employment.
- f. Repayment Scale

Termination within 0 - 6 months of course completion	Pay 50%
Termination within 6 – 12 months of course completion	Pay 40%
Termination within 12 – 18 months of the course completion	Pay 30%
Termination within 18 – 24 months of the course completion	Pay 20%

**POLICY NO. 3.20 EDUCATIONAL, CERTIFICATION/ LICENSE INCENTIVE PAY**

The Educational Incentive Pay program rewards employees who take the initiative to increase their job worth by gaining job-related knowledge, behaviors, and personal and professional skills to significantly enhance their value to their department and the City. Educational incentive pay is not an entitlement and will be awarded retroactively.

Contractual employees shall not be eligible for special pay unless otherwise specified in their contract.

**A. ELIGIBILITY**

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

**B. ELIGIBLE PROGRAMS**

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

**D. CRITERIA**

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

1. The employee presents an official transcript from an accredited college or university indicating the degree completed or an approved job-related certificate or license.
2. The employee must not be subject to formal disciplinary action.
3. All licenses must be kept valid in order to continue receiving incentive pay. If a license or certification expires or becomes invalid incentive pay for that license or certification will cease.

**D. PROGRAM ADMINISTRATION**

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

**E. EDUCATIONAL**

A few are listed below, other certifications (not listed) agreed upon by Department Head.

<b>EDUCATIONAL, CERTIFICATION/ LICENSE INCENTIVE PAY SCALE</b>	
ASSOCIATES DEGREE*	2%
BACHELOR'S DEGREE*	2%
MASTER'S DEGREE	1%
<b>*Only one qualifies</b>	

<b>LICENSE PAY</b>	
"D" LICENSE (W&WWTP)	2%
"C" LICENSE (W&WWTP)	3%
"B" LICENSE (W&WWTP)	0
"A" LICENSE (W&WWTP)	0 (not required)

**POLICY NO. 3.21 BILINGUAL PAY**

**Statement of Purpose.** The purpose of this policy is to establish guidelines regarding bilingual skill certification pay for eligible City employees. City employees frequently use bilingual skills to enhance the performance of position duties to better serve citizen of the City of Beeville.

**Levels of Bilingual Certification Pay.** Bilingual certification pay will be awarded in the following areas:

- Reading (Requires the ability to read the English/ Spanish)
- Writing (Requires the ability to properly write the English/ Spanish)
- Conversational (Requires the ability to successfully converse in the English/ Spanish)

- Fluent (Requires the ability to converse, read, and write the English/ Spanish)
- Translator (Requires employee to be fluent and able to properly read and/ or write the English/ Spanish)

**Eligibility.** This policy is applicable to all regular full-time and part-time employees in all department of the City of Beeville. All regular full-time and part-time employees will be eligible for Conversational Level Bilingual pay. The ability for employees to receive bilingual certification pay for levels above the Conversational level will be determined by the Department Head. The Department Head will identify positions and/ or persons eligible to receive higher levels of bilingual certification pay within their department when:

1. The possession of the bilingual skill is beneficial in the performance of the employee’s and/ or department duties.
2. The secondary language is used by any group constituting at least 40% of the residents of the city. Other languages will be considered by the City Manager and Human Resources on a case-by-case basis on recommendation by the Department Head.

**Guidelines:**

1. Any employee receiving Bilingual Certification Pay is expected to assist other nonbilingual employees in translation of documents and assistance of the public. Assistance may be required for other departments or areas that extend beyond the employee’s normal scope of responsibilities.
2. An employee receiving Bilingual Certification Pay who declines reasonable assistance to non-bilingual employees or assistance to the public may have their Bilingual Certification Pay revoked at the discretion of the City Manager.
3. Bilingual Certification Pay for levels higher than the conversational level may be discontinued if the employee is re-assigned to a position where the skill will not be used, or if the functions of the position no longer require the skill.
4. There is no additional compensation for certification in multiple languages. This is not cumulative; compensation is only the highest.

**Procedure:**

1. **Application for Conversational Level of Bilingual Certification pay:** The Department Head will need to submit in writing the names of employees eligible to test for Conversational Level Bilingual Certification Pay to the Human Resources Manager.
2. **Testing:** The Human Resources Manager will arrange for the employee to take the certificate exam(s). Successful completion of the certification exam will result in the employee receiving certification pay for Bilingual language skills effective the first pay period of the month following the exam. The Bilingual Language Certificate pay will be awarded in the following areas:

<b>Levels of Bilingual Language Certification</b> (Not cumulative, it’s the highest)	<b>Bi-weekly Pay for Full Time Employees</b>
Reading/ writing	2%
Conversational/ Fluent - Translator	3%

**Section 4.00:**

## **Standards of Conduct and Employee Performance**

### **POLICY NO. 4.1 STANDARDS OF CONDUCT**

Below are examples of expectations for appropriate work performance and conduct. It is the employee's responsibility to meet all work-related expectations. If an employee does not meet these expectations, disciplinary action may be taken.

Some of the specific examples listed below may fit under more than one of the broader categories. This section provides guidelines only and is not intended to be an exhaustive or all-inclusive list.

- Each employee is responsible for performing his/her job in an efficient and safe manner.
- Each employee is responsible for conducting his/herself in a manner that is respectful of others and worthy of respect from their coworkers.
- Each employee is responsible for complying with the laws, regulations, and policies of the United States, State of Texas, the City and his/her department.
- Each employee is responsible for utilizing City time, tools, equipment, and vehicles in accordance with the City and/or department guidelines.
- An employee may not use his/her official position for personal or financial gain or special privileges, except in the performance of his/her assigned duties.
- Each employee is responsible for complying with the attendance guidelines and work hours of his/her position.
- Each employee is responsible for maintaining acceptable work performance.
- Each employee is responsible for compliance with the policies and procedures set forth in the Employee Handbook.
- Each employee is responsible for conducting him or herself, both during work hours and after work hours, in such a way to avoid damaging the City's reputation or business.
- Each employee is required to give written statements of fact, when requested, regarding any internal investigation.

### **POLICY NO. 4.2 ANTI- HARASSMENT AND DISCRIMINATION**

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

The City is committed to providing a work environment free of sexual or any form of unlawful harassment or discrimination. Harassment or unlawful discrimination against individuals on the basis of race, religion, creed, color, national origin, sex, pregnancy, sexual orientation, gender identity, age, ancestry, physical or mental disability, genetic information, marital status or any other classification protected by local, state or federal laws is illegal and prohibited by City policy. Such conduct by or towards any employee, contract worker, customer, vendor or anyone else who does business with the City will not be tolerated.

Any employee or contract worker who violates this policy will be subject to disciplinary action, up to and including termination of his or her employment or engagement. To the extent a customer, vendor or other person with whom the city does business engages in unlawful harassment or discrimination, the City will take appropriate corrective action.

The State of Texas (SB 45 and HB 21) significantly expands employer and employee liability for sexual harassment, the employer and the employee can be held personally liable. Thus, the City of Beeville has a zero tolerance of sexual harassment. The City of Beeville will investigate all claims of sexual

harassment and take necessary remedial action to prevent any further harassment or retaliation including immediate termination of any employee that violates this policy.

The EEOC defines sexual harassment as unwelcome sexual advances, requests for sexual favors, or other behaviors or physical conduct of a sexual nature, constitute sexual harassment when:

- This conduct explicitly or implicitly affects an individual's employment, or
- Unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.
- Unwelcome sexual advance, a request for sexual favor, or any other verbal or physical conduct of a sexual nature.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man.
- The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

## **RULES ON SEXUAL HARASSMENT**

- **No one has the right to sexually harass our employees.** Any employee of the City found guilty of serious harassment will be terminated. If a vendor is sexually harassing our employees, we will demand their company take action and refuse to do business with the company/ person in the future.
- **Sexual harassment is never too minor to be dealt with.** We will hear every claim and punish offenders appropriately.
- **Sexual harassment is about how we make others feel.** If something you do or say makes your co-workers uncomfortable, or makes them feel unsafe, you must STOP.
- **We will not allow victimization of harassed employees.** We will fully support employees who were sexually harassed and will not take any adverse action against them. For example: we will not move them to a position with lower pay or allow others to retaliate against them.

**Sexual Harassment:** all types of sexual harassment are prohibited. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or engagement.
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Examples of conduct prohibited by this directive include but are not limited to:



- unwelcome sexual advances,
- requests for sexual favors and lewd, vulgar or obscene remarks, jokes, posters or cartoons, and
- any unwelcome touching, pinching or other physical contact.
- Spreading false rumors or teasing about a subordinate or co-worker's supposed attempt to trade sex for workplace advancement is forbidden.

All sexual harassment complaints will be taken seriously and investigated in a timely manner.

**OTHER PROHIBITED HARASSMENT:**

In addition to the City's prohibition against sexual harassment, harassment and bullying based on any other legal protected characteristics is also strictly prohibited. This means that verbal or physical conduct that singles out, or denigrates, or shows hostility or aversion toward someone because of race, color, religion, sex (including pregnancy, sexual orientation, and gender identity), age, national origin (including citizenship) veteran status, disability and genetic information as designated by all relevant laws and regulations.

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

This policy also prohibits sending, showing, sharing, or distributing in any form inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, cell phone, or other electronic devices, social media, and/or the internet, such as YouTube and Facebook. Harassment of any nature, when based on race, color, religion, sex, (including pregnancy, sexual orientation, and gender identity), age, national origin, (including citizenship), veteran status, disability, and genetic information as designated by all relevant laws and regulations.

This policy applies to City employees, citizens, vendors, and other visitors to the workplace.

Please respect your co-workers, customers, or vendor's personal space.

**POLICY NO. 4.3 HARASSMENT COMPLAINT PROCEDURE**

Employees who believe they have been sexually harassed on the job or who are aware of the harassment of others must provide a written or verbal complaint to their Department Supervisor as soon as possible.

If a supervisor, manager or employee becomes aware that harassment or discrimination is occurring, either from personal observation or as a result of an employee's coming forward, the supervisor, manager or employee should immediately report it to the HR Manager.

Any employee who believes he or she is being sexually harassed by a manager, supervisor, co-worker, or other person should promptly take the following actions:

- Politely, but firmly, confront the person and ask him or her to stop, or write your complaint in a letter or memo.
- State how you feel intimidated or harassed by these actions. If practical, have a witness present.
- Be specific about the exact behavior you want stopped.
- Make a written note of what was said, the date and time of discussion, or if in writing, keep a copy of the memo.

If you feel uncomfortable confronting the person, or if the behavior does not stop or reoccurs, take the following actions:

- Submit your complaint directly to your supervisor, Department head or the Human Resources Manager. The Human Resources Manager must receive a copy of all complaints.

No individual will suffer reprisal or retaliation from reporting any incidents of sexual harassment, making any complaints, or participating in any investigation.

Retaliation against an employee for reporting or threatening to report discrimination or harassment is against City policy. An employee who files a complaint of discrimination or harassment, or is part of an investigation, proceeding, or hearing related to discrimination or harassment, is protected against any form of retaliation from other employees, supervisors, or the City.

- The complaint should be in writing and should include the following (Use the Complaint Form, attached).
  - Who allegedly committed the offensive behavior
  - Description of the specific behavior
  - When and where the incident occurred.
  - Any witnesses or person with knowledge of the incident or behavior.
  - Any action that has been taken by the complainant.

The complaint should be signed and dated by the complainant and include a statement giving the City permission to investigate the claim. During an investigation, certain details of the alleged occurrence may be released to those involved in the investigation.

- Complaints will be investigated in a prompt, objective and confidential manner by Human Resources or designee utilizing any resources of the City necessary to conduct a thorough investigation. The Human Resources Manager will work with the appropriate Department Head, as necessary, to conduct this investigation and/or to take immediate remedial action if applicable. The investigation will also include interviews with the complainant, alleged harasser, and any witnesses.

Confidentiality: In no event will information concerning a complaint be released to anyone who is not involved in the investigation. Nor will anyone be permitted to discuss the subject outside the investigation. Complaints and investigations will be conducted with confidentiality to the greatest extent possible. **Anonymity is not guaranteed.**

- A formal report of the complainant and investigation will normally be submitted to the City Manager, Department Head, complainant, and accused offender within fifteen (15) days of the receipt of the complaint. The report will include findings of the investigation and any corrective action recommended or taken.
- Based on the content of the report, appropriate disciplinary action and/or counseling will be taken.

