



**CITY OF KINGSVILLE
POLICY AND PROCEDURE
MANUAL**

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INTRODUCTIONS

CITY OF KINGSVILLE

The City of Kingsville was incorporated in 1911. In 1926 a Home Rule Charter was adopted and in 1986 a Commission - City Manager form of government was established. The City Commission consists of the Mayor and four Commission members, elected at large, for two-year terms. The Commission is responsible for passing ordinances, adopting the budget, and appointing committees.

The Commission appoints the City Manager, City Attorney, and the Municipal Court Judge. The City Manager is the Chief Administrative and Executive Officer and is responsible for carrying out policies and ordinances of the City Commission. The City Manager oversees the day-to-day operations of the City, presents an annual budget and appoints all other City employees.

The City of Kingsville is a full service municipality which provides a range of services to include public safety – police and fire protection, emergency medical services (ambulance), animal control, building inspections, garbage/brush collection and disposal, landfill services, street maintenance, water and wastewater services.

CITY COMMISSION VISION AND VALUES

The City of Kingsville Commission promotes the safety, health and general well-being of the community within the bounds of fiscal responsibility while preserving and advancing the quality of life resulting in exceptional civil pride. The Kingsville City Commission has established the following to state their goals for the City of Kingsville and its employees.

VISION STATEMENT

As a result of our efforts, citizens will

1. Access the highest quality of customer focused city services available at a reasonable cost.

- ▶ *Communication*
- ▶ *Convenience, Accessibility*
- ▶ *Customer Service*
- ▶ *Effectiveness/Efficiency*
- ▶ *Professional, Competent staff*
- ▶ *Use of technology and media in all areas possible*
- ▶ *Value of Cost*

2. Live in a safe, secure and healthy environment

- ▶ *Adequate lighting*
- ▶ *Adequate water and services, drainage*
- ▶ *Community policing*
- ▶ *Effective, efficient fire and police protection*
- ▶ *Emergency Management*
- ▶ *Public health services*
- ▶ *Sanitation*

3. Live in a clean environment that enhances and protects the quality of their lives.

- ▶ *Air Quality*
- ▶ *Litter control/sanitation*
- ▶ *Open Space*
- ▶ *Recycling*
- ▶ *Water Quality*

4. Be enriched by a range of cultural arts and recreational opportunities provided through citywide initiatives and supported by the collaborative efforts and agreements with other governmental entities, charitable and nonprofit organizations, and private entities.

- ▶ *Athletic activities*
- ▶ *Festivals*
- ▶ *Libraries*
- ▶ *Museums*
- ▶ *Parks*
- ▶ *Performing arts*
- ▶ *Public Art*
- ▶ *Recreation*
- ▶ *Teen center*

5. Participate and contribute to the health and future of our community.

- ▶ *Advisory boards and committees*
- ▶ *Community education programs*
- ▶ *Efficient access to information and services via technology and media*
- ▶ *Focus groups*
- ▶ *Volunteer programs*

6. Easily travel to, within and from the community

- ▶ *Thoroughfare plan*
- ▶ *Traffic flow*
- ▶ *Well maintained and clean streets, sidewalks and pedestrian paths*

7. Contribute to and benefit from living in a strong diverse economic environment.

- ▶ *Economic development compatible with community values*
- ▶ *Job opportunities*
- ▶ *Protection of property values*
- ▶ *Reasonable cost of living*
- ▶ *Strong retail environment*
- ▶ *Tourism, conventions*

8. Live in well-planned neighborhoods suited to community interests and lifestyles.

- ▶ *Gentrification of older neighborhoods*
- ▶ *Neighborhood parks for multi-generational use*
- ▶ *Pedestrian mobility*
- ▶ *Planning/zoning*
- ▶ *Traffic management*

9. Be enriched by fostering quality and long-term relationships with local, statewide, national, and international interests in the City of Kingsville

- ▶ *Community support of Military Members and Dependents; Veterans*
- ▶ *Enhance development opportunities for Texas A & M University-Kingsville*
- ▶ *Preserve and support the U.S. Naval Air Station Kingsville*
- ▶ *Promote Athletic Competitions & Events, Wildlife & Heritage Events*
- ▶ *Quality of living for Senior Citizens, Winter Texans*

CORE VALUES

The City Commission of Kingsville also recognizes that how we go about the delivery of services and programs is important to achieving our vision. We must therefore, foster an organizational culture that is built on the following Core Values.

Commitment

We will foster an organizational culture that promotes commitment from all employees to the vision, mission and core values established in this plan. We recognize that our success is dependent on our ability to meet our service commitments in an effective and caring manner. Our dedication and professionalism will be evident as we follow-up on our promises to ensure that our commitments have been met in a customer friendly and quality manner.

Innovation

We will continue a tradition of creativity and innovation in the delivery of municipal services. We will seek out and apply innovative approaches in providing the best service to our customers. We will openly share our successes and areas needing improvement with others to affect continuous improvement to the standards of excellence in Kingsville.

Integrity

We will safeguard public trust by ensuring that our actions are consistent with our vision, mission and core values. We are dedicated to a standard of values that promotes honesty and ethical behavior. We will treat our customers, as we would want to be treated and deliver the highest level of customer service possible.

Leadership

We will build a team of highly qualified individuals to advance our leadership role in the community. We are dedicated to quality-focused principles and performance excellence in everything we do. Each of us will set high individual standards to ensure that our customers are provided quality service in a timely and cost efficient manner.

Sensitivity

We are committed to promote a workforce that respects and values diversity in our community. We must also be respectful and tolerant of the many ideas, emotions and circumstances of those living and visiting our community. We will promote the highest possible service for all customers while being sensitive to the differences among ourselves and the customers we serve.

Teamwork

We recognize the strength in teamwork and that our success is dependent on our ability to perform as a highly effective team. Through effective teamwork we are able to harness our energy, creativity and resources to design and implement programs and services that are the best that they can be. We will work cooperatively within all levels of our organization and with our partners to achieve our common vision.

STATEMENT OF MANAGEMENT VALUES

- To provide all citizens of our community with services of exceptional quality in a caring and responsive manner.
- To provide the City Commission with sound and professional staff support.
- To recognize the value and importance of each employee and encourage the participation of all employees in the management of municipal affairs.
- To establish a spirit of interdepartmental cooperation based on positive and honest communication, understanding and mutual respect.

CITY MANAGER'S WELCOME

Welcome aboard! You are now a team member of the City of Kingsville. This handbook will help you better understand city policies and procedures as they apply to our daily operations.

The Mayor and City Commissioners have made customer service a top priority. Our citizens depend on us to provide services of the highest quality and to the best of our ability. The City of Kingsville's success depends on our good character, honesty and integrity. Only by working together as a dedicated team, can we accomplish its goals for a more livable and prosperous community.

We are happy to have you here with us. We take great pride in our city and hope to continue the improvement in our quality of life for our residents. The City of Kingsville values its team members and promotes a safe, drug free working environment. Best wishes for your success with the City of Kingsville.

Sincerely,
City Manager

May 2011

HUMAN RESOURCES MISSION STATEMENT

The mission of the Human Resources Department is to support the goals and challenges of the City of Kingsville by promoting a work environment that is characterized by fair treatment of staff, open communications, personal accountability, trust and mutual respect. We will seek and provide solutions to workplace issues and support the City in meeting its goals through its most valuable resource – its PEOPLE.

CITY OF KINGSVILLE POLICIES AND PROCEDURES MANUAL

The City of Kingsville Policies and Procedures Manual is designed to acquaint employees with the City of Kingsville and provide information about working conditions, employee benefits, and policies affecting employment. These policies apply to all employees of the City unless specified otherwise. Employees of the City include all personnel which the City of Kingsville contributes 50% or more of the department's operating budget.

This manual describes many of the responsibilities of an employee and outlines the programs developed by the City to benefit employees. It is the responsibility of each employee of the City to comply with the policies in this manual, and with all other rules and regulations implemented in accordance with these policies. Any written or oral statement by a supervisor or department director contrary to the personnel policy manual is invalid and should not be relied upon by any prospective or current employee.

No employee manual can anticipate every circumstance or question. The City reserves the right to revise, supplement, or rescind any policy or portion of the manual from time to time as it deems appropriate, at its sole and absolute discretion, with the exception of the employment-at-will policy. The employment-at-will policy means that the employee or the City may end the employment relationship at any time for any reason or no reason. Employees will be notified of such changes to the manual as they occur. The language used in this policy is not intended to create, nor is it to be construed to create a contract between the City and any one or all of its employees.

Questions as to the interpretation or understanding of any policy or practice may be addressed to your department director or the Human Resources Department. The Human Resources Department administers the City's personnel functions and employment policies in accordance with applicable federal and state laws. As a matter of policy, all personnel records and policy administration shall be the responsibility of the Human Resources Department. All references to the City of Kingsville personnel policy shall mean the policies most recently approved by City Commission.

The City wishes at the outset to relay some of its rights, which include but are not limited to the following:

- Hiring, directing, assigning, discharging, disciplining, and recalling employees;
- Establishing wages, hours, working conditions, allocating, and assigning work;
- Determining the quantity and quality of work to be performed; and
- Management and control of premises and equipment.

Individual Department Rules and Policies

Each individual department may have departmental policies and procedures which are separate from or are in addition to the policies and procedures listed in this manual. All departmental policies and procedures must have the approval of the City Manager or designee. Departmental policies and procedures are to be followed; however, no policy or procedures shall be inconsistent with the City of Kingsville Policies and Procedures Manual. Should such a situation exist, the City of Kingsville's Administrative Policies and Procedures shall supersede the conflicting department policy.

With the exception of matters of appointment and other personnel actions reserved to the City Commission by statute or ordinance, the final authority on personnel decisions is reserved for the City Manager or designated staff member. Although major areas of policy are defined in this manual, there may be situations that are not specifically cited. In these instances, the City Manager retains the right to establish policy.

The City Manager retains discretionary authority in all personnel matters under the authority of the office of City Manager.

CHAPTER 1

CITY OF KINGSVILLE ADMINISTRATIVE POLICIES AND PROCEDURES MANUAL

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POLICY NO. 100.00 ADMINISTRATIVE POLICIES AND PROCEDURES MANUAL

Unless specifically stated otherwise, the policies and procedures in this Administrative Policies and Procedures Manual shall apply to all Employees; regular full-time, non-exempt and exempt regular part-time, Civil Service, or temporary, who work for the City of Kingsville, Texas to include personnel in departments which the City of Kingsville provides 50% or more of their operating budget.

This Administrative Policies and Procedures Manual is provided for your use as a ready reference for City personnel policies and procedures, work rules and some of the City's benefits. Accordingly, you will find it to your advantage to read the entire manual promptly so that you will have a complete understanding of the material covered.

Please understand that these policies and procedures are by no means exhaustive. There are a number of procedures and rules dealing with our City functions, which are established by laws, regulations and standards that are dictated by state and federal authorities, and are followed by the City. There are policies and procedures that are maintained in certain departments of the City which apply only to Employees of that department. For this reason, you should always contact your Department Director or the Human Resources Department if you have a circumstance or question for which you cannot locate an answer in the manual.

Approved: August 28, 2006

POLICY NO. 100.01 HOW TO USE THE MANUAL/APPLICABILITY

Begin by examining the Table of Contents to find the section you are interested in. Examples: Equal Employment Opportunity, Policy No. 110.

Scan through the appropriate section of the Table of Contents to find the correct subject and title of the policy you are interested in. Subject headings are for groupings of similar policies, while titles refer to specific policies, procedures, or directives. A reference number is located in the upper left-hand corner of each policy or procedure. Turn the pages of the section until you come to the correct reference number.

To help you fully utilize the contents of these policies and procedures, the following definitions may be helpful to you:

Policy - A statement of overall philosophy and direction, describing goals to be accomplished and programs to be established.

Procedure - A specific and detailed statement of the means and methods by which management implements a policy.

Approved: August 28, 2006

POLICY NO. 100.02 CHANGING A POLICY OR PROCEDURE

While every effort will be made to keep consistency in the work environment, there will be times when it is necessary or desirable for the City to change a policy or procedure in this Handbook. When a situation arises that requires the institution of a new/revised policy, the following procedure will be adhered to:

- Department Directors will forward a draft of their proposed policy, procedure, or directive to the Director of Human Resources for study and consideration by the City Manager.
- After the City Manager has approved the first draft of any proposed policy, Human Resources may provide the draft to other directors for review with their staff. The extent of departmental review will be determined by the City Manager based on the nature of the policy.
- Departments shall forward written feedback and suggestions to the Human Resources Department within ten (10) working days.

- After reviewing departmental input, the Human Resources Director shall present a draft along with all recommendations from other departments to the City Manager for final review and authorization for placement on the City Commission agenda.
- After approval by the City Commission, the Human Resources Department shall copy and forward the new/revised policy, procedure, or directive to all employees.

No policies, procedures, or administrative directives affecting all departments will be considered official unless properly communicated and distributed by the Human Resources Department, after the City Commissioner's final approval.

Approved: August 28, 2006

POLICY NO. 100.03 UPDATING THE ADMINISTRATIVE POLICIES AND PROCEDURES MANUAL

The Human Resources Department will be responsible for the indexing of all policies or procedures. The Human Resources Department will periodically distribute a new index for cross-referencing purposes.

When you receive an updated policy or procedure, remove the obsolete version from your book and throw it away. Be sure that you have a match of the section, subject, title, page number and reference number to assure that the new version is entered into the Manual in the correct place. The new policy/procedure will have a new effective date, and that date will appear, in writing, on the document.

Approved: August 28, 2006

POLICY NO. 101.00 AT-WILL POLICY STATEMENT AND DISCLAIMER

The policies and procedures set forth in this Administrative Policies and Procedures Manual are not a binding employment contract. This manual provides general guidelines only and none of these provisions are contractual in nature. All employment with the City of Kingsville is "at-will," meaning that employment may be terminated at any time, with or without notice, for any reason or no reason, by either the City of Kingsville or the employee.

This Administrative Policy and Procedures Manual is not a contract guaranteeing employment for any specific period of time. Either the City of Kingsville or the Employee may end the relationship at any time, with or without cause, notice or reason. No director, supervisor or representative other than the City of Kingsville's City Manager has the authority to enter into any agreement guaranteeing employment for any specific period of time or to make any written or oral promises, agreements or commitments contrary to this policy. Further, any employment agreement entered into by the City Manager will not be enforceable unless it is in writing.

This Administrative Policy and Procedures Manual replaces and supercedes all earlier City of Kingsville personnel practices, policies and guidelines.

Approved: August 28, 2006

POLICY NO. 102.00 ORGANIZATION OF MUNICIPAL EMPLOYEES

Any employee of the City government may join, organize, or maintain membership in an employee or labor organization if he so desires. The City neither encourages nor discourages these activities, nor does membership or non-membership in an employee or labor organization affect the employee's standing or rights as a City employee. The policy herein stated is in accordance with the provisions of the statute of the State of Texas and the Charter of the City of Kingsville.

Pursuant to Texas law, it is illegal for City employees to strike or picket or take any action that interferes with the ordinary and orderly conduct of the City government's business.

Unless provided by appropriate statute, governmental employees of Texas cities have no legal right to bargain collectively. Consistent with this policy, State law denies to City officials the power to enter into a collective bargaining contract or unconditional promise with any employee group or employee organization. Collective Bargaining is a bilateral process for achieving a collective agreement between an employer and an accredited representative of employees concerning wages, hours and other conditions of employment.