If the complaint involves any employee listed below, then the City Council shall be advised immediately of said complaint.

- City Manager
- City Secretary
- City Attorney
- Municipal Court Judge
- Municipal Court Clerk

All employees and supervisors are required to attend mandatory sexual harassment training sessions as scheduled by City Manager and HR.

## **DISCIPLINE**

While it is not the City's policy to regulate an employee's personal morality, sexual harassment is illegal. If an employee is guilty of sexual harassment in any of its previously mentioned forms, it will be considered an act of gross misconduct and grounds for disciplinary action up to and including discharge. The employee may also be required to undergo appropriate counseling. Additionally, any supervisor or manager or employee who is a witness to or receives a complaint of sexual harassment and fails to take immediate appropriate action pursuant to this policy is also subject to disciplinary action and can be held individually liable.

## **HARASSMENT BY/ OF OUTSIDERS**

It is the policy of the City of Beeville to protect employees from sexual harassment, regardless of the source. If an employee is harassed or bullied by a non-employee, the employee should take the same steps as listed in the Complaint Procedure.

In consultation with other appropriate management or involved personnel, effective remedial action will be promptly taken. Possible remedial actions may include written warnings or prohibiting the harasser from returning to the premises or refusing to do business with the company/ individual.

Additionally, any Citizen alleging harassment by a city employee during his/her work hours may file a complaint using the procedure above. The same complaint investigation procedures and disciplinary action, if applicable, will apply.

## **POLICY NO. 4.4 EMPLOYEE GRIEVANCES COMPLAINT PROCEDURE:**

Complaints, misunderstandings, personality conflicts, and other concerns should be taken care of as soon as possible. A complaint is anything that an employee feel is wrong, unfair, illegal, or against City policy. If an employee complaint is not resolved the employee may file a grievance in writing.

During the investigation, the city advises that employees involved and not involved cease to discuss the case as it might impede the investigation. This applies to all city personnel investigations.

This grievance policy aims to ensure that all communication channels are open and receptive, and that all employees have an adequate opportunity to express their grievances. It further aims to ensure that grievances are resolved timeously and fairly.

### **Grievance Procedure**

- Step 1. Grievances must be made first to the employee's supervisor.
- Step 2. If the complaint or grievance is not settled or satisfaction is not obtained by the employee from the supervisor, the employee should go to the department head. If the Supervisor is the Department Head, the employee should go to the Assistant City Manager (See EXHIBIT A – Organizational Chart.) It is the duty of the department head to make known to the Assistant City Manager the status of every grievance, from its inception through the period of discussion with the employee. If the employee is still not satisfied, the employee may appeal to the Employee Appeals Board (City Manager or designee, City Secretary, and Municipal Court Clerk).
- Step 3. The Employee Appeals Board will hear the appeal by appointment at a time and on a date, convenient to both parties. It is in the best interest of both the employee and the City that formal appeals be submitted or confirmed in writing. The decision of the Employee Appeals Board is final and supersedes any decision previously made by a Department Head. The Employee Appeals Board will provide responses in writing.
- Step 4. If the employee is not satisfied with the final decision of the Employee Appeals Board, the employee can on their own time and expense seek outside legal counsel.

Any decision made on any of the steps above will be in writing.

## **COMPLAINTS INVOLVING CITY ADMINISTRATION (OVERSEEN BY THE CITY COUNCIL)**

If the complaint involves any employee listed below, then the Mayor or Mayor Pro-tem shall be advised immediately of said complaint.

- City Manager
- City Secretary
- City Attorney
- Municipal Court Judge
- Municipal Court Clerk

## **GRIEVANCE PROCEDURE (this applies only to City Administration/ Management listed above)**

- Step 1 Grievances must be made first to the employee's (listed above) supervisor.
- Step 2 If the complaint or grievance is not settled or satisfaction is not obtained by the employee from the supervisor, the employee (listed in the bullets above) should go to the department head. (See EXHIBIT B – Organizational Chart.) It is the duty of the department head to make known to the Mayor or Mayor Pro-tem the status of every grievance, from its inception through the period of discussion with the employee listed above. If the employee is still not satisfied, the employee may appeal to the City Council. If the complaint is against the City Manager go to step 4.
- Step 3 The City Mayor or Mayor Pro-Tem will hear the appeal by appointment at a time and on a date, convenient to both parties. It is in the best interest of both the employee and the City that formal appeals be submitted or confirmed in writing. The City will provide responses in writing.
- Step 4 If the employee is not satisfied with the decision of the Mayor or Mayor Pro-Tem, the employee may appeal to the City Council. Appeals to the City Council must be submitted in writing to the City Secretary no later than thirty (30) calendar days after receipt of the Mayor or Mayor Pro-tem's decision. Whenever the thirtieth (30) day falls on a day the City Hall Offices are closed, then the next business day after that will be the last day that an appeal will be accepted. An employee's failure to take such action within the prescribed time period will constitute the employee's loss of further right of appeal on the matter to the City Council. Timely appeals submitted in the proper manner will be considered by the City Council within thirty (30) days after receipt and will be heard by the City Council privately under the appropriate exception of the Open Meeting Act.

Employees are advised that they must not contact City Councilmen in person concerning a pending appeal. Members of the Council who sit at the appeal hearing are much like judges. It is unethical to contact them personally in advance of the hearing and thus attempt to persuade them one way or the other. Hearings before the Council will be "*de novo*" which means "from the beginning." The City Council will render a decision in writing within a reasonable time. Copies of the decision will be distributed only to the employee and /or his attorney; and a copy will be placed in the employee's personnel file.

Matters of personnel complaints are in most cases personal to the employee. Therefore, no public statements concerning them will be made by anyone involved in the grievance process.

Employees or contract workers who feel that they have been harassed or discriminated against, or who witness any harassment or discrimination by an employee, contract worker, customer, vendor or anyone else who does business with the Company, should immediately report such conduct to their supervisor or any other member of management.

Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the situation. No employee, contract worker, customer, vendor or other person who does business with this organization is exempt from the prohibitions in this policy. In response to every complaint, the Company will conduct an investigation which may involve interviewing witnesses if warranted and, if improper conduct is found, take appropriate corrective action.

To the extent that an employee or contract worker is not satisfied with the Company's handling of a harassment or discrimination complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.

#### **POLICY NO. 4.5 RESPECT AND WORKPLACE PROFESSIONALISM**

The City expects all employees to be active participants in contributing to the creation and enhancement of a professional work environment of respect, inclusion, civility, dignity, and understanding for co-workers. While employees are not required to be friends, they are expected to work with each other in a civilized manner.

#### **POLICY NO. 4.6 CONDITION FOR SEPARATION**

- **Resignation:** To resign in good standing an employee must submit a resignation in writing to the department head at least two weeks before the effective date of the resignation. The supervisor is responsible for immediately notifying Human Resources.

Resigning employees must return all City property on or before the last day of employment, including City-owned keys, equipment, tools, written material, and uniforms.

After approval by the respective department head, the resignation will be forwarded to the City Manager's office along a final evaluation of performance. An employee who gives less than two weeks' notice is subject to the loss of terminal pay, sick leave pay, and vacation pay, plus will not be eligible for rehire by City. See the paragraph below on Severance Pay.

- **Retirement:** An employee who intends to retire is requested to notify the Department Director, supervisor and Human Resources, in writing at least one month prior to the date of retirement. The TMRS application for retirement must be in the TMRS office the day of intended retirement date to lock in the in-service-date.
- **Dismissal:** department head may terminate an employee at any time for just cause, as determined after careful and factual consideration. An employee who is terminated will have an explanation of the reasons for dismissal. The department head will advise the employee of his or her shortcomings in writing prior to dismissal in all cases involving poor attitude or unsatisfactory performance. A copy of the letter will become a part of the employee's personnel record. Appeal of such action should follow the Grievance Procedure. (Refer to Section 4.3 for details.)

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. The City Manager must be notified of all dismissals.

- **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 three or more consecutive days, the City will normally consider the employee to have abandoned employment, and the employee will be terminated and forfeit all accrued leave (VAC/SICK).
- **Incapacity:** An employee may be terminated for incapacity when the employee no longer meets 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 receive

e accrued vacation and sick leave benefits if provided by policy, if any, payable upon termination.

- **Layoff:** Individuals to be laid off will be determined by the City Manager upon recommendation from the department head. When layoffs are required, they will be based upon budgetary constraints determined by the City Council. Two weeks written notice will be given to full-time and part-time employees. Temporary employees will be told at the time of employment the nature and status of their employment and may not receive two weeks' notice of a layoff
- **Death:** If a City employee dies, the designated beneficiary or estate will be paid all earned pay and payable benefits.

#### **POLICY NO. 4.7 SEVERANCE PAY**

Employees will receive Severance Pay at the employee's current rate of pay at the time of separation or death, as described below. An employee who gives less than two weeks' notice, is discharged for dishonesty, is discharged for destruction or theft of City property, or is discharged for assault on another employee will not be paid severance pay

- Vacation Leave value will be measured at 100% of the employee's accumulated vacation leave but cannot exceed two hundred forty (240) hours.
- Sick Leave Sick Leave value will be measured at 50% of the employee's accumulated sick leave but cannot exceed one hundred and twenty (120) hours. If you fall under Civil Service (Police Dept.) you will get paid according to the Civil Service Statute. LGC Title 5. Chapter 143.
- Compensatory Time Unused compensatory time will be paid to an employee upon termination of employment.
- Military Leave An employee who is granted military leave of absence and who does not return to work will be paid Severance Pay unless it was previously paid at the start of the military leave. The estate of an employee who dies while employed by the City will be paid the employee's Severance Pay.
- Final Pay the effective day of separation is the last day actually worked. Employees terminating employment with the City are not allowed to use sick leave as their final day of employment unless the employee is using sick for approved leave of absence or FMLA leave.

#### **POLICY NO. 4.8 BANKED LEAVE**

Fulltime employees who were employed with the City of Beeville as of midnight April 30, 2006, will be eligible for "Banked Leave" which will be payable to qualified employees upon separation of employment with the City. "Banked Leave" will be based on the following:

- Employee's Vacation and Sick Leave will be measured and valued at the employees' current rate of pay as of midnight April 30,2006.
- Vacation Leave will be measured at 100% of the Employee's accumulated Vacation Leave.
- Sick leave will be measured at 50% of the Employee's accumulated Sick Leave.
- The Total hours and dollar value of Employee's Vacation and Sick Leave will be recorded, kept on file and referred to as Employee's "Bank Leave".

#### **POLICY NO. 4.9 ATTENDANCE**

City of Beeville expects each employee to report to work on a reliable and punctual basis. Absence, late arrivals, and early departures from work burden other employees and limit customer service. Employees must contact the immediate Supervisor or Department Head at least one hour before the start-of-the-shift if they are going to be late or absent. Notification can be by telephone, voicemail, or email.

If absence is for three or more consecutive days due to personal illness, a doctor's note or release will be required before returning to work.

The Department Head is responsible for notifying Human Resources when an employee is on their third day out. Human Resources will send the employee the required FMLA paperwork via certified mail and placed the employee on FMLA (refer to section 6.16 for detail).

Punctuality and regular attendance are essential to the successful operation of the City's. If an employee is unable to report to work (or to report to work on time) for any reason, the employee must notify his or her supervisor before his or her starting time. If an employee desires to leave work for any reason during the workday, the employee must obtain the approval of his or her supervisor prior to leaving (time can be documented as no pay because the employee failed to notify the Supervisor/Dept. Head). If the employee fails to call his or her supervisor or report for work for 3 consecutive workdays, the employee will be deemed to have voluntarily resigned (job abandonment) from his or her employment with the City and will be removed from the payroll.

Excessive absenteeism and tardiness are disruptive and place a burden on the City and on co-workers. Either may lead to disciplinary action, up to and including termination of employment.

Employees are expected to show up at the departments regular work schedule and be prepared to work their scheduled hours. All employees need to establish regular work schedules with starting and stopping times and lunch (1 hour) and rest (15 minutes) breaks. Schedules must be approved by your supervisor and submitted to the payroll for processing. Employees are expected to be at their normal works area during their scheduled time unless a variation has been approved in advance by the immediate supervisor.

### **SHIFT WORK**

If an employee cannot work his or her shift, it is the employee's responsibility to contact a co-worker and make arrangements to have the shift covered. If there is an emergency and the co-worker cannot work the shift, then the responsibility falls back on the employee originally scheduled to work to find someone else to cover the shift and if they cannot find a replacement they will need to report to work.

### **POLICE DEPARTMENT**

Police Officers regardless of classification on a shift schedule their pay period weeks will be looked at as a whole (80hrs) versus a week-by-week basis (40hrs/wk.). In a shift schedule they can earn less than 40hrs for one week as long as the two weeks together equal 80hrs.

### **POLICY NO. 4.10 PERFORMANCE EVALUATION**

The City uses performance evaluations to assist supervisors in communicating job expectations, measuring the employee's level of past performance, recognizing employee achievements and exemplary performance, and strengthening the supervisor-employee relationship. The performance evaluation provides necessary information for management decisions including career development and training, assignments, advancements, transfers, disciplinary actions, retention, compensation, etc. The purpose of the performance evaluation as outlined herein is to achieve optimum employee performance resulting in outstanding citizen service.

An evaluation and discussion of job performance must be done when an employee is being considered for promotion. New employees must be evaluated at the end of the initial employment period of six months, and again at the end of the first year. Performance appraisal is a communication tool that has several benefits:

- (1) Allows employees to receive current information about job performance, including strong points and areas that need improvement.

- (2) Requires management to consider and discuss with the employee plans and goals for the next year.
- (3) Provides a basis on which to consider performance, training, promotion, leadership, compensation, and discipline

**SUPERVISORY RESPONSIBILITIES**

All performance evaluations must be forwarded to the Human Resources Manager for retention in the employee's official personnel file. An evaluation is considered complete at the time the employee signs and dates the evaluation document or the supervisor and/or Department Head has a witness acknowledge the employee's refusal to sign the evaluation document.

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

Supervisors will strive to clearly communicate all elements of job performance, key result areas, performance standards, measures, goals, strengths and areas of development needed by completing the Employee Development Area. Each employee will sign and date a copy of the Performance Evaluation when it is reviewed, and the supervisor will forward a copy to the Human Resources Manager for filing in the employee's official personnel file and provide the employee a copy.

Department Heads are expected to ensure compliance with this policy and ensure that evaluating supervisors and managers under their direction are adequately trained in the performance evaluation process.

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

**HUMAN RESOURCES RESPONSIBILITIES**

The Human Resources Manager will review all evaluation documents for obvious errors and return them to the Department Heads for any clarifications or procedural corrections. The Human Resources Manager is responsible for maintaining original evaluation documents in official personnel files, and for timely processing of evaluations for any compensation due with input from the Department Head.

**EMPLOYEES RESPONSIBILITIES**

Employees are expected to be knowledgeable of their essential job functions and key result areas and maintain established performance standards and requirements. Employees are encouraged to address issues and concerns regarding their annual performance evaluation with their evaluating supervisor. If the employee is unable to resolve issues and concerns with the evaluating supervisor, the employee may address them with the Department Head; if the Department Head is the evaluating supervisor, the employee may go to the City Manager or Human Resources to address concerns.

**POLICY NO. 4.11 INTIMATE RELATIONSHIPS**

A supervisor, manager, or department head involved in a personal relationship --- such as romance, living together, or sexual activity --- with another employee, must disclose this information to upper management. A supervisor, manager, or department head in such a relationship is prohibited from serving in a decision-making role for the other employee.

**POLICY NO. 4.12 DISCIPLINE AND STANDARDS OF CONDUCT**

The City of Beeville places a priority about its reputation and the quality of its services. Management will review any action or activity that hurts the City, its reputation, or normal City Operations.

To ensure orderly and productive operations and provide the best possible work environment, the City requires employees to follow rules of conduct that will protect the interests and safety of the City, its citizens and employees.

In certain instances, the City will 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, depending upon the severity of the conduct, the employee's work performance and prior disciplinary history, the employee's length of service, and any mitigating circumstances. At-will employment status is not affected by the use of the progressive discipline process. Depending on the circumstances and severity of each individual case, disciplinary action may consist of one or more of the following:

- oral warning
- letter of counseling
- written reprimand
- probation
- suspension (without pay)
- demotion
- last chance agreement
- discharge

It is not possible to list every type of unacceptable behavior at work, but conduct should be guided by courtesy, common sense, a desire for quality, safe work habits, and honesty. Behavior that is illegal, unsafe, or non-productive will be cause for disciplinary action, which could include counseling, warning, probation, suspension, or termination.

Keep in mind that these standards of conduct apply to all employees whenever they are on City property and/or conducting City business (on or off City property). Engaging in any conduct the City deems inappropriate may result in disciplinary action, up to and including termination.

#### **POLICY NO. 4.13 WORK RULES**

Management is responsible for maintaining an efficient, orderly, and safe operation, and not withstanding any other provision contained herein, will take appropriate disciplinary action in case of the following:

1. Dishonesty: forging emails, such as sending an email in someone else's name
2. Falsification of personnel or pay records, including application for employment, application for transfer, clocking in or record time including recording time or signing another employee's time sheet.
3. Failing to stay or report for overtime.
4. Failure to meet prescribed standards of work, functions outlined in the employee's job description, or commit any acts which may bring discredit to the City to an extent that makes an employee unsuitable or ineffective for the kind of employment in City service in which he or she is serving at the time of offense.
5. Improper Financial Responsibilities (e.g., City utility bill)
6. Failure to comply with safety regulations.
7. Unauthorized or unreported absence
8. Tardiness or absenteeism; coming in late or leaving early.
9. Abuse or misuse of a City owned vehicle.
10. Violation of the policy on political activities
11. Conviction of a misdemeanor that would be detrimental to his or her function as a City employee.
12. Actions for which the employee may or may not be responsible but placed fellow employees in danger.
13. Assault on a fellow employee.
14. Neglect or willful damage, waste or theft of City owned property.
15. Unauthorized use or possession of property that belongs to the City, a coworker, or of the public.

16. Actions for which the Employee is responsible that hinders or prevents them from properly and efficiently carrying out their job responsibilities, and/or hinder or prevent them from carrying out the job responsibilities of their department in conjunction with fellow employees.
17. Failure to report any accident, injury, or damage immediately – no matter how small; immediate means the same day as the occurrence.
18. Working or reporting to under the influence of any substance that adversely affects work performance and/or safety.
19. Tampering, modifying or changing personnel files or city records.
20. Failure to keep accurate time sheets and work records as instructed.
21. Yelling, shouting, arguing, or causing a disturbance, fighting particularly with a customer or another employee or a Department Head.
22. Fighting, harassment, engaging in threats of violence or violence, use of vulgar or abusive language, horseplay, practical jokes or other disorderly conduct that may endanger others or damage property.
23. Gossiping or spreading false rumors, bullying or creating a hostile work environment for another employee.
24. Possession, using, under the influence of, or distributing alcohol or illegal drugs while are at or on City property.
25. Possession of weapons, explosives, or other dangerous or unauthorized materials.
26. Insubordination, or disobedience, failure or neglect to perform assigned duties or failure to comply with the city's rules.
27. Disgraceful conduct, acting in a manner that makes the employee ineffective, whether committed while on or off duty.
28. Unauthorized or careless use of the City's materials, equipment, or property.
29. Unauthorized and/or excessive absenteeism or tardiness; absence without notification or reasonable cause for failure to notify. Such absences for three consecutive workdays or shifts require no further follow-up prior to termination.
30. Failing to meet prescribed standards of work, functions outlined in the employee's job description.
31. Failure to follow Equal Employment Opportunity and Non-Harassment/ non-discrimination policies. Sexual or other illegal harassment or discrimination.
32. Theft of City, customer, or employee property.
33. Unauthorized use or disclosure of the Company's confidential information.
34. Smoking in unauthorized areas or City vehicles.
35. Failure to maintain a clean and orderly work area or vehicle.
36. Lying to a supervisor and/or failing to cooperate in an investigation.
37. Conviction of a felony.
38. Sleeping on the job
39. Viewing explicit or pornographic material on City time and/or on a City computer
40. Viewing YouTube, Tik-Tok or Facebook and other social media videos that are not work related on City time.
41. Posting confidential City business on any social media to generate a dispute.
42. Violation of any City policy.
43. Any other reason deemed appropriate by the Department Head or City Manager.

Management will consider the circumstances of each situation, including seriousness, frequency, cost of damage or loss, and employment history. Violations will result in disciplinary action, which could include counseling, warning, probation, suspension, or termination.

#### **DOCUMENTATION**

All forms of discipline, other than oral warnings, must be documented and will be placed in the employee's personnel file. In the event an employee is to be discharged, the supervisor shall forward a copy of the documentation to the Human Resources Manager for review prior to taking the action, who shall forward a copy of the dismissal to the City Manager. The Dept. Head will also make a recommendation concerning the possible rehiring (or not rehiring) of the person in the future.

**REMOVAL FROM THE WORKPLACE:** When an employee's behavior warrants, an employee may be immediately removed from the workplace, with or without pay, while an investigation is being conducted and disciplinary action determined.

#### **POLICY NO. 4.14 EMPLOYEE NOTICE OF FELONY AND MISDEMEANOR CHARGES:**

City employees are subject to disciplinary action and/or job restrictions for violations of law. This policy applies to acts prohibited by law that result in charges being filed, arrest, confinement, indictment, and/or conviction, as well as to acts prohibited by law not resulting in charges filed, arrest, confinement, or indictment.

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. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations. Failure to report these events in a timely manner may result in immediate termination.

#### **Employee Status after Alleged 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:

- allowing the employee to return to regular duty with pay;
- allowing the employee to return to restricted duty with pay;
- placing the employee on paid administrative leave;
- placing the employee on unpaid administrative leave; or
- terminating the employee.

#### **Employee Status after Adjudication:**

Once the indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are computed and all related administrative matters are completed, the Department Head will determine, in conjunction with Human Resources the status of the employee. 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.

#### **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.

#### **POLICY NO. 4.15 VIOLENCE IN THE WORKPLACE**

The City of Beeville is committed to providing employees a safe workplace free from threats, intimidating, and violent behavior. Therefore, the City has a ZERO tolerance for all forms of violence or threats to commit violence. Violence includes stalking and bullying.

## **POLICY NO. 4.16 DRESS CODE**

Employees are, in fact, representatives of the City, and therefore, personal appearance is important. There are no particular policies on hair, hair length, beards, mustaches, clothing, jewelry, etc., but it is a requirement that employees be as neat and clean as their job will allow. Appropriate clothing is required, depending on the department and the job title of each Employee. Department heads will inform employees of the work attire that will be expected or required. Department heads are responsible for monitoring the attire of their employees and taking corrective action when necessary. Guidelines:

- (1) City uniforms, when appropriate, may or may not be mandatory depending on the department. Environment and weather appropriate clothing with City Manager's approval.
- (2) Employees must wear business casual attire (clothing that is neat, clean, and ironed, pressed). Appropriate jewelry, make-up, hats.
- (3) When wearing jeans ripped exposing skin is not allowed. No flip-flops, tank tops, or sweats.

Examples:



- (4) Hair must be neat and clean. Long hair must be pulled back and secured. No facial hair. For safety purposes, employees must wear appropriate safety gear to prevent injury or accident (if working in around equipment).
- (5) Service employees must wear appropriate work shoes, preferably a work steel toe boots.
- (6) Employees may not wear clothing with lettering or pictures that would be offensive to other employees or the public.
- (7) Department Heads reserves the right to discuss dress, grooming, and hygiene with any employee if appearance is distracting, distasteful, offensive, or unsafe.
- (8) No shorts unless you're a Lifeguard (uniform) or Golf Course Clerk (no more than four (4) inches above the knee).
- (9) Anyone not dressed in business casual attire will be sent home without pay until the problem is corrected.
- (10) Failure to comply with above will be subject to disciplinary action as per Section 4.3.

This policy applies to all employees while they are on duty, whether during their regular work shift or non-regular work shift.

## **POLICY NO. 4.17 HYGIENE**

All employees are expected to maintain good personal hygiene and be free of excessive body odor, perfume, cigarette/cigar or other smoke, and cologne. The City recognizes that positions within the City are physically demanding. Employees should take preventative action to avoid offensive smells by using antiperspirant/deodorant or by smoking in open areas where the smoke is less likely to remain on the employee's clothes or hair. The City also understands that some personnel and members of the public may have allergic or other sensitivity to smells. The City further understands that some employees may have a medical condition that causes increased body odor. Those employees should follow the advice of the medical provider. Accommodations may be made for religious or medical reasons.