However, the City of Kingsville desires to provide fair and equitable treatment to all employees. Commensurate with its ability to pay, the City of Kingsville wishes to pay wages, grant fringe benefits, and otherwise create conditions of employment similar to those given employees by comparable public jurisdictions and private business and industry in the Kingsville area.

In order to insure that employees' concerns about such issues are heard, the City encourages employee associations to meet with staff to discuss such issues. The City retains the unilateral right to make all final decisions.

Municipal employees participating in an employee organization or other association or union activities are required to conduct such activities on their own time and not during regularly assigned working hours with the following exceptions: 1) An association or union representative assisting a fellow employee in the presentation of a grievance may utilize such time during working hours as is essential for presentation of the grievance; however, preparation of grievances shall be on the employee's own time; and, 2) Employee association or union officials (president, vice-president, and/or secretary-treasurer) may meet on City time with departmental supervisors or the City Manager or his representative when such meeting times are fixed with the knowledge of the appropriate supervisory officials concerned. Departmental supervisors must be notified at least twenty-four (24) hours before the scheduled meeting time.

Supervisory employees carry responsibilities and duties in the management of the City's business that may be incompatible with their membership in an employee association or union. The City Manager recommends that supervisory employees not belong to any association or union in which non-supervisory employees are also members.

Solely as a convenience to City employees who may wish to belong to an employee association or labor organization, the City of Kingsville deducts dues when specifically authorized to do so by the employee, and where deductions are in accord with the policy for payroll deduction established by the City Commission. The procedure for initiating or canceling any such payroll deduction shall be as established by appropriate administration regulation. Initiation or cancellation of such payroll deduction will in no way affect an employee's job or standing as a City employee.

In interpreting this statement of policy, City officials and employees should realize that nothing herein should be construed as an abandonment or restriction of the City's governing policy with respect to employee conditions and the treatment of its employees. The provisions of the State statute, the City Charter, and the proper exercise of the authority of City-appointed officials and other supervisory employees shall in no way be restricted or impaired by provisions of this personnel policy.

Approved: August 28, 2006

POLICY NO. 110.00 PERSONNEL PHILOSOPHY, EQUAL EMPLOYMENT OPPORTUNITY, AND AFFIRMATIVE ACTION

The City's primary Human Resources objective is to select personnel who meet high standards of personality, character, education and occupational qualifications, who can carry on our work with competence, who have capacity for growth and who will become a living part of our City's operations.

The City realizes that its fundamental strength and future growth depend directly upon the contribution made by each person within its administration, that productivity and efficiency result from real job satisfaction and from the opportunity each person receives and accepts for his individual self-development. All Human Resource Administrative Policies and Procedures as adopted by the City Commission or Administrative Procedures or Policies approved by the City Manager are established to fulfill the City's human resources objectives and goals.

The City believes that all persons are entitled to equal employment opportunity and does not discriminate against its Employees or applicants because of race, color, religion, sex, sexual preference, national origin, ancestry, age, marital status, disability, veteran status or any other basis prohibited by federal, state or local law. Equal employment opportunity will be extended to all persons in all aspects of the Employer-Employee relationship, including but not limited to recruitment, hiring, training, compensation, promotion, transfer, discipline, layoff and termination.

The City is also committed to affirmative action in all aspects of its employment environment, and all terms and conditions of employment.

Approved: August 28, 2006

CHAPTER 2

ADMINISTRATION OF CLASSIFICATION AND COMPENSATION PLAN

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POLICY NO. 200.01 CLASSIFICATION SYSTEM

Every budgeted position is allocated into a classification that includes positions with similar duties and responsibilities. Substantial similar positions are grouped together and treated as equivalent with regard to personnel and salary administration.

Class specifications prepared by the Human Resources Department describe the range of duties performed by employees in the class. Specifications include essential and marginal function statements, qualifications, and working conditions of the class. Class specifications are generic, describing major duties and functions. They are not intended to describe specific positions in detail.

Official class titles are used in all personnel, payroll, accounting, budget appropriations and functional records and transactions. Official class titles must be used when processing transactions. A coding system is used to designate each class in the system.

The Human Resources Director is responsible for the administration and maintenance of the classification system and may initiate studies of individual positions, series of positions, classes, occupational groupings or organizational units to ensure and maintain the integrity of the classification system. When the need for a new class arises, the Director will recommend a new class title and develop class specifications for the new classification. See Appendix A-1 for the most recent City of Kingsville Job Classification and Compensation Plan approved by City Commission.

Reclassification

The process for reclassifying, adding and deleting positions is as follows:

Step 1 -The Human Resources Director shall conduct classification reviews, evaluate and propose the classification level of new positions, suggest an appropriate reclassification whenever duties of an existing position change, and review the Classification Plan to ensure equitable classification of positions.

Step 2 - Suggestions for any changes shall be presented to the City Manager for consideration.

Step 3 – The City Manager shall authorize a presentation to the City Commission regarding the proposed changes to the City of Kingsville Job Classification and Compensation Plan.

Allocation of positions to a classification will be made on the basis of a whole job analysis to include but not limited to consideration of required expertise, decision-making, supervisory responsibilities, management control, contacts, physical effort and working conditions.

Department Directors assist in this process by identifying any changes in the organization which include changes in function, organizational relationships, work methods; proposed new positions; changes that have been or are to be made in the duties and responsibilities of any departmental positions.

When reclassification and restructuring occur and the employee does not meet the minimum qualifications of the classification their position has been reclassified to, they must have been performing the essential functions of the position at a satisfactory level for at least six (6) months prior to the reclassification. If they do not meet the six (6) month requirement, the Department Director may request a waiver of this provision.

Classification and position reviews will be conducted upon the request of a Department Director in a manner that is fair, equitable and objective, taking into consideration not only the needs of the individual department but the needs and requirements of the City as a whole.

Approved: August 28, 2006

POLICY NO. 201.00 RESPONSIBILITY TO ESTABLISH COMPENSATION

The City Manager, or his designee, shall be responsible for administering the Compensation Plan including but not limited to, the processing of salary advancements, the determination of proper salary rates, and the preparation of recommendations and initiation of approved comparable positions outside City employment. The City Commission shall consider any changes recommended by the City Manager and the changes shall be effective upon favorable action by the City Commission. See Appendix A-1 for the most recent City of Kingsville Job Classification and Compensation Plan approved by City Commission.

The City shall establish a wage and hour administration policy in compliance with the Fair Labor Standards Act (FLSA).

Approved: August 28, 2006

POLICY NO. 220.00 PERSONNEL DESIGNATION

Unclassified Personnel

Unclassified personnel are all City employees except the following:

Elected official of the City	City Manager	Municipal Court Judge
City Attorney	Assistant City Attorney	Civil Service Personnel

The City Manager, or his designee, shall have the responsibility for administering all personnel matters in connection with unclassified personnel including, but not limited to, the recruitment and screening of such personnel and the preparation of class specifications including job descriptions and desirable qualification requirements for the unclassified positions.

Classified Personnel

Employees in classified positions are fire and police personnel covered by Texas Local Government Code Chapter 143.

Approved: August 28, 2006

POLICY NO. 230.00 PERSONNEL ADMINISTRATION

The City Manager, or his designee, shall develop a program of overall personnel administration including, but not limited to, in-service training and career development, organization and staffing studies, long-range recruitment activities, employee and vehicular safety programs, and a management-employee relation plan for furthering the cooperation of employees and supervisors on personnel matters.

Approved: August 28, 2006

POLICY NO. 240.00 EMPLOYEE DEFINITIONS

The following definitions apply to employment with the City.

Regular Full-Time - A "regular full-time Employee" is one who is regularly scheduled to work 40 or more hours per week, and has been employed by the City for at least 180 consecutive calendar days and not classified as a temporary, contract or leased employee.

Regular Part-Time - A "regular part-time Employee" is one who is regularly scheduled to work less than 30 hours per week and has been employed by the City for at least 180 consecutive calendar days. Unless otherwise stated in a particular Employee benefit plan, Regular Part-time Employees are not eligible for City-sponsored Employee benefits.

Probationary Employee - A "probationary Employee", whether "full-time" or "part-time" is one that has been employed for less than 180 consecutive calendar days for the City.

Temporary/Contract/Leased Employee - A Temporary, Contract or Leased Employee is one who is hired, or is under contract to work for a defined time to meet a special business need or emergency. Temporary, Contract, or Leased Employees are not eligible for City-sponsored Employee benefits, even if the duration of their employment extends beyond the original agreed-upon length of time.

Exempt/Non-Exempt - Whether in probation, regular full-time, regular part-time or other status, Employees are generally classified as either "exempt" or "non-exempt."

An exempt Employee is one who, under the provisions of the Federal Fair Labor Standards Act, state or local law, does not receive additional pay for overtime work. Exempt Employees are paid a salary to compensate them for all hours worked in a week. Exempt employees are expected to put in the hours necessary to complete their assignments in a timely basis and produce a quality work product. Exempt status is based on the duties and responsibilities of an individual position, the required educational level and the salary received.

A non-exempt Employee is one who does not meet the federal, state or local exemption requirements and is entitled to receive additional pay for any overtime worked. Non-exempt Employees are sometimes referred to as "hourly" Employees and are entitled to overtime at one and one-half their "regular hourly rate" for any hours worked in excess of 40 hours during the workweek.

Civil Service Employee - A "Civil Service Employee" is a commissioned police officer or firefighter employed by the City, but excluding any commissioned peace officer employed by the City not covered by Chapter 143 or Chapter 174 of the Texas Local Government Code. Statutory provisions of the Texas Local Government Code and, in certain cases, the terms of a collective bargaining agreement, govern and control the terms and conditions of employment of Civil Service Employees. Where the terms of an applicable collective bargaining agreement or the Texas Local Government Code conflict with the provisions of these Policies and Procedures, the collective bargaining agreement or the provisions of Texas law control as to those Civil Service Employees.

All City employees except Civil service personnel are "at will"—meaning that either the City or the individual may terminate their employment or service to the City at any time, for any reason, or for no reason.

Approved: August 28, 2006

CHAPTER 3

RECRUITMENT & TRANSFERS

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POLICY NO. 310.00 JOB POSTINGS

It is the City's policy to assist in the professional development of all its Employees by posting open employment positions and by giving preference to qualified City Employees whenever an open employment position is being filled. The following procedure has been established to ensure that announcements of vacant positions are posted on a timely basis on specified bulletin boards at City locations.

Identification of Job Opening

Open job positions will be identified by the submission of a "job vacancy" form by the Department Director to the Human Resources Department.

Internal Positions

Non Civil-Service positions within the City will be considered "Internal" until posted within the guidelines of this policy.

The minimum posting time for all "Internal Positions" should be five (5) working days. If five (5) working days have passed and the position is still not filled, it can be revised to an "Open Position" and posted as described in the next section.

Open Positions

When a position has been determined to be open to the general public, it should be posted as indicated:

- A. Professional** - Professional positions are posted for a minimum of five (5) working days. Based on the difficulty in recruiting for this position, the Department Director may elect to open the position for longer than five days. If the Department Director does not have a sufficient number of qualified applicants as of the posted period closing date, the closing date may be extended.
- B. Management/Supervision** - Management/supervision positions are posted for a minimum of five (5) working days. Based on the difficulty in recruiting for this position, the Department Director may elect to open the position for longer than five days. If the Department Director does not have a sufficient number of qualified applicants as of the posted period closing date, the closing date may be extended.
- C. Technical/Para-Professional** - All technical/para-professional positions are posted for a minimum of five (5) working days. Based on the difficulty in recruiting for this position, the Department Director may elect to open the position for longer than five days. If the Department Director does not have a sufficient number of qualified applicants as of the posted period closing date, the closing date may be extended.
- D. Office/Clerical** - All office/clerical positions are posted for a minimum of five (5) working days. Based on the difficulty in recruiting for this position, the Department Director may elect to open the position for longer than five days. If the Department Director does not have a sufficient number of qualified applicants as of the posted period closing date, the closing date may be extended.
- E. Service/Maintenance** - All service/maintenance positions are posted for a minimum of five (5) days. Based on the difficulty in recruiting for this position, the Department Director may elect to open the position for longer than five days. If the Department Director does not have a sufficient number of qualified applicants as of the posted period closing date, the closing date may be extended.
- F. Temporary/Seasonal** - Most temporary/seasonal positions are posted. However, some immediate appointments can be made by the Human Resources Director in emergency situations.

Approved: August 28, 2006

POLICY NO. 320.00 POSTING TIMETABLE FOR CIVIL SERVICE POSITIONS

Posting requirements for civil service positions are governed by Texas Local Government Code Chapter 143 and applicable collective bargaining agreements and applicable departmental policies and procedures.

The Human Resources Department must refer to existing eligibility lists or exhaust previously screened candidates before posting a civil service position.

Approved: August 28, 2006

POLICY NO. 330.00 RECRUITMENT AND HIRING—NON-CIVIL SERVICE POSITIONS

The City only accepts employment applications for positions that are currently vacant.

Approved: August 28, 2006

POLICY NO. 330.01 EMPLOYEE REQUISITION

When a job vacancy occurs, or if a new position is approved, the department will submit an Employee Requisition Form (Appendix B-2) to the Human Resources Department. The Employee requisition is then submitted to the Human Resources Director for approval. The Human Resource Department shall forward the form to the Finance Department to verify funding and the Finance Department shall forward the form to the City Manager for approval. The City Manager may approve the requisition form and forward to the Human Resource Department for processing.

Approved: August 28, 2006

POLICY NO. 330.02 RECRUITMENT

Internal: When the vacancy has been determined to be an "Internal Position," an "Internal Position" job announcement will be prepared and posted on the bulletin boards outside the Human Resources Department and other designated areas in City facilities.

External: When the vacancy has been determined to be open to the general public, job opportunity announcements will be prepared and sent to the requesting department/division, and will be posted on the bulletin boards outside the Human Resources Department and other designated areas at City facilities. The requesting department/division will ensure that job opportunity announcements are posted in their areas.

Positions (except internal) will be advertised in the classified sections of the local news media.

Prospective applicants will be required to show proof of employability as outlined in the Immigration Reform and Control Act of 1986.

The Human Resources Department staff will review applications and refer all applicants that meet the minimum requirements for employment with the City, conduct initial interviews upon request and, after the closing date, refer all applicants to the hiring Department Director who initiated the Employee requisition. Department Directors, as a member of the interview committee, will interview the referred applicants and make the final decision for employment based on job related requirements, qualifications, and past employment verification. In the case of an employee applying for a position in a department other than where he is currently employed, the interviewing Director may contact the employee's current Director regarding the employee's job performance. The Human Resources Department shall conduct employment verification checks on applicants prior to the final employment decision.

The Department Director will make the final selection and document the selection/rejection reasons for all interviewed applicants on the interview forms provided. The Department Director shall promptly return the applications to the Human Resources Department.

The Department Director will indicate a preferred starting date for the successful candidate. Hiring dates should coincide with the new Employee processing and must be coordinated with the Human Resources Department. Exceptions must be approved by the Director of Human Resources.

Approved: August 28, 2006

POLICY NO. 330.03 DISQUALIFICATION

An applicant shall be disqualified from employment consideration for appointment if the applicant:

- Does not meet the qualifications necessary for performance of the duties of the position involved;
- Has made a false statement of material fact on the application form or supplements thereto;
- Has committed or attempted to commit a fraudulent act at any point in the employment process;
- Has an unsatisfactory driving record as defined in City of Kingsville Policy # 880.00 Driving Policy;
- For any other reasonable grounds relating to job requirements.