### **ADDRESSING DRESS CODE AND HYGIENE CONCERNS**

Violations of the policy can range from inappropriate clothing items to offensive perfumes and body odor. If an employee comes to work in inappropriate dress, he or she will be required to go home, change into conforming attire or properly groom, and return to work.

If an employee's poor hygiene or use of too much perfume/cologne is an issue, the supervisor should discuss the problem with the employee in private and should point out the specific areas to be corrected. If the problem persists, supervisors should follow the normal corrective action process.

## **POLICY NO. 4.18 HOUSEKEEPING/DESIGNATED WORK AREA**

At the end of the work week, everyone is responsible for cleaning and sanitizing their work area, emptying the trash can, and ensuring confidential information is locked up.

Housekeeping is everyone's responsibility. The appearance and cleanliness of public areas, shops, lunchrooms, storage areas, parking lots, and grounds are a reflection of City of Beeville standards. Employees are expected to contribute to the cleanliness of City facilities and property when possible. Each employee's immediate work area must be kept neat, safe, and uncluttered.

## **POLICY NO. 4.19 SAFETY**

The City is committed to providing a safe workplace. Accordingly, the City emphasizes "safety first." It is the employee's responsibility to take steps to promote safety in the workplace and work in a safe manner. Being a safety conscious employer, employees can protect themselves and their coworkers. Employees are expected to promptly report all unsafe working conditions, accidents, and injuries, regardless of how minor so that any potential hazards can be corrected.

The City will not require any employee to perform hazardous duty without first receiving training concerning the hazard and proper work methods. The City will provide for health and safety programs appropriate to create a safer working environment. Employees shall not be subject to reprisal or retaliation for filing a worker's compensation claim or for reporting unsafe conditions to management or outside enforcement authorities. Employees are required to report any accidents or unsafe conditions or practices to their supervisor immediately so that corrective action may be taken. All accidents and injuries, regardless of how minor, are required to be reported to supervisors, Department Heads, and Human Resources.

In addition to individual departmental safety policies, all employees shall make use of Personal Protective Equipment provided by the City. Employees are at greatest risk of severe injury when working within the public right of way. As such, every employee performing any duties within the roadway will wear reflectorized outer garments. Same is required in all work zones and construction sites.

### **SAFE PRACTICES**

- Incorporate safety into the planning, design, purchase, construction, use, and maintenance of all equipment, facilities, vehicles, services, and activities.
- Use only approved ladders -- not boxes, chairs, or other objects to climb on.
- Follow OSHA and other government regulations that relate to fire, hazardous materials, chemicals, cleaning products, working conditions, and accident prevention.
- Follow the manufacturer's recommended procedures for the assembly, operation, use, installation, and repair of machinery, equipment, instruments, and other devices.
- Report every incident of injury, damage, loss, or near miss, no matter how small.
- Use first aid and medical supplies only when necessary and while at work.
- Always inform management of a need for first-aid, other medical treatment, or medicine
- Running, horseplay, and practical jokes are not allowed.
- Good housekeeping is required. Keep work areas clean from trip hazards, spills, dirt, trash, and other hazards.
- Keep doorways, aisles, stairs, and exits clear at all times.
- Loose or torn clothing, gloves, jewelry, or long hair may not be worn when using or working around powered equipment or moving parts.
- Wear safety shoes when exposed to heavy lifting or falling objects.

- Use proper lifting procedures; bend the legs – not the back; keep load close to the body; keep the body erect; and do not reach or twist while lifting or carrying a load.
- Cooperate fully in accident or injury investigations.
- Wear seat belts and obey traffic laws while driving any City vehicle.
- Smoke in the designated areas only - which is outdoors.
- Comply with danger and warning signs.
- Follow “best practices” and industry-recommended procedures regarding work, customer service, hygiene, sanitation, and trash disposal.
- Follow OSHA safety regulations and the Hazard Communication Plan in all aspects of work.
- Know where fire extinguishers are in the facilities and the vehicles; and know how to use them. Each employee is authorized to use a fire extinguisher when necessary.
- Safety rules must be followed. An unsafe practice or act may result in disciplinary action, which could include counseling, warning, probation, suspension, or termination.

#### **POLICY NO. 4.20 SUBSTANCE AND ABUSE**

The City does not allow the possession, use, sale, distribution, transfer, or influence of alcohol, marijuana, or other non-prescribed drugs while on the premises or in the performance of work. Alcohol may not be consumed during normal working hours or while on-call.

Violations will be cause for disciplinary action. Any person caught possessing, using, promoting, or distributing alcohol or illegal drugs while on duty will be terminated and reported to the police or other proper authorities. If it is necessary to take prescribed medication that may affect behavior, notify management about the possible side effects. There is a separate Drug Abuse Policy that fully explains the City’s concerns and policies. It must be read and signed by every employee. (Refer to Appendix 2 Drug and Alcohol Policy for details).

#### **POLICY NO. 4.21 SMOKING**

The City is committed to providing its employees with a safe and comfortable working environment. Due to increasing evidence of the dangers of tobacco smoke and tobacco products, the City seeks to restrict the use of tobacco.

- Smoking is not permitted inside City facilities and vehicles; only outdoors.
- Smoking material must be disposed of properly in approved containers.
- Signs will be posted in the facilities, such as “No Smoking,” or “Thank You for Not Smoking.”
- Smoking is permitted only in designated areas on City properties, which are located only outdoors and 15 feet from any entry way.

## VAPE PENS

In line with the commitment to ensure a safe and healthy environment for all employees, residents, and visitors, the City of Beeville hereby establishes a policy that prohibits the use of vape pens within all City buildings and vehicles. This policy aims to create a smoke-free and vapor-free environment that promotes well-being and minimizes potential health risks associated with the use of vaping devices.

### Policy Details:

- **Prohibition of Vape Pen Usage:** The use of vape pens and similar electronic nicotine delivery systems is strictly prohibited within all City buildings and vehicles. This includes all offices, meeting rooms, restrooms, hallways, elevators, and common areas within City premises, as well as any vehicles owned or operated by the City.
- **Designated Smoking/Vaping Areas:** To accommodate those who wish to smoke, or use vape pens, designated outdoor smoking/vaping areas outside City buildings and away from vehicles at least 15 feet.
- **Enforcement and Consequences:** City employees are expected to comply with this policy as a condition of employment. Violations of the vape pen usage policy may result in disciplinary actions in accordance with applicable policies and procedures. Visitors and contractors who violate the policy may be asked to leave City premises.
- **Review and Updates:** This policy will be subject to periodic review to ensure its effectiveness and relevance. Any necessary updates or modifications will be made to align with changing regulations, health considerations, and best practices.

By adhering to this policy, the City of Beeville aims to create a healthier and more pleasant environment for everyone within its premises, while also promoting a culture of respect and consideration for the well-being of all individuals.

This policy applies to all City employees, contractors, residents, and visitors when they are within any City-owned building or vehicle. It encompasses all types of vape pens and similar electronic nicotine delivery systems, regardless of the substances they may contain.

## **POLICY NO. 4.22 WORKPLACE SEARCHES**

The City reserves the right to inspect the property and person of all individuals while on City property or in City vehicles. This right includes, but is not limited to, packages, desks, work areas, and toolboxes on City property.

Employees should not bring personal items to work that are not job-related, including weapons, fireworks, expensive jewelry, pornographic material, audio-visual equipment, drugs, alcohol, etc. Inspection may be conducted at any time, without notice, at the discretion of the Company.

## **POLICY NO. 4.23 INTERNET, EMAIL AND COMPUTER USE POLICY**

The following rules apply to all forms of electronic communications and media that are: (1) accessed on or from City premises; (2) accessed using the City computer or telecommunications equipment, and/or (3) used in a manner which identifies the City. The following list is not exhaustive, and the City may implement additional rules from time to time.

Electronic communication and media may not be used in any manner that would be discriminatory, harassing, or obscene, or for any other purpose that is illegal, against City policy, or not in the best interest of the City.

- Employees who misuse electronic communications and engage in defamation, copyright or trademark infringement, misappropriation of trade secrets, discrimination, harassment, or related actions will be subject to discipline, up to and including termination.
- Employees may not install personal software on City computer systems. Employee's own electronic media may only be used during breaks. All other City policies, including the City's no tolerance for discrimination, harassment, or retaliation in the workplace apply.
- All electronic information created by any employee on City premises or transmitted to City property using any means of electronic communication is the property of the City and remains the property of the City. You should not assume that any electronic communications are private or confidential.

**OFF-DUTY EMAILS TO HOURLY STAFF (NON-EXEMPT)**

Please do not send work emails to nonexempt employees when they are not actively at work because they will feel the need to reply, and that time will be recorded as work time (OT or CT).

**POLICY NO. 4.24 SOCIAL MEDIA POLICY**

City is committed to utilizing social media to enhance its profile and reputation, to listen and respond to customer/citizen opinions and feedback, and to drive revenue, loyalty and advocacy. We encourage employees to support our activities through their personal social networking channels while adhering to the guidelines outlined in this section. For the purpose of this section, social media and networking refers to the use of web-based and mobile applications for social interaction and the exchange of user-generated content. Social media channels can include, but are not limited to Facebook, Twitter, LinkedIn, YouTube, blogs, Tik-Tok, review sites, forums, online communities, and any similar online platforms.

Employees are expected to conduct themselves in a professional manner and to respect the views and opinions of others. The City and its employees are committed to conducting ourselves in accordance with best practices in social networking, to being responsible citizens and community members, to listening and responding to feedback, and to communicating in a courteous and professional manner.

Behavior and content that may be deemed disrespectful, dishonest, offensive, harassing or damaging to the city's interests or reputation are not permitted. The use of social media channels on city time for personal purposes is not allowed. Any social media contacts, including 'followers' or 'friends' that are acquired through accounts (including but not limited to email addresses, blogs, Twitter, Facebook, YouTube, Instagram, Tik-Tok, or other social media networks) created on behalf of the City will be the property of the City. Employees must not disclose private or confidential information about the City, its employees, clients, suppliers or customers on social networks. Employees must respect trademarks, copyrights, intellectual property and proprietary information. No third-party content should be published without prior permission from the owner. Details and procedures that must be followed are contained in Appendix: H Social Media Policy, attached hereto.

**POLICY NO. 4.25 CELL PHONE POLICY**

The City recognizes that many employees bring cell phones to work. However, the use of personal cell phones at work is discouraged because it can interfere with work and be disruptive to others. Therefore, employees who bring personal cell phones to work are required to keep the ringer shut off or placed on vibrate mode when they are in the office, and to keep cell phone use confined to breaks and meal periods. Conversations should be had away from areas where other employees are working. When cell phone use interferes with the satisfactory performance of an employee's duties or disturbs others, the privilege of using a personal cell phone at work may be taken away and other disciplinary action, up to and including termination, may be imposed.

The city may provide cell phone allowances to employees in certain positions in an effort to improve efficiency and effectiveness. When cell phones are used for City business, employees must comply with all City policies governing conduct, including our policies prohibiting discrimination, harassment, and



violence in the workplace. Employees who use cell phones to violate City policy, including the City's Sexual and Other Unlawful Harassment Policy, will be subject to disciplinary action. When using the cell phone in a public place, please remember to maintain the confidentiality of any private or confidential City information. As a courtesy to others, please shut cell phones off or place on vibrate mode during meetings.

Except in emergency circumstances, employees should not use a cell phone while operating a motor vehicle, including both making and receiving phone calls and texting. All employees must, when asked by the City, consent to a request to provide the City access to all city issued cell phone and text message records used for City business purposes. Employees using City-issued cell phones have no expectation of privacy in cell phone calls, pictures, or text messages on these phones. Limited personal use of a City issued cell phone is permitted, however, may be subject to the public information act.

#### **POLICY NO. 4.26 PUBLIC INFORMATION ACT**

Employees are advised that records related to calls, text messages, pictures and videos made and received may be subject to the Public Information Act. Information related to telephone numbers called, length of call, and time and date of call as well as the text message, picture and video itself may be obtainable through the Texas Public Information Act, except in narrowly defined circumstances.