Such factors as medical, financial, personal or employment difficulties shall not necessarily disqualify an applicant from consideration. Each case shall be individually evaluated in relation to reasonable standards for the type of position involved.

Approved: August 28, 2006

POLICY NO. 330.04 NEW/TRANSFERRED EMPLOYEE PROCESS

The Human Resource Department will extend the offer of employment to the successful candidate and agree on a starting date. All offers are contingent upon results of the driver's license check, drug screen, physical examination if required and the ability to produce documents of employability as outlined in the Immigration Reform and Control Act of 1986. The new Employee/Transfer Employee sign-up will include the completion of necessary forms (including the I-9), physical examination, if required, police record check, identification card, and produce proof of employability and any other pre-employment requirements. It is also the Human Resources Department's responsibility to notify the applicants not selected for the position.

Approved: August 28, 2006

POLICY NO. 330.05 NEW EMPLOYEE ORIENTATION

On the first day of employment the new Employee and the Department Director will complete, sign, and forward the New Employee Orientation Checklist (Appendix B-1) to the Human Resources Department. Within 3 weeks after, the employment date, all new Employees must attend an orientation session to learn more about the City, including Employee relation services, benefits, policies and procedures. Opportunity will be provided for questions and discussions during this orientation. The Human Resources Department will schedule and conduct this orientation.

Approved: August 28, 2006

POLICY NO. 330.06 CIVIL SERVICE HIRING AND RECRUITMENT PROCEDURES

Please refer to the most recent Civil Service Statutes for the employment process for civil service Employees.

Approved: August 28, 2006

POLICY NO. 340.00 PROFESSIONAL SEARCH AND RECRUITMENT

This policy directive applies only to executive, management, and senior professional positions.

With the approval of the City Commissioners, the City may employ the services of personnel search firms for executive, senior professional and management positions when suitable applicants cannot be expeditiously located through the regular recruitment process. The guidelines for use of personnel search firms are as follows:

- The department seeking to fill the position must submit a written request to the Director of the Human Resources Department before employing the services of a search firm. The department, in consultation with the Director of Human Resources, will select the firm.
- The City shall select firms with hiring objectives compatible with the City in terms of qualifications, affirmative action considerations, and other policies and conditions of employment.
- The City Manager must approve the negotiated fee and contract for payment prior to submission to the City Commissioners for final approval, unless the fee is less than \$10,000 in which the City Manager shall have final approval. The department seeking to fill the position must provide a written request for payment and all supporting information to the City Manager for forwarding to the City Commissioners.
- The payment of professional fees shall be in accordance with the approved contract and policies regarding such services. The department seeking to fill the position shall provide the funds necessary to pay for incurred fees.

Approved: August 28, 2006

POLICY NO. 350.00 FAIR CREDIT REPORTING ACT

As part of the employment application screening process for some employment positions, the City shall use a credit-reporting agency to conduct personal background checks and credit checks on applicants for employment. The information received from the credit reporting agency may come to the City in the form of a "consumer credit report." The consumer credit report may contain information pertaining to the applicant's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living. The consumer credit report may also contain information relating to the criminal record or history of the applicant.

As required by law, the City shall provide disclosures to applicants and gain their authorization prior to the City commencing any of the checks designated under FCRA.

Under the federal Fair Credit Reporting Act ("FCRA"), as well as under some states' laws, an Employee has certain legal rights pertaining to any consumer credit report requested by the City regarding the Employee. Before taking any adverse action regarding an individual's application for employment, the City must provide to the individual with a summary of his or her legal rights under FCRA, a copy of the consumer credit report containing any information which leads to an adverse decision regarding employment, and the name, address and telephone number of the consumer reporting agency that provided the consumer credit report.

Approved: August 28, 2006

CHAPTER 4

APPOINTMENT & ELIGIBILITY

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POLICY NO. 410.00 ELIGIBILITY FOR PROMOTIONS, TRANSFERS OR REASSIGNMENT

Employees are generally not eligible for promotion until they have served in their present employment position for 180 consecutive days. However, employees may apply for promotion even if they have not served in their present employment position for 180 consecutive days. This policy shall not preclude the City from promoting employees who have served less than 180 days. All job positions shall be filled based upon the Employee's education, skills, qualifications and ability to perform the essential functions of the job as specified in the applicable job descriptions and specifications. Promoted employees will be required to restart the 180 day probationary period upon commencement of the new position.

Transfers, the re-assignments of Employees from one position to another that does not involve promotion, may be initiated at any time. Employees desiring a transfer to an open employment position should apply for the position and discuss their desire to transfer with both Department Directors involved in the transfer. Transfers may, at the request of an Employee, require a demotion under certain circumstances. Where an Employee desires to transfer into a position that represents a demotion, the transfer will not be considered disciplinary action and shall not reflect negatively on the Employee's employment record with the City.

Hourly employees shall commence at the step of pay as designated by the current City of Kingsville Job Classification and Compensation Plan approved by City Commission. (Appendix A-1)

Approved: August 28, 2006

POLICY NO. 410.01 RESIDENCY

Residency requirements for Employees of the City shall be based entirely on the requirements of the position held by the Employee as determined by the City Commissioners and the City Manager, or by City ordinance, policy, or procedure.

Department Directors may establish reasonable response time requirements for certain positions which may be subject to emergency recall and/or periodic service on a stand-by status. A definition of and guidelines for establishing reasonable response time in the case of an emergency will be explained by the Employee's Department Director at the time of employment and/or at any time when job requirements or response time guidelines change.

Unless residency is required by the City Commissioners, the City Manager or by City ordinance, policy or procedure, Employees of the City shall not be required to nor be discriminated against for not establishing a residence within the City limits. However, ability to meet established response time requirements for some positions will be considered a condition of employment.

Approved: August 28, 2006

POLICY NO. 420.00 NEPOTISM POLICY

The City will not contribute, through employment, internal advancement or transfer process, to the creation of any inequity or impropriety among its Employees.

In a department comprised of more than one division, an applicant related within the second degree of affinity or within the third degree of consanguinity to a City Employee employed in that division will not be eligible for employment within the same division. An applicant for a job in a department consisting of no divisions who is related within the second degree of affinity or the third degree of consanguinity to an Employee of the department will not be eligible for employment in that department.

An applicant for a job in a division which reports to or serves as staff liaison to a City board or commission is ineligible for employment in that division if the applicant is related within the second degree of affinity or the third degree of consanguinity to any member of the board or commission.

Approved: August 28, 2006

POLICY NO. 420.01 FAMILIAL RELATIONSHIPS DEFINED - KINSHIP

For the purposes of this policy, the following shall constitute familial relationships:

Consanguinity (Blood Relationship)

1st Degree

Father
 Mother
 Son
 Daughter

2nd Degree

Grandfather
 Grandmother
 Brother
 Sister
 Grandson
 Granddaughter

3rd Degree

Great Grandfather
 Great Grandmother
 Great Grandson
 Great Granddaughter
 Uncle
 Aunt
 Nephew
 Niece

Affinity (Marriage Relationship)

1st Degree

Spouse
 Father-in-law
 Mother-in-law
 Son-in-law
 Daughter-in-law
 Stepson
 Stepdaughter
 Stepfather
 Stepmother

2nd Degree

Spouse's Grandfather
 Spouse's Grandmother
 Spouse's Grandson
 Spouse's Granddaughter
 Brother-in-law (Sister's spouse)
 Sister-in-law (Brother's spouse)
 Brother-in-law (Spouse's brother)
 Sister-in-law (Spouse's sister)
 Stepbrother
 Stepsister

If any issues should arise as to the degree of a relationship not listed above, such relationship shall be characterized as set forth in the Texas Government Code, Chapter 573, Degrees of Relationship; Nepotism Prohibitions.