The City will not require any employee to use personal devices for City business. Employees using such devices should remain aware that using personal devices on City business could potentially expose their personal records to public scrutiny or legal subpoena. In addition, texts used for business may be official records and are required to be saved according to the City's Record Retention Schedule, even when it is difficult to do so. Deleting a public document that should have been kept, even a text on a personal device, may constitute a Class A Misdemeanor. As a result, City employees should not use text messaging or calls from personal devices to discuss work-related issues. Emails that are part of the City's system may be used from personnel devices.

#### **POLICY NO. 4.27 CITY VEHICLES**

Certain City employees are assigned City owned vehicles to conduct City business. These vehicles may not be used for personal use. Transporting of employee's family members is not permitted unless specifically approved by the City Manager.

Employees granted special permission from the City Manager to take City Vehicles home are only to use the vehicles for City business.

Employees should be aware that persons other than employees riding in City vehicles may not covered by insurance in the event of an accident or injury. This places a tremendous liability on the employee individually and the uninsured rider in the event of an accident. The Finance Director's office can provide details concerning the insurance coverage carried on specific vehicles.

Proper use of vehicles is required:

- (1) Operators must have a valid Texas Driver's License, and the Texas Motor Vehicle Record (MVR) must be clean and acceptable to the auto insurance provider.
- (2) Gas tickets and other expenses must be clearly marked and accounted for.
- (3) The user of the vehicle must keep the vehicle clean. Cleaning includes inside, outside, windows, and trash.
- (4) The immediate supervisor or department head must be informed about any maintenance, safety problems, or other concerns.
- (5) The vehicle, the keys, parts, tools, and supplies must be safeguarded.
- (6) Turn off the vehicle and lock the doors when not in use. Excluding police vehicles
- (7) No passengers are allowed to ride, except when specifically, authorized.
- (8) No vehicle will be operated under the influence of alcohol or drugs.
- (9) No smoking in City vehicles/ equipment.

- (10) Seat belts must be worn at all times.
- (11) Accidents and damage must be reported immediately to management.
- (12) An employee observed or ticketed for driving a City vehicle carelessly, recklessly, or illegally will be subject to disciplinary action.
- (13) An employee, driving a city vehicle, who is involved in an accident or damages a city vehicle will be sent to seek medical treatment, if necessary, and will be subject to a drug screening, immediately following an accident.
- (14) Weekly vehicle inspections must be done and submitted to their immediate supervisor and City Secretary/ Asst. City Manager for filing.
- (15) Pre-Maintenance Check “tire pressure, oil, all fluids, tires, lights, etc. must be checked twice a week on Monday and Friday for all city owned vehicles and daily inspections of the interior to ensure they are cleaned.

Abuse of the use of City owned vehicles is cause for reprimand and dismissal.

### **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 workstation. 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 Head. No alcoholic beverages are allowed in City vehicles. **No passengers may be transported in take-home vehicles except as required by official duties.**

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

## **POLICY NO. 4.28 FACILITIES/EQUIPMENT/SUPPLIES**

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.

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.

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.

Parts, tools, equipment, office supplies, computers, electronics, furnishings, vehicles, and workspace are for business use only and may not be borrowed, used, or consumed for personal or other purposes. Such items remain the property of the City, even if issued or assigned to individual employees; and must be returned upon request or termination.

**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.

**LOSS CONTROLS**

Management is concerned about protecting the supplies, equipment, tools, parts, facilities, vehicles, and other assets of the City, employees, customers, and visitors. Employees must immediately report any suspicion or knowledge of customer, vendor, or employee dishonesty. The City is not responsible for the loss of personal property at work, including loss or damage of a personal vehicle.

**POLICY NO. 4.29 EMPLOYEE SAFETY DEALING WITH THE PUBLIC**

Employees can find themselves in confrontational settings when dealing with citizens which can result in citizen allegations of employee misconduct. As such, all employees should protect themselves whenever possible by either being accompanied by another employee or documenting the interaction. This would not apply to fire and EMS personnel responding to an emergency call.

**POLICY NO. 4.30 YOUR PERSONAL PROPERTY**

All employees shall be solely responsible for their personal belongings brought onto City property, except for personal equipment required in the performance of their job. The City assumes no liability for such items. Further, there may not be an entitlement to any right to privacy of those personal items brought on to City property.

**POLICY NO. 4.31 YOUR PERSONAL AFFAIRS**

Employees should arrange their personal affairs to minimize interference with individual or group work performance. This includes personal phone calls, and requests for absence from work the workplace for personal, financial, medical, or other reasons.

**Section 5.00:  
Employee Benefits and Services**

**POLICY NO. 5.1 GENERALLY**

On the first day of the month following 60 days of employment, full-time and part-time employees working 30 or more hours a week will be covered by a group insurance plan, which includes hospitalization and term life insurance. The entire health insurance premium for the employee will be paid by the City. If an employee chooses to include his/her family in the hospitalization plan, the employee should contact the insurance representative or Human Resources and make the necessary arrangements. The additional premium for spouse and dependent coverage will be paid by the employee through payroll deduction. Temporary employees are not eligible for group insurance.

Insurance programs are periodically reviewed --- coverage, premiums, co-pays, deductibles, limits, and other insurance specifics are subject to change.

Aside from those benefits required by state and federal regulations City of Beeville also offers additional benefits for its Full-Time Employees. From time to time, benefits may be added or deleted from the benefits package and premiums and shared costs will vary. The City reserves the right to make such changes.

This Handbook does not contain the complete terms and/or conditions of any of the City's current benefit plans. It is intended only to provide general explanations. For information regarding employee benefits and services, employees should contact Human Resources.

### **VOLUNTARY BENEFITS OFFERED TO EMPLOYEES**

Dental and Vision, Short Term & Long-Term Disability, VOL Life & AD&D, FSA, Critical Illness and Accident. The City reserves the right to make changes.

### **QUALIFYING EVENT:**

If you experience a qualifying life event during the year, you may make changes to your elections at that time. Keep in mind, the window of opportunity for a qualifying event is 30 days and it is your responsibility to notify HR of the changes within the 30 days. Qualifying events may include the birth or adoption of a child, marriage, divorce, death of a dependent or changes in your spouse's employment status that affect your benefits or a dependent's loss of eligibility.

### **POLICY NO. 5.2 GROUP HEALTH INSURANCE**

The City offers a group health plan for eligible employees. For more information, refer to the City's benefits booklet for complete details and benefits or contact Human Resources.

### **POLICY NO 5.3 GROUP LIFE INSURANCE**

The City offers a group life insurance plan for eligible employees, including accidental death and dismemberment coverage. For more information, refer to the City's benefits booklet for complete details and benefits or Human Resources.

### **POLICY NO. 5.4 HIPAA AS IT APPLIES TO EMPLOYEES**

The Health Insurance Portability and Accountability Act of 1996 and its subsequent amendments are usually referred to by the acronym of HIPAA. It helps ensure continued medical coverage when employees change jobs. Most of all, HIPAA mandates that employee's medical information remain confidential.

Only the Department Head and the Human Resources Department are privy to employee's medical information, and each will regard any medical information as highly confidential. An employee's medical records will be kept confidential and under the singular control of the Human Resources Department.

A key feature of the HIPAA law, frequently called the Privacy Act, is this guarantee of privacy regarding medical information. Improper disclosure is not only a violation of this policy but can lead to criminal prosecution under federal law.

Under the HIPAA law, employees need to treat any medical information they may encounter on or about employees as confidential. Regardless of how the information comes to the attention of any employee, it should never be shared publicly or privately with anyone. The only exceptions are if the information constitutes a potential endangerment to that employee or another person.

### **POLICY NO. 5.5 FLEXIBLE SPENDING ACCOUNT (FSA)**

Under Section 125 of the IRS Code, the City has set-up a flexible spending account for employees who wish to take advantage of this provision. This plan allows employees to withhold a portion of their salary on a pre-tax basis to cover the cost of qualifying insurance premiums, out of pocket medical expenses and dependent care expenses (child and/or elder care) such as day care expenses and in-home dependent care. An amount selected by the employee is deducted on a pre-tax basis to cover these

expenses. Any unused amounts in the medical and dependent care account will be forfeited after the end of the plan year.

### **AT SEPARATION**

The payroll deductions for employee dependents health insurance and voluntary coverages will be deducted from the employee's final paycheck.

Last day of employment: Employees terminating employment with the city are not allowed to use sick leave as their final day of employment unless the employee is using sick for approved leave of absence.

### **POLICY NO. 5.6 RETIREMENT – TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS)**

Full-time employee and a part-time employee working more than 1000 hours per year are to join the City's retirement plan. The Finance Director's office will provide details of the retirement plan, which is subject to change.

It is the employee's responsibility to report change of address to TMRS. The employee needs to report the change of address to HR and complete a TMRS Change in Address form.

The City's retirement is through Texas Municipal Retirement System. The employee contribution is a 5% pretax every pay period. The employee is vested after 5 years of employment. For more information employee should contact HR or go to [www.tmr.com](http://www.tmr.com).

### **POLICY NO. 5.7 COBRA**

Under the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986, if you are covered under the City's group health insurance plan(s) you are entitled to continue your coverage in the event that your employment with the City ends. Under COBRA, the City must offer each qualified beneficiary (the employee and any covered dependents) who would otherwise lose coverage under the plan as a result of a qualifying event an opportunity to continue their insurance coverage. A qualifying event is defined as termination of employment, a reduction in the number of hours of employment, death of covered employee, divorce or legal separation, a dependent child ceases to be dependent, eligibility of the covered employee for Medicare, or an employer's bankruptcy.

### **POLICY NO. 5.8 WORKER'S COMPENSATION**

All states have Workers' Compensation laws whose purpose is to promote the general welfare of people by providing compensation for accidental injuries or death suffered in the course of employment. These laws are designed to provide protection to workers suffering occupational disabilities through accidents arising out of, and in the course of employment. The City carries Workers' Compensation Insurance for all employees and pays the entire cost of the insurance program.

An employee who suffers an injury or illness in connection with the job is usually eligible to receive Temporary Income Benefits (TIB) payment through the insurance company for lost wages. In addition to disability payments, necessary hospital, medical and surgical expenses are covered under Workers' Compensation, with payments being made directly to the hospital or physician. Workers' Compensation benefits to injured workers also include assistance to help qualified injured employees return to suitable employment. For more information contact HR or refer to the City's Work Comp Policy.

### **POLICY NO. 5.9 SOCIAL SECURITY BENEFITS (FICA)**

During your employment, you, and the City both contribute funds to the Federal government to support the Social Security Program. This program is intended to provide you with retirement benefit payments and medical coverage once you reach retirement age.

### **POLICY NO. 5.10 UNEMPLOYMENT INSURANCE**

The City pays a state and federal tax to provide employees with unemployment insurance coverage in the event they become unemployed through no fault of their own or due to circumstances described by law. This insurance is administered by applicable state agencies, who determine eligibility for benefits, the amount of benefits (if any), and duration of benefits.

## **POLICY NO. 5.11 UNIFORMS & GEAR**

- **UNIFORMS** Each department may, with the approval of the City Manager require uniforms for all or designated positions within the department. A portion of the initial cost and normal maintenance costs will be paid by, or reimbursed, to the employee by the City. Any portion of the cost charged to the employee will be deducted from the employee's payroll check. Each employee's department head can supply the details about uniforms and the costs. Uniforms should not be worn during non-working hours and should not be worn at inappropriate places, such as social events, bars, or other job sites.
- **WORK GEAR** Certain jobs require the use of special gear, raincoats, boots, gloves, hard hats, etc. The City will furnish this equipment the first time and replace it when it is worn out due to normal wear and tear. Any employee who loses or damages gear issued will be required to replace the item before being allowed to return to work.
- **AT SEPARATION** The cost of any uniforms, hard hats, boots, raincoats, tools, or other gear or equipment issued to the employee but not returned in good condition (other than normal wear and tear) will be deducted from the employee's final paycheck.

## **SECTION 6.00: EMPLOYEE LEAVES OF ABSENCE AND TIME OFF**

### **POLICY NO. 6.1 GENERALLY**

While regular attendance is crucial to maintain City operations, the City recognizes that, for a variety of reasons, employees may need time off from work. The City has available a number of types of leaves of absence. Some are governed by law and others are discretionary. For all planned leaves, however, employees must submit a request at least 3 Days in advance; in case of emergencies, employees should submit the request as soon as they become aware of the need for leave. All leaves must have the approval of the employee's Department Head or designee.