An applicant shall be requested to list and shall list all relatives employed by the City or serving on a board or commission of the City on his application for employment. Intentional misrepresentation of family relationships shall result in immediate revocation of job offers and immediate termination of employment.

No current Employee may be appointed or promoted to any Department Director's span of responsibility that is related within the second degree of affinity or the third degree of consanguinity to that Department Director. In no event shall the City allow the direct supervision of any employee within the first degree of affinity or the second degree of consanguinity to their supervisor.

In the event of promotion or marriage between two City Employees, the following shall apply:

- If the affected Employees are employed in different departments or different divisions of a department, those Employees may remain with the City.
- At the discretion of the Department Director, married Employees may remain and work in the same division or department provided that one is not directly reporting to the other and neither is in the same chain of command. The affected Employees may report to the same director. If however, the affected Employees are unable to meet this criterion, then one must seek a transfer to another division of that department or another department. The decision shall be made and agreed upon by those Employees involved, provided however, if they are unable to agree, the employee with the least amount of seniority shall be required to transfer.

An Employee seeking a transfer will be considered for any City position for which he is qualified but cannot remain in the existing division for more than ninety (90) days. Qualifications being equal, the transferring Employee shall be given preferential treatment. If a suitable position cannot be found by the end of this period, one of the two must be terminated or be subject to reassignment if another position is available. The selection of which employee must be reassigned and the nature of the reassignment is subject to the sole discretion of the City Manager.

Approved: August 28, 2006

POLICY NO. 420.02 BOARDS AND COMMISSIONS

If an Employee is already employed with the City, then the Employee is not required to transfer or resign upon the appointment of a relative to a board or commission of the City. An applicant is not eligible for a position of employment that serves as the liaison to a board and/or City Commission within the 2nd degree of affinity or the 3rd degree of consanguinity.

Approved: August 28, 2006

POLICY NO. 430.00 U.S. CITIZENSHIP AND OTHER LEGAL REQUIREMENTS

As a condition of employment, each Employee of the City must have a valid social security number. Additionally, each Employee of the City shall be either a citizen of the United States or a legally documented alien with an approved work visa or permit.

Procedure

- Applicants for employment with the City will be asked by the Human Resources Department to provide proof of United States citizenship or legal eligibility to work in the U.S. in the form of a birth certificate, naturalization paper, social security card, U.S. passport, and a pictured identification card; i.e., driver's license or other documents as specified in the Immigration Reform and Control Act of 1986.
- Applicants who cannot demonstrate either United States citizenship or status as a legal alien with approval to work in the United States will not be considered for employment.
- Employees who lose their status as United States citizens or whose visa or work permit expires shall be terminated.

Approved: August 28, 2006

POLICY NO. 430.02 MINIMUM AGE

The City's minimum age for regular employment will be eighteen (18) years of age. The only exception will be for selected seasonal and/or temporary positions when prescribed differently by federal or state law. In no case are individuals younger than sixteen (16) years of age eligible for employment.

A birth certificate and a minor's work release will be required of each applicant who is under eighteen (18) years of age prior to employment with the City.

Approved: August 28, 2006

POLICY NO. 430.03 MEDICAL EXAMINATIONS

New Hire – External Applicant

Applicants offered positions in all job classifications will be required to pass a physical examination administered by a physician selected by the City. No one who is given a medical examination shall be employed unless the examining physician certifies that the person meets the minimum standards of physical fitness required for the position. See Appendix A-1 for listing of job classifications.

- Physical examinations required by the City for an external applicant offered a position shall be at the expense of the City of Kingsville.

Current City Employee – Internal Applicant

Employees will be required to have a physical examination if an employee:

- accepts a position that requires a higher level of physical activity as determined by the position's job description.
 - accepts a position that requires a commercial driver's license, and/or
 - has a potential health problem or lack of physical fitness which prevents the performance of his/her job duties.
- Physical examinations required by the City for promoted, transferred, or current Employees shall be paid for by the City. Time spent by an Employee in waiting for and receiving a physical examination shall be considered hours worked for pay purposes.
- Medical examinations paid for by the City are the property of the City and shall be confidential. A copy of the medical examination report shall be available to the Employee upon written request.
- When the City requires a physical examination or physician's report concerning an illness or injury suffered by an Employee, the examination shall be at the expense of the City and performed by a physician selected by the City. Such examinations will be authorized by the Director of Human Resources only.
- The reports of the physicians involved, along with the demands of the job and the Employee's ability to perform the job duties will be the basis for a decision regarding continued employment with the City. Final decisions will be made by the City Manager and the Director of Human Resources.

Approved: August 28, 2006

POLICY NO. 430.04 DRUG/ALCOHOL TESTING

It is the policy of the City to require Employees and applicants given a conditional offer of employment to be screened for drugs and/or alcohol according to the City of Kingsville's Substance Abuse Policy No. 830.00. Any applicant with a positive drug and/or alcohol test result shall not be eligible for hire. Tests shall be conducted by authorized personnel as listed in Substance Abuse Policy # 830.00.

Employees shall be required to have a drug and/or alcohol test as follows:

- upon promotion or transfer to another position,
- when selected on a random basis, and/or
- when the Employee's Department Director determines there is a reasonable suspicion of drug and/or alcohol use in the workplace.

Conditions of Employment

- Drug and/or alcohol testing required by the City for promoted, transferred, or current Employees shall be paid for by the City. Time spent by an Employee in waiting for testing shall be considered hours worked for pay purposes.
- Department Directors are responsible for notifying the Human Resources Department of any situations involving reasonable suspicion testing.

Payment for Drug and/or Alcohol Testing

- Drug and/or alcohol tests paid for by the City are the property of the City. A copy of the medical examination report shall be available to the Employee upon request.
- When an employee contests the results of the drug test, the employee is responsible for the cost of retesting. See Substance Abuse Policy # 830.00.

The reports of the physicians involved along with the demands of the job and the Employee's ability to perform the job duties will be the basis for a decision regarding continued employment with the City. Final decisions will be made by the City Manager and the Director of Human Resources.

Approved: August 28, 2006

POLICY NO. 430.05 CIVIL SERVICE

In the case of rejection of a Civil Service applicant for appointment, or for promotion, Texas Local Government Cod. Chapter 143 Municipal Civil Service proceedings shall apply, if the applicant wishes to challenge the rejection.

Approved: August 28, 2006

CHAPTER 5

JOB ORIENTATION

Policy

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500.01 Orientation Period

1

500.02 Unsuccessful Completion of Orientation

1

POLICY NO. 500.01 ORIENTATION PERIOD

Purpose

A job orientation period allows for the assessment of employee qualifications, performance, and general suitability to meet position requirements and standards. This orientation period also provides the employee the opportunity to determine if the position meets their expectations.

Hourly, non-civil service, employees entering the competitive service shall be required to successfully complete an orientation period of six months from the date of hire. Hourly rate increases shall correspond to the current City of Kingsville Job Classification and Compensation Plan schedule (Appendix A-1). The Classification Range corresponding with the Step (number of years of consecutive City service) shall establish the employee's hourly pay rate. The department supervisor or director shall complete an evaluation form after the employee's completion of the six month orientation period.

Exempt employees entering the competitive service shall be required to successfully complete an orientation period of six months from the date of hire.

Beginning salaries for exempt employees shall correspond between the position's minimum and maximum range on the City of Kingsville's Management Level Schedule (Appendix A-1).

Compensation increases after orientation shall correspond to the City of Kingsville's Job Classification and Compensation Plan schedule as approved by City Commission.

When an active employee is hired, promoted or transferred to another position, the employee will commence a new six month orientation period in the new position. Hourly rate increases shall correspond with the current City of Kingsville Job Classification and Compensation Plan schedule. The department supervisor or director shall complete an evaluation form after the employee's completion of the six month orientation period. If the selection to the new position requires special licensing or certification, the employee shall be provided the period of time permitted by law to acquire such license or certification.