All requests for a leave of absence will be considered in light of their effect on the City and its work requirements, as determined by the Department Head, which reserves the right to approve or deny such requests in its sole discretion, unless otherwise required by law. For disability-related leave requests, the Department Head will refer the employee to HR who will engage in an interactive process with the employee to determine if a leave is the most appropriate accommodation. The employee must provide a certification from his or her health care provider to the Human Resources Dept. to support a leave for medical reasons. Failure to provide the required certification to Human Resources in a timely manner will result in delay or denial of leave. If an employee requires an extension of leave, the employee must request such extension, and have it approved before the expiration of the currently approved leave.

While the Department Head will make a reasonable effort to return the employee to his or her former position or a comparable position following an approved leave of absence, there is no guarantee that the employee will be reinstated to his or her position, or any position, except as required by law.

### **POLICY NO. 6.2 SICK DAYS**

Eligible employees are entitled to 3.69 hours per pay period paid sick days per year. Sick days' pay for regular full-time employees will be calculated based on the employee's base pay rate times the number of hours the employee would otherwise have worked on that day. When employees eligible for paid sick days do not take the full amount of sick time they could have taken in a year, will be carried over to the following year.

Full-time employees accumulate Sick Leave at the rate of 3.69 per pay period, which is a total of 12 days per year. Sick Leave does not accumulate while on leave without pay, injury leave, Workers' Compensation leave, or Family and Medical Leave Act (FMLA) leave

Part-time employees accumulate Sick Leave at the rate of 1/4 or .25 day per pay period, which is a total of 6.5 days of per year.

Temporary employees are not eligible for Sick Leave.

An employee must notify the supervisor prior to the time the regular workday begins and call in daily. The department head may require a physician's statement certifying the reason for the absence. The department head may also send an employee home if obviously ill and remaining at work could endanger the employee or others.

Employees will be allowed to take available sick leave when they or an immediate family member are ill or injured, or if there is a death in the family. For these purposes, the immediate family includes persons related to the employee within the third degree through "Relationship by blood," and within the second degree through "Relationship by Marriage." (Refer to Appendix C for details.)

Accumulation of sick leave is not limited. However, upon separation from employment or death, payment for accumulated sick leave will be at 50% of value, as described under Severance Pay. (Refer to Section 4.5 for details.)

**OUT MORE THAN 3 DAYS:** In the event that an employee will be or has been absent for more than three (3) consecutive workdays for reasons covered in this policy, Human Resources will send out FMLA paperwork and designate leave as FMLA. The employee will need to submit the medical certificate to their physician for completion and will need to submit a Fitness for Duty or doctor's note before returning to work.

- Supervisors are also responsible for notifying the Human Resources Department of any leave of absence exceeding three (3) consecutive workdays. If it is not scheduled leave.
- An employee who will be absent for more than three (3) consecutive workdays shall notify the designated supervisor of his/her expected return-to-work date as soon as is reasonably possible and prior to the date of return.

**Illness while on vacation.** An employee who becomes ill or who is injured while on vacation leave may request that the vacation leave be terminated and the illness or injury time be converted to sick leave, if available.

**Absenteeism or misuse.** While sick leave is intended to be a form of income protection, it does not provide job protection, except when used in conjunction with FMLA leave.

- An employee who is habitually absent from work for any reason, other than for an authorized leave of absence under the FMLA or workers' compensation, may be subject to disciplinary action and/or loss of employment.
- The department head shall determine what constitutes excessive absenteeism on a case-by-case basis, taking into account the reason for the absence and the degree to which they disrupt departmental operations.
- What constitutes excessive absenteeism for an employee in one job classification may be different than for an employee in another job classification.

Last day of employment: Employees terminating employment with the city are not allowed to use sick leave as their final day of employment unless the employee is using sick for approved leave of absence or FMLA leave.

**DOCUMENTATION**

**Return to work release:** an employee returning from a sick leave absence for his/her own illness/ injury in excess of three (3) consecutive workdays will be required to submit a return-to-work or doctor’s note release from the employee’s doctor indicating that the employee has fully recovered from his/her recent illness/injury is released with or without restrictions. The employee may also be required to take a physical ability test if such a test is normally required for placement in the job. Documentation must be provided to the Human Resources Department before the employee may resume regular work duties.

**PERSONAL DAY**

Personal Day: sometimes taking a personal health day—a day off that is specifically geared toward stress relief and burnout prevention—is the best thing you can do for yourself. While one day might not solve heavy underlying problems that lead to burnout, A mental health day can provide a much-needed break to pause, regroup, and come back with greater levels of energy and a fresh, less-stressed perspective.

All employees are eligible for two (2) paid mental health days per year. These days do not roll over/accrue. An employee must notify the supervisor prior to the time the regular workday begins.

**POLICY NO. 6.3 VACATION DAYS**

It is the City’s policy to grant paid leave to full-time employees based on each employee’s “continuous service” (employment) with the City, as measured on January 1<sup>st</sup> of each year. Eligible employees are entitled to 3.69 hours per pay period paid vacation days per year. Vacation days' pay for regular full-time employees will be calculated based on the employee's base pay rate times the number of hours the employee would otherwise have worked on that day.

(1) <u>Full-Time Employees</u>	<u>Annual Vacation Leave</u>
0 years, but less than 5 years	96 hours (12days)
5 years, but less than 10 years	104 hours (13 days)
10 years, but less than 15 years	112 hours (14days)
15 years or more	120 hours (15days)

(2) Temporary Employees are not eligible for paid vacation leave.

Accumulation of vacation leave is not limited. Employees will be paid for accumulated Vacation Leave upon separation of employment at the employee’s rate of pay at the time of separation (please refer to Policy No. 4.7 Severance Pay).

An employee must complete six (6) months of employment with the City before taking vacation leave or receiving “Pay-in-Lieu-of-Vacation.” Pay-in-Lieu-of-Vacation allows an employee to “sell back to the City” up to **3 days of available vacation per fiscal year**. Payment will be based on the current hourly rate for hourly employees; and will be calculated for salaried employees by dividing the annual salary by 2,080 hours to determine the “hourly pay rate” and multiplying the number of hours of vacation leave to be paid.

Vacation Leave is scheduled with the concurrence of the supervisor and the department head. Employees must submit requests for vacation leave sufficiently in advance to allow the supervisor to adjust work schedules. If two employees with the same job title desire the same vacation period, and it would affect the City’s operation, the senior employee with the most continuous service with the City will be given preference. Management reserves the right to schedule vacation and other time off in accordance with operational needs but will attempt to approve individual requests.

Vacation leave is not credited to an employee while the employee is not being paid and not actively at work, including “leave without pay,” Workers’ Compensation injury, and Family and Medical Leave Act (FMLA) absence.



If an employee becomes ill, while on vacation and is confined to bed by a physician, he/she will be allowed to charge each day in bed to available sick leave. Written proof from the physician may be required if requested by the employee's department head.

**POLICY NO. 6.4 HOLIDAYS**

A schedule of holidays observed by the City of Beeville:

New Year's Day	1Day
Martin Luther King Birthday (3 <sup>rd</sup> Monday of January)	1Day
President's Day	1Day
Texas Independence Day	1Day
Good Friday	1Day
Easter Monday	1Day
Memorial Day	1Day
Juneteenth	1Day
Independence Day	1Day
Labor Day	1Day
Columbus Day	1Day
Veteran's Day	1Day
Thanksgiving (Wednesday, Thursday & Friday)	3Days
Christmas Eve	1Day
Christmas Day & the day after Christmas	2Day
New Year's Eve	1Day
Heritage Day (Birthday for Fulltime employees)	1Day
 Total	 20 Days

When a holiday falls on Saturday it will be observed on the preceding Friday. When it falls on Sunday it will be observed on the following Monday.

- Full-Time employees receive 20 days paid holiday per year.
- Temporary Employees: Temporary Employees receive payment for Holidays only when the holiday fall on a regularly scheduled workday for the temporary employee.
- Part-time Employees: are paid for holidays on a proportionate share of average hours worked to a 40-hour work week.

To be eligible for holiday pay, employees must work the regularly scheduled workday before and after the observed holiday, unless on a scheduled vacation day, sick leave, or other approved leave. Employees on unapproved absence or unpaid leave will not be eligible for holiday pay.

\*Heritage Day (AKA Birthday) one (1) day off on your birthday or anytime within the birthday month.

***POLICY:*** IF AN OFFICE CLOSES EARLY DUE TO NATIONAL HOLIDAYS OR SOME UNEXPECTED LAST-MINUTE REASON ANY HOURS WORKED WILL BE COUNTED AS NORMAL HOURS NOT OVERTIME.

**WORKING ON A HOLIDAY**

**Employees required to work on a Holiday.**

Employees required to work on a holiday will be given an alternate day off with pay or will be paid 8 hours for the holiday at their regular rate of pay, in addition to the hours worked.

**Nonexempt Emergency Personnel (Police Dept) Called Back on a Holiday**

Non-employees required to work on a holiday will be given an alternate day off with pay or will be paid 8 hours for the holiday at their regular rate of pay, in addition to the hours worked.

### **Ineligibility for Holiday Pay**

Employees on unpaid leave the day before and/or the day after the holiday are not eligible for holiday pay. Likewise, nonexempt employees who are absent without authorized leave on the day immediately preceding or following a scheduled holiday will not be paid for the holiday.

### **Holiday Occurring During Vacation Leave.**

A holiday that falls within an employee's vacation period will be counted as holiday in lieu of a day of vacation.

### **Separating Employees**

Except in extraordinary situations, separating employees will not be allowed to use a holiday as their final day of employment. Exceptions must be scheduled and authorized in advance by the Department Head.

### **Paid Leave Status**

An employee on a paid leave status will normally be paid holiday pay in lieu of the leave status pay they would ordinarily receive at the time of the holiday.

### **Other Religious Holidays.**

Employees may request an approved absence to celebrate a religious holiday that is not a scheduled City holiday. If approved, the employee must charge the time to vacation, compensatory time, or an excused absence without pay.

### **Holiday Pay During Workers' Compensation Leave.**

An employee on worker's compensation leave will not receive holiday pay.

## **POLICY NO. 6.5 REST BREAKS**

Employees are entitled two 15-minute rest breaks per 8-hour working day. This means 15 minutes away from the work area. It may be necessary in some instances to take coffee, a drink or a snack to go if a restaurant, City Hall coffee room, or other break area is not immediately available. Most City employees work in full view of the public and rest breaks of excessive periods of time away from the job will not be tolerated.

### **Practices Not Permitted**

The following practices are not permitted uses of rest breaks:

- combining two daily breaks into one thirty (30) minute rest break;
- "banking" break period time from day to day;
- saving break period time to extend lunch periods or shorten the scheduled workday; or
- requesting compensatory time off or overtime pay for work performed during break period time.

## **POLICY NO. 6.6 LUNCH BREAKS**

All employees are entitled to one 60-minute lunch (meal) period per 8 hour working day. This means 60 minutes away from the work area. Lunch periods may in some instances be limited to 30minutes, but this will be in special cases only. The time of day for lunch periods depends on the needs of each

department, but the usual hour is from 12:00 noon to 1:00 p.m. and may vary within certain department providing services to citizens (e.g., utility billing department).

Nonexempt employee permitted or required to work during his or her lunch period, time must be counted as compensable work time. Employees cannot work through their lunch period unless it has been authorized by their supervisor.

### **POLICY NO. 6.7 LACTATION BREAKS**

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.

The City supports breastfeeding and complies with the requirements of:

- 1) Providing reasonable breaks to accommodate breastfeeding and milk expression for at least one year after birth of the employee's child.
- 2) Providing an appropriate non-restroom location in close proximity to the employee's work area shielded from view, free from intrusion, and available as needed; and
- 3) Providing access to a clean and well-maintained refrigerator

### **POLICY NO. 6.8 LEAVE WITHOUT PAY**

Special leave without pay may be granted for periods not to exceed three calendar months in any one calendar year for purposes deemed beneficial to the city --- as approved by the City Manager. However, exceptions can be made to the rule under the ADA IF it is a qualifying disability under Americans with Disabilities Act.

If leave without pay is taken because of an employee's personal health condition, medical certification will be required at the beginning of the leave; and a doctor's certification or doctor's note will also be required in order to return to work. An employee who does not return to work on the first regular workday following the end of approved leave without pay may be terminated because of "non-availability for work."

The employee does not need to be released at 100% to return to work. The doctor's release will state whether employee is 100% recovered and released without restriction or released with restriction and placed on light or modified duty if available.