Approved: August 28, 2006

POLICY NO. 500.02 UNSUCCESSFUL COMPLETION OF ORIENTATION

If the employee is unable to successfully complete the orientation period, the City shall terminate the employment relationship. If the person held a position with the City prior to the orientation period, the City shall give the person the opportunity to return to their former position at the rate of pay corresponding to the position, provided the previous position has not been filled.

Approved: August 28, 2006

CHAPTER 6

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POLICY NO. 600.01 SERVICE CREDITS

In determining creditability service for fringe benefits, and seniority purposes, service shall be credited based on current uninterrupted employment.

Approved: August 28, 2006

POLICY NO. 600.02 HEALTH INSURANCE

All elected officials and full-time employees in the competitive and civil service and such other employees meeting health plan eligibility requirements shall be offered health benefits in accordance with the following provisions:

- A. Elected officials and full-time employees shall be offered coverage under the City's group medical plan.
- B. Elected official and eligible employees may elect to have their dependents covered under the health plan with the City contributing a percentage of the premiums as established by the City Commission.

Approved: August 28, 2006
Revised: September 25, 2017

POLICY NO. 600.03 LIFE INSURANCE

The purpose of this policy is to communicate the life insurance program for the City of Kingsville employees and other eligible members of the City Commission to identify eligibility requirements.

Life insurance offers employees and their families' important financial protection. The City of Kingsville provides a basic life insurance plan to full time employees and eligible members of the City Commission equal to either \$10,000 or one year's salary not to exceed \$50,000.

The City of Kingsville pays all premiums associated with this policy. Employees do have the option to waive this coverage.

Eligible participants in the life insurance plan are subject to all terms and conditions of the agreement between the City and the insurance carrier. Each new eligible member shall complete enrollment forms at the time full-time employment or City Commission term begins. Contact the Human Resources Department for additional information about life insurance benefits.

Approved: August 28, 2006
Revised: September 25, 2017

POLICY NO. 600.04 TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS)**TMRS Retirement Plan**

To identify eligibility requirements for employees to participate in the Texas Municipal Retirement System (TMRS), the retirement system administered on a statewide basis.

Participation in the Texas Municipal Retirement System provides for monthly pension benefits at retirement.

Eligibility for Enrollment

At the time of employment, all full time eligible employees are enrolled in the TMRS pension plan.

Contributions

Contribution rates and other policies of the City's TMRS Plan are determined by the City Commission and are subject to change.

Contributions to TMRS are mandatory for full time employees. Currently, the employee contributes 7% of their earning each pay period. The contributions are tax deferred and made through payroll deductions. Vesting generally occurs 5 years after the first contribution. Currently, the City's contributions at retirement are approximately 1.5:1.

Interest Earnings

Employee deposits earn interest on an annual basis, credited to the employee's account each year. Prorated interest occurs only during the year in which the employee retires.

Benefits at Retirement

Generally, employees may retire after 240 month (20 years) of TMRS credit, regardless of age. Military Service and/or previous government employment contribute service credit toward earlier retirement.

TMRS benefits will be based on years of service, salary, the employee and City contributions to the account, and the retirement option selected.

Employees should contact the Human Resources Department at least one (1) month before the planned retirement date to allow for completion of paperwork. For additional information, please consult the TMRS Benefits Guide available online at www.tmr.org or contact the Human Resources Department.

Approved: August 28, 2006

POLICY NO. 600.05 CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)

To outline the eligibility and procedures for extended health insurance through the federal Consolidated Omnibus Budget Reconciliation Act (COBRA).

COBRA gives employees and/or dependent(s) the opportunity to continue health insurance coverage under the City's health plan when a qualifying event would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, death, reduction in hours, an employee's divorce, legal separation, or a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary will pay the full cost of coverage at the City's group rate plus an administrative fee. When a qualifying event occurs, contact the Human Resources Department to determine COBRA eligibility.

Approved: August 28, 2006

POLICY NO. 610.00 PERSONNEL FILES: RECORDS OF EMPLOYMENT

The City of Kingsville maintains an official personnel file in the Human Resources Department on each employee including such information as the employee's job application, resume, performance evaluation forms, personnel action forms and other employment records. The City shall follow the records control schedule as mandated by state law and City Ordinance.

Approved: August 28, 2006

POLICY NO. 610.01 RESTRICTIONS AND CONFIDENTIALITY OF FILE

Personnel files are the property of the City, and access to the information they contain is restricted. However, release of information contained in the personnel file is subject to the Public Information Act. Information contained in the personnel file, exempted information deemed confidential by law or other information that is exempt from disclosure under the Public Information Act, may be released pursuant to such act. Additionally, direct or hiring supervisors and management personnel of the City who have a legitimate reason may review information in the file.

Medical records are maintained separate from the personnel file and will not be released to the public, unless required by law. An employee or former employee may choose not to allow public access to information that relates to the employee's home address, home telephone number, or social security number, or that reveals whether the employee has family members, by signing a Written Non-Disclosure Form (Appendix C-1) at the time of employment, termination or retirement. An employee or former employee may also later choose to open access to such information by signing an authorization of release of information to another business entity.

Approved: August 28, 2006

POLICY NO. 610.02 RELEASE OF EMPLOYEE INFORMATION/REQUESTS FOR EMPLOYMENT REFERENCES

All requests for information, written or verbal, from persons outside the City concerning job applicants or current/separated employees must be referred to the Human Resources Department. Without a signed release from the Employee specifically designating the party to whom employment information is to be released, the Human Resources Department will release only the dates of employment, position held and current or final salary information.

No one but the Human Resource Department is authorized to release information concerning the employment history of a City Employee. Letters of recommendation written for a current, retired or separated employee must be approved by the City Manager or Director of Human Resources. A copy of the letter shall become a part of the Employee's file.

Approved: August 28, 2006

POLICY NO. 610.03 EMPLOYEE ACCESS TO FILE

Employees who wish to review their own file shall contact the Human Resource Department to schedule an appointment. With reasonable advance notice, employees may review their own personnel file in the Human Resource Department in the presence of a Human Resources employee. The employee may review the files and take notes or request copies of select pages, but shall not add or remove anything from their personnel file.

Approved: August 28, 2006

POLICY NO. 610.04 PERSONAL DATA CHANGES

It is the responsibility of each employee to notify the Human Resources Department within one (1) week of any changes in personal data, such as name changes, marital status, physical and mailing addresses, telephone numbers, and emergency contacts. For employees with dependent insurance coverage, the number and names of dependents must also be kept up to date. Additionally, employees should contact Human Resources for any changes to beneficiary designation on any insurance policies and retirement packages and any changes to an employee's W-4 designation.

Approved: August 28, 2006

POLICY NO. 610.05 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY COMPLIANCE POLICY (HIPAA)

- (1) The City of Kingsville is a covered entity as defined by HIPAA and we do maintain healthcare and related plans that are subject to HIPAA requirements. The City of Kingsville shall comply with federal HIPAA rules and regulations in regards to protected health information (PHI) maintained by the City.

HIPAA regulations will be followed in administrative activities undertaken by assigned personnel when they involve PHI in any of the following circumstances: health information privacy, health information security and health information electronic transmissions.

The City of Kingsville will consider any breaches in the privacy and confidentiality of handling of PHI to be serious. Disciplinary action will be taken in accordance with our workplace policies.

The City of Kingsville has designed a HIPAA compliance office, (HCO), and questions regarding policy provisions should be addressed to the HCO. This policy is supplemented by new operating procedures issued by the HCO and will be effective immediately. City records that are governed by this policy will be maintained for a period of no less than six years, and when the maximum retention period has passed, the records will be subject to the City's policy for completed record destruction.

- (2) Health Insurance Portability and Accountability (HIPAA)
The City of Kingsville has adopted a policy that protects the privacy and confidentiality of protected health information (PHI) whenever it is used by City representative. The private and confidential use of such information will be the responsibility of all individuals with job duties requiring access to PHI in the course of their jobs.