REMEMBER: the employee's leave may qualify under FMLA or ADA, do not deny leave without first checking if they qualify for FMLA or ADA. Refer to HR or to the FMLA and ADA Policies.

### **POLICY NO. 6.9 LEAVE WITH PAY**

Special Leave with pay may be granted for a period not to exceed four (4) work weeks for purposes deemed beneficial to the City and approved by The City Manager. An Example is to allow the city time to complete an investigation. Time off without pay may be granted for serving as a pallbearer at a funeral.

### **POLICY NO. 6.10 PAID AND UNPAID ADMINISTRATIVE LEAVE**

An employee may be placed on an administrative leave, with or without notice, to permit the City to review or investigate circumstances including dishonesty, theft or misappropriation of company funds or property, violence on the job, gross safety, negligence or acts endangering others, insubordination or any other conduct that warrants removing the employee from the worksite.

The Department Head should tell the employee that he or she is being placed on a [paid/unpaid] administrative leave, the reason for the leave and that an investigation will occur. The City property (e.g., keys, electronic equipment, files, records) should be collected from the employee before the employee leaves the worksite.

While on unpaid leave the employee will not accrue VAC or sick leave and will continue to receive a paycheck until all accrued leave (VAC & Compensatory time) is exhausted or they return to work.

The administrative leave must be confirmed in writing to the employee no later than two working days after the leave commences. This written notice must explain the reasons for the administrative leave, state the expected length of the leave and that the leave may be extended, if necessary, and request the employee to remain available during the leave to participate in investigative interviewing. A copy of the letter will be placed in the employee's personnel file. At the conclusion of the investigation, and pending the outcome of the investigation, a decision will be made whether to retain this letter in the file or to remove it.

Management, in consultation with the HR department, will conduct, or appoint a person to conduct, a prompt and thorough investigation of the circumstances. Upon conclusion of the investigation, the department head will determine if the employee will be reinstated, subject to disciplinary action or terminated from employment. Management will inform the employee in writing of the decision. The Police Dept. will follow their policy for internal investigations.

## **POLICY NO. 6.11 PREGNANCY-DISABILITY LEAVE**

Employees who are disabled on account of pregnancy, childbirth, or a related medical condition may request a paid leave of absence. Such leave will be granted for the period of disability, up to a maximum of four months (12 weeks). Time off may be requested for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, and recovery from childbirth. Employees will be granted a total of 12 weeks of paid maternity/ paternity hours leave every 12 months (FMLA).

Leave provided for pregnancy disability is treated separately from leaves required by the state family and medical leave law. However, the first 12 workweeks of a pregnancy disability leave will be treated concurrently as a leave pursuant to the federal Family and Medical Leave Act ("FMLA") for all eligible employees.

Employees who wish to take a pregnancy disability leave must notify Human Resources with the date the leave is expected to commence and the estimated duration of the leave. Notice should be given as indicated above. The employee must also provide a medical certification of disability to the city. Failure to provide the required medical certification to the City in a timely manner will result in delay or denial of leave. Before returning to work, the employee must provide a medical certification that she is able to resume her original job duties. Appropriate forms may be obtained from Human Resources.

Employees who return to work immediately following the expiration of an approved pregnancy disability leave will generally be reemployed in their former position or a comparable job, as required by law.

Employees who are affected by pregnancy may also be eligible to transfer to a less strenuous or hazardous position or duties, provided certain prerequisites are met. Reasonable accommodations may be requested with the advice of the employee's health care provider. In addition, lactation accommodation is also available, upon request. For more information on pregnancy disability leave or transfer and its effect on the terms, conditions, or benefits of employment, please contact Human Resources. **Details and procedures that must be followed are contained in Appendix E. Paid Maternity/ Parental Leave Policy, attached hereto**

**POLICY NO. 6.12 PARENTAL LEAVE**

The City of Beeville provides paid parental leave to eligible employees following the birth (including post-pregnancy disability relating to childbirth), adoption or foster care placement of a child with an employee to give parents time to bond with their new child, adjust to their new family situation, balance personal and professional obligations and provide base salary continuation. The rule shall apply to eligible employees on approved continuous leave of absence for the birth (including post-pregnancy disability relating to childbirth), adoption or foster care placement of a child in effect on or after the adoption of this policy. **Details and procedures that must be followed are contained in Appendix E. Paid Maternity/ Parental Leave Policy, attached hereto.**

**POLICY NO. 6.13 BEREAVEMENT LEAVE (OR COMPASSIONATE LEAVE)**

In the event of a death in the immediate family, employees may have up to 3 or 5 working days, with pay, at their regular straight time rate or base salary, to handle family affairs and attend the funeral. "Immediate family" is defined as: father, mother, brother, sister, spouse, domestic partner, child, stepchild, mother-in-law, father-in-law, grandparents and grandchildren.

The authorized paid leave shall be:

First Degree	5 paid days
Second Degree	4 paid days
Third Degree	3 paid days

TIME OFF WITHOUT PAY MAY BE GRANTED FOR SERVING AS A FALLBEARER AT A FUNERAL.

**POLICY NO. 6.14 JURY DUTY**

U.S. citizens have a civic obligation to provide jury duty service when called. When an employee is required to appear for jury duty, the absence will be excused and paid at their regular straight time or base salary for jury duty. Any payment for jury duty received by the employee may be retained by the employee.

The employee must bring in the jury duty notice as soon as it is received so that appropriate arrangements can be made to cover his or her duties. Employees are required to call in or report for work on those days or parts of days when their presence in court is not required.

Employees are expected to return to work as soon as released from jury duty if there is one hour or more remaining on their regular work schedule.

Jury duty leave is paid at the employee’s base rate at the time of leave and does not include overtime or any other special forms of compensation.

The City is prohibited from threatening, intimidating, coercing, or discharging any permanent employee based upon his or her jury service.

Jury duty does not include being a witness or any other type of court appearance or other legal business.

**POLICY NO. 6.15 VOTING TIME**

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. During election season:

DO NOT:

- Send or receive messages from your city email campaigning for or against a candidate or measure on a ballot.
- Send emails in support or against a candidate or measure from your personal email account to any City email account.
- Use any City resources such as computer, printers, paper, or a copier, to create political advertising.

- Use any area in a City office or event center to conduct a meeting or activity in support of or opposition to a candidate or measure.

## **POLICY NO. 6.16 MILITARY LEAVE**

Military leaves are available to eligible employees who enter the Uniformed Services of the United States, including the National Guard and the Commissioned Corps of the Public Health Service, or the state military forces, or the reserve components of the same, to participate in active or inactive duty or training. Time off is also permitted for an examination to determine one's fitness for duty in any of the federal military forces. Such leave will be granted in accordance with the Texas state and federal laws, provided all legal requirements are satisfied and the employee returns to work or applies for reemployment within the time prescribed by law. The employee must provide advance notice of the need for leave whenever possible. The employee should give the employee's supervisor as much advance notice as possible to allow the city to make arrangements to cover his or her position. Employees will be paid fifteen workdays for military absences. The paid leave days may be consecutive or scattered throughout the year.

Employees who have exhausted all available paid leave will be treated as employees in non-pay status. Should employees have accrued vacation leave, they may request any part of it through their supervisor. This will not affect their military leave status.

Benefits under this section will terminate if the employee's cumulative service exceeds five years unless the length of service is involuntarily extended under certain circumstances.

Employees on federal military leave may be entitled to continue health insurance benefits, at the employee's expense, for up to twenty-four months from the date of military departure.

This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

### **NOTICE TO CITY OF NEED FOR LEAVE.**

Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the City no later than 24 hours after the employee receives the military orders. To be eligible for paid military leave, employees must complete and submit a Request or Leave Form along with the official documents setting forth the purpose of the leave and, if known, its duration. The notice of leave must be turned into the Department Head and the Human Resources Manager as far in advance of the leave as possible.

**Paid Leave for Training and Duty** Employees will be paid fifteen workdays for military absences. All employees will receive 120 hours per fiscal year (15 days). This leave may be used when an employee is engaged in the National Guard or U.S. Armed forces, reserve training or duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year.

Employees who have exhausted all available paid leave will be treated as employees in non-pay status. Should employees have accrued vacation leave, they may request any part of it through their supervisor. This will not affect their military leave status.

**Full Pay for Up to 15 Days.** Employees will be paid for military absences of up to a maximum of 15 workdays per fiscal year. Shift employees will be transitioned to a 40-hour work week during military absences. This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or active military duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year. An employee who qualifies for this leave may request an annual accounting of the use of this leave.

**Other Paid Leave.** Employees who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., vacation leave, holiday leave and compensatory time) to cover their absence from work.

**Unpaid Leave.** After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay.

## **BENEFITS.**

An employee who is absent from work for more than thirty (30) days in order to fulfill a period of duty in the Uniformed Services of the United States has a Qualifying Event as of the first day of the employee's absence for such duty, and thus is eligible for rights under USERRA. The Plan Sponsor shall furnish to the employee a notice of the right to elect continuation of coverage under USERRA and shall afford the employee the opportunity to elect such coverage in accordance with USERRA. If the employee elects coverage, the right to that coverage ends on the earlier of:

- On the day after the deadline for the employee to apply for reemployment with or return to active employment with the employer or
- Twenty-four (24) months beginning on the date of the employee's absence from employment with the employer.

However, during the first thirty (30) days that the employee is absent in order to fulfill a period of duty in the Uniformed Services of the United States, the employee must be treated the same as any other employee. This means the higher USERRA premium cannot be collected from the employee for the first thirty (30) days. After the employee has been absent for more than thirty (30) day, the employee will receive immediate USERRA coverage upon payment of the entire cost of coverage plus a reasonable administrative fee. Further, the employee will have no preexisting conditions exclusions applied by the Plan upon return from service. These rights apply only to employee and their dependents covered under the plan before leaving for military service.

Upon an employee's return to employment following military service, the City will provide health insurance coverage immediately. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.

Service members are entitled to:

- Prompt reinstatement (generally in a matter of days, rather than weeks).
- Accrued seniority (including the rights and benefits that are determined by seniority) as if they were continuously employed.
- Training or retraining and other accommodations.
- Special protection against being fired for six months to a year (depending on the length of service) unless the termination is for cause.

Additionally, employers must make reasonable efforts to accommodate a veteran's disability.

## **RETURNING FROM LEAVE.**

A person returning from service must report back to work or apply for reemployment within the time constraints prescribed by USERRA. The City shall re-employ a returning veteran according to the provisions of USERRA. Civil service employees shall be required to meet additional requirements in Chapter 143 of the T.L.G.C. before being reinstated.

## **Deadline to Notify City of Intent to Return to Work.**

The deadline for an employee to return to work and/or notify the City that the employee intends to return to work following military leave depends upon how long the employee's military service lasted:

- For service of less than 31 days, employees have 8 hours following their release from service to report for their next scheduled work period.
- For service between 31 days and 180 days, employees have 14 days following their release

from service to apply for reemployment.

- For service of more than 180 days, employees have 90 days following their release from service to apply for reemployment.
- If the employee has a disability incurred in, or aggravated during military service, the department will make reasonable efforts to accommodate the disability, and the person may be reemployed in a position which is equivalent to or the nearest approximation in seniority, status and pay, the duties of which the employee is qualified to perform after reasonable efforts by the City, if such position is available.
- Any employee who has not completed their introductory employment period with the City when beginning active duty in the armed forces will, upon their return, resume their introductory period at the point at which it was interrupted. During such absences, employees will receive scheduled salary increases.

These deadlines may be extended for 2 years or more when an employee suffers service-related injuries that prevent the employee from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

### **Required Documentation.**

To qualify to return to work, an employee returning from leave must provide documentation of the length and character of military service. Also, evidence of discharge or release under honorable conditions must be submitted to the City if the military leave lasted more than 31 calendar days.

## **POLICY NO. 6.17 MILITARY FAMILY LEAVE**

Employees with a spouse or registered domestic partner serving in the United States Armed Forces, National Guard or Reserves, may take up to ten (10) days of unpaid leave when their spouse or domestic partner is on a leave from deployment during a military conflict. In order to be eligible for this leave, the employee must work an average of at least 20 hours per week and have a spouse or domestic partner who is either

- (1) a member of the United States Armed Forces deployed during a military conflict to a designated combat theatre or combat zone; or
- (2) a member of the National Guard who has been deployed during a period of military conflict; or
- (3) a member of the Military Reserves who has been deployed during a period of military conflict. Eligible employees are required to notify the Company of their intention to take such leave within 2 days of receiving official notice that the spouse or domestic partner will be on a qualified leave and provide documentation certifying that the spouse or domestic partner will be on leave from deployment during the time the leave is requested.

## **POLICY NO. 6.18 FAMILY AND MEDICAL LEAVE**

The City provides leave to certain eligible employees in accordance with the Family and Medical Leave Act (FMLA). Under the FMLA, eligible employees may take up to 12 weeks of job-protected leave each year for specified family and medical reasons or 26 weeks of leave to care for an injured or ill service member. Details of eligibility and procedures that must be followed are contained in Appendix D, attached hereto.

## **POLICY NO. 6.19 INCLEMENT WEATHER**

City services will be maintained during severe weather conditions and civil emergencies. As such, all employees are expected to report to work unless otherwise notified. Except for extraordinary circumstances, City offices do not close. Details and procedures that must be followed are contained in Appendix F, attached hereto.

## **POLICY NO. 6.20 WORKERS' COMPENSATION LEAVE**



An employee who is disabled due to an occupational illness/injury will be placed on disability- pay and leave as deemed necessary by the treating physician, not to exceed 60 calendar days. While out this leave will run concurrently with FMLA (if they qualify).

An employee injury leave will not engage in any outside employment or those physical activities that may further aggravate the injury and is required to make all follow up appointments. Please refer to separate WC policy for more details. Details and procedures that must be followed are contained in Appendix I: Workers' Compensation Policy, attached hereto.

## **SECTION 7.00**

### **TRAINING AND DEVELOPMENT**

#### **POLICY NO. 7.1 EMPLOYMENT DEVELOPMENT**

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

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

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

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

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

#### **POLICY NO. 7.2 TRAINING**

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

1. All training must be pre-approved by supervisors.
2. All out-of-state training must be pre-approved by the City Manager.
3. Any employee terminating employment with the City within 90 days after attending training with a total expense of \$500.00 or more will be required to reimburse the City for training.

## **SECTION 8.00:**

### **TRAVEL EXPENSES**

Travel authorization is required prior to attending training. Employees are responsible for submitting a Travel/Expense Voucher prior to travel. Employees are responsible for making all his or her travel reservations. This form includes the purpose of the trip, destination, departure and return dates, estimated transportation costs, registration fees, lodging and meals. A copy of the conference registration/lodging (if required) should be attached for approval.

This form should be submitted to the Finance/City Manager for approval and signatures as soon as you are possibly able. The travel advance check will be prepared and ready for pick up the day before the departure day.

#### **POLICY NO. 8.1 CAR ALLOWANCE**

Employees who receive car allowances for use of privately-owned vehicles for conducting City business are responsible for providing the proper documentation, compliance with any rules and regulations, payment of any taxes, etc., required of the individual employee by the Internal Revenue Service.

### **POLICY NO. 8.2 MILEAGE**

When approved by the City Manager/ Department Head employees will be reimbursed for use of private vehicles for City business. Employees will be paid the rate per mile approved by the City Council. The employee may contact the Finance Director's office for the current rate per mile being paid. When several employees are traveling to the destination only one vehicle should be used and only the person furnishing the vehicle shall be reimbursed for mileage.

Those Employees who receive a monthly auto allowance are not eligible to receive mileage reimbursement for trips within sixty (60) miles of Beeville. For a trip exceeding sixty (60) miles employee shall be eligible for reimbursement for any miles over 60 at the rate set by IRS mileage guidelines.

### **POLICY NO. 8.3 LODGING AND MEALS**

When approved by the City Manager in advance, employees will be reimbursed for the normal and reasonable cost of lodging and meals when necessary to conduct City business. Employees are expected to be reasonable and moderate in their selection of lodging and meals. Receipts are required for reimbursement. No receipts for meals shall be required unless the employee is requesting an excess meal allowance. **No alcoholic beverages will be reimbursed by the City.**

Employees may submit a request to the City Manager to receive advance per diem for meals. The City will use the IRS guidelines for selected cities which varies year to year

### **POLICY NO. 8.4 AIRFARE AND CAR RENTALS**

When approved by the City Manager, employees will be reimbursed for the normal and reasonable cost of airfare and rental cars when necessary to conduct City business. Employees are expected to obtain the least expensive fares and rates available or pay the difference themselves. Receipts are required for reimbursement.

### **POLICY NO. 8.5 OTHER EXPENSES**

Miscellaneous expenses, such as parking fees, tolls, tax if are, fax transmissions, baggage handling, etc. shall be reimbursed upon presentation of actual receipts or other suitable documentation or you can use the credit card provided at the time of trip just keep all your receipts.

### **POLICY NO. 8.6 OFFICIALS AND REPRESENTATIVES**

The above subsection 8.1 through 8.5 shall also apply to all elected officials and appointed representatives of the City when conducting business for the City in their official capacity.

### **POLICY NO. 8.7 TRAVEL TIME**

Travel time during normal work hours will be counted as attendance at work.

## **SECTION 9.00:**

### **RECRUITING AND HIRING PRACTICES**

#### **POLICY NO. 9.1 HIRING**

HR will arrange a meeting with the hiring Department Head to conduct an intake meeting prior to posting a job opening to learn more about the position, the requirements, and the profile of the ideal candidate. The recruiting strategy will be set during this meeting with expectations established.

The City will post a notice of a City job opening in the local paper and the City's website. Jobs will remain posted on the City's website until filled. Police Department job postings will need to comply

with Civil Service Rules (LGC 143.029 Promotional Examination Notice). The employment application and job description will be posted on the City's website and City Hall.

The City is an equal opportunity employer and has the following methods for recruiting and selecting qualified internal and external candidates to fill vacancies. All applicants for a posted vacancy will be considered based on their qualifications and ability to perform the job successfully. Internal candidates who are not selected will be notified by the HR department.

- Promote from within/ lateral transfer
  - An employee wishing to promote within the department may apply to fill the vacant position.
  - Employees who have been in their current position for at least one year may apply for internal job openings. This may be waived by the employee's Supervisor.
- Job advertisement for outside employment interests
- Selection from current applications on file

### **POLICY NO. 9.2 PROOF OF EMPLOYMENT ELIGIBILITY**

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

### **POLICY NO. 9.3 REEMPLOYMENT**

A person who resigned (giving a full two weeks) in good standing may be reinstated at the discretion of the City Manager or designee. The City of Beeville does not bridge time if a former employee is reinstated.

### **POLICY NO. 9.4 JOB DESCRIPTION**

A job description is provided to the applicant prior to the interview for review and again at orientation. The employee's signature is required on the job description and provided a signed copy with the original placed in their personnel file.

### **POLICY NO. 9.5 MINIMUM QUALIFICATIONS**

The hiring Department Head, and Human Resources Manager will review all applications/ resumes received for minimum qualifications, select and proceed to the interview phase of the process.

#### Job-related Qualifications

Selection for employment with the City will be based on job related qualifications. Such qualifications may include, but are not limited to:

- Possession of the necessary knowledge, skills, abilities, training, education, and experience required to perform the essential job functions.
- where applicable, satisfactory completion of performance tests and/or physical examinations; and
- satisfactory results on background checks, including, but not limited to criminal history,

driving record, employment, and education reference check.

### **Disqualifiers**

Employment:

- Falsification of an application, personal history questionnaire, or any other forms during hiring process.
- Failing a pre-employment drug screening
- Applicant does not meet the qualifications

### **Potential Disqualifiers**

- Any termination, or resignation in lieu of termination, from any job.
- Substandard performance evaluations.
- Civil litigation while employed in a criminal justice capacity.
- Any conviction or plea of nolo contendere for a serious traffic offense within the past two (2) years including, but not limited to (**driving position**):
  - Fleeing or Attempting to Elude a Police Officer;
  - Vehicular Homicide (misdemeanor);
  - DWI/ DUI
  - Failure to Stop, Render Aid, or Leave Information; and
  - Racing

### **POLICY NO. 9.6 INTERVIEWING**

HR and hiring Department Head will review the applications and after the interview selection is made HR will call and schedule the interviews.

Interviews are panel style that include HR, Hiring Department Head and Supervisor. The interview will consist of structured questions that relate to that specific position/job description. This does not apply to Civil Service.

### **POLICY NO. 9.7 TESTING AND PHYSICAL EXAMINATION**

Tests may be used in the selection process. The hiring Department Head may, with the review of the Human Resources Manager select from an outside source or develop internally appropriate job-related tests which may include physical agility tests, typing test, and various written test. All applicants will be afforded uniform and equal treatment in all phases of the examination process. Reasonable accommodation will be provided for qualified applicants who may need assistance in any stage of the recruitment and selection process. ALL testing used as a criterion for hiring must be directly related to the job-related qualifications for that position.

### **POLICY NO. 9.8 BACKGROUND AND REFERENCE CHECK**

The City has contracted with CMI to conduct random drug screen for all CDL drivers and conduct a thorough pre-employment background checks through Intellicorp Records for all new hires.

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

### **POLICY NO. 9.9 HIRING SUPERVISORS RESPONSIBILITIES**

The hiring Department Head is responsible for determining the best applicant among those who have met the minimum qualification. The Department Head and Human Resources will work together when scheduling interviews. No Department Head will extend an offer to an applicant **until** the following steps are completed:

- Successful completion and favorable results from the background/ reference check and drug screen. Calls are made by the hiring authority City Manager or HRM on all applicants who are selected as finalists for an opening. Adverse or unsatisfactory references may disqualify the applicant from further consideration. Information sought during reference checks should relate to the essential function and requirements of the position.
- The City Manager reviews and approves the applicant and the starting rate of pay of the Employee Payroll Status Form.

### **POLICY NO. 9.10 CONDITIONAL JOB OFFER**

After all approvals are obtained, Human Resources with approval from the City Manager may make a *conditional job offer*. ALL employment offers will be contingent on the successful completion and favorable results of the background/ reference check and drug screen.

When offering the top candidate, the position, the following information should be communicated, preferably in writing:

- Employment is “**AT WILL**”
- The offer is contingent upon successful completion of a background/ reference check and drug screening.
- The starting salary on an hourly basis for non-exempt positions and an annual basis for exempt positions and benefits.
- If a physical is required for the position, the offer should state employment is contingent on the individual being able to perform the essential function of the position, with or without reasonable accommodation, based in part on the physical exam findings.
- The regularly scheduled hours for the position.

Upon acceptance of an offer, the applicant is referred to the Human Resources Department for scheduling of required pre-employment tests.

### **POLICY NO. 9.11 MVR – DRIVING RECORD**

All employees that drive a City vehicle are required to have a valid Texas driver license. All CDL drivers are required to register with the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse and are subject to random drug and alcohol screens via CMI.

## **At-Will Employment Agreement and Acknowledgement of Receipt of Employee Handbook**

**Employee:** \_\_\_\_\_

PRINT NAME

I acknowledge that I have been provided with a copy of the City of Beeville Employee Handbook, which contains important information on the City's policies, procedures, and benefits, including the policies on Anti-Harassment/Discrimination, Substance Use and Abuse and Confidentiality. I understand that I am responsible for familiarizing myself with the policies in this handbook and agree to comply with all rules applicable to me.

I understand and agree that the policies described in the handbook are intended as a guide only and do not constitute a contract of employment. I specifically understand and agree that the employment relationship between the City and me is at-will and can be terminated by the City or me at any time, with or without cause or notice. Furthermore, the City has the right to modify or alter my position or impose any form of discipline it deems appropriate at any time. Nothing in this handbook is intended to modify the City's policy of at-will employment. The at-will employment relationship may not be modified except by a specific written agreement signed by me and an authorized representative of the City. This is the entire agreement between the City and me regarding this subject. All prior or contemporaneous inconsistent agreements are superseded.

I understand that the City reserves the right to make changes to its policies, procedures or benefits at any time at its discretion. However, the at-will employment agreement can be modified only in the manner specified above. I further understand that the City reserves the right to interpret its policies or to vary its procedures as it deems necessary or appropriate.

I have received the City Employee Handbook. I have read (or will read) and agree to abide by the policies and procedures contained in the Handbook.

\_\_\_\_\_  
EMPLOYEE SIGNATURE

Date: \_\_\_\_\_

\_\_\_\_\_  
HR

Date: \_\_\_\_\_