PHI refers to individually identifiable health information received by the company's group health plans and/or received by a health care provider, health plan or health care clearinghouse that related to past or present health of an individual or for payment of health care claims. PHI information included medical conditions, health status, claims experience, medical histories, physical examination, genetic information and evident of disability.

The City of Kingsville has designated the Human Resources Director as the HIPAA Compliance Officer (HCO), and any questions or issued regarding PHI should be presented to the HCO for resolution. THE HCO is also charged with the responsibility for a) issuing procedural guidelines for access for PHI; b) developing a matrix for personnel who will need access to PHI; and c) developing guidelines for describing how and when PHI will be maintained, used, transferred or transmitted.

Annually or as necessary, the City performs enrollment, changes in enrollment and payroll deduction, provides assistance in claims problem resolution and explanation of benefits issues, and assists in coordination of benefits with other providers. Some or all of these activities may require the use or transmission of PHI. Thus, all information related to these processes will be maintained in confidence and employees will not disclose PHI from these processes for employment-related actions, except as provided by administrative procedures approved the HCI. General rules are as follows:

Disclosures that do not qualify as PHI-protected disclosures include:

- disclosure of PHI to the individual to whom the PHI belongs,
- requests by providers for treatment and/or payment,
- disclosures requested to be made to authorized parties by the individual PHI holder,
- disclosures to government agencies for reporting or enforcement purposes, and
- disclosures to workers' compensation providers and those authorized by the workers' compensation providers.

Information regarding whether an individual is covered by a plan for claims processing purposes may be disclosed.

Information external to the health plan is not considered PHI if the information is being furnished for claims processing purposes involving workers' compensation and/or short or long term disability and medical information received to verify ADA or FMLA status.

Personnel records and disclosures of PHI will be maintained for a period of six years as required by federal law, unless a state law requires longer retention period. Records that have been maintained for the maximum interval will be destroyed in a manner to ensure that such date is not compromised in the future in accordance with the City of Kingsville's record destruction policy.

Approved: August 28, 2006

POLICY NO. 620.00 GENERAL COMPENSATION POLICY AND PAY ISSUES

The type of work required influences the compensation an Employee receives including but not limited to hours worked, the training required, quality of work performed, personal attitude of the Employee, professional experience, and the length of satisfactory service rendered. Both an Employee's initial compensation and any subsequent changes in compensation shall be approved by the City Commission.

No Employee shall receive compensation at a rate that exceeds the rate indicated for the Employee's classification or grade as shown in the City's current Job Classification and Compensation Plan (Appendix A).

Approved: August 28, 2006

POLICY NO. 620.01 PAY-DAY

All City Employees are paid on a bi-weekly schedule, every other week on Thursdays.

Approved: August 28, 2006

POLICY NO. 620.02 OTHER PAY ISSUES—DISTRIBUTION OF PAYCHECKS

Department supervisors or their designee distributes paychecks and/or pay stubs. Every effort will be made to avoid error in the paychecks. Should an error be discovered, the Employee should contact Finance Department. Similarly, in the event that a paycheck is lost or stolen, the Employee should notify a Department Director or the Finance Department immediately. If the City is able to place a "stop-payment" on the paycheck, the Employee will be issued a replacement check.

Upon voluntary separation, an employee's final pay check will be available at the Human Resources Department on the next regular pay day. Upon involuntary separation, an employee's final paycheck will be available at the Human Resources Department no later than six (6) calendar days following the day of separation. Employee must contact the Human Resources Department in writing if requesting other arrangements.

Approved: August 28, 2006

POLICY NO. 620.03 WORKING HOURS AND TIME-KEEPING

In order to meet the needs of the residence of the City, Employee work-hours may be varied, and will be set by the director of each department.

Employees are responsible for assuring that their time worked and any leave taken, is properly reported to and recorded by the City. Hourly and non-exempt Employees are expected to keep and maintain weekly time reports, which must be approved by the Employee's Department Director or Designee at the end of each pay period. It is the responsibility of each Department Director/Supervisor to instruct new employees as to how time is recorded and maintained.

Tampering with employee time reports is strictly prohibited. Employees who violate this policy or any other City policy shall be subject to disciplinary action up to and including termination of employment.

*Approved: August 28, 2006
Revised: September 15, 2011*

POLICY NO. 620.04 OVERTIME PAY

This policy and procedures section applies to non-exempt employees. Overtime for fire and police civil service employees may be governed by the terms of their respective collective bargaining agreements.

Overtime will be authorized or directed only when it is in the interest of the City and is the most practicable and economical way of meeting work demands and deadlines. When reasonably requested, all non-exempt employees will be expected to work overtime. All overtime worked shall be either specifically requested or approved by the Employee's Department Director prior to the employee actually working overtime except in cases of emergency situations. Compensation of overtime will be made by additional pay in accordance with applicable state and federal laws, based upon the "regular rate of pay" as defined by the Fair Labor Standards Act ("FLSA"). Non-exempt City employees entitled to overtime pay will be paid one and one-half (1½) hours for each overtime hour worked and recorded on the employee's timesheet. Overtime is calculated on a weekly basis and is based upon hours worked by an Employee in excess of 40 hours per week. The work period begins at 12:01 a.m. on Sunday and ends at 12:00 midnight on Saturday.

Holidays, Vacation time, sick leave, safety, funeral, emergency, injury, jury duty or other non-work related paid absences will not be counted as time worked for purposes of calculating overtime. Compensatory time shall not be used in lieu of paid overtime unless requested by the employee and approved by the Department Director and approved by the City Manager.

Exempt employees are paid a salary for performance of their jobs and are not generally eligible for compensatory time off or overtime pay for time worked in excess of their standard workweeks. Exceptions may be made by the City's Emergency Management Director for exempt employees, because of critical project demands during periods when th

emergency services policy is activated and a state of emergency is recognized by FEMA, who must work extraordinarily longer hours for a short period of time.

The only other exceptions to this policy are as set out hereafter. For work performed on an official City Holiday, see Policy 720.1 – Compensation for Holidays. If a non-civil service City employee is called out to work beyond normal business hours, then the employee shall be paid one and one-half (1 1/2) hours for each hour worked outside of normal business hours.

Violations of this policy, as with any other City policy, may result in an Employee's discipline, up to and including termination of employment.

Working non-approved overtime is prohibited and, although paid, may result in an Employee's discipline, up to and including discharge for repeated offenses.

Approved: August 28, 2006

POLICY NO. 620.05 PAYROLL DEDUCTIONS

Federal income tax, as well as Social Security (FICA) and Medicare tax, will be deducted from all paychecks as required by law. The amount of this deduction will be determined on the basis of earnings and number of dependents disclosed by the Employee, according to the schedule prescribed by the Internal Revenue Service. A statement of total annual earnings and tax withheld will be provided to each Employee no later than January 31st of the year following the earning period.

Other deductions from wages may be made for certain purposes, such as to permit an Employee to participate in an Employee welfare benefit to include health insurance plans or pension benefit plan of the City. However, other than those deductions authorized by federal or state law, no deductions will be made from an Employee's wages without the Employees' specific written authorization.

Approved: August 28, 2006

OTHER COMPENSATION

In addition to the kinds of pay customarily factored into the "FLSA regular rate of pay" certain Employees may, in specified circumstances, be eligible for other kinds of compensation as shown below.

POLICY NO. 630.01 LONGEVITY

Longevity pay applies only to Civil Service employees within the Police and Fire Departments as designated by their perspective collective bargaining agreements.

For each year of service, eligible employees shall receive \$4.00 per month of civil service employment up to a maximum of 25 years. The Employee may receive longevity pay on a bi-weekly basis or on an annual basis paid in the 1st pay period of December of each year.

POLICY NO. 630.02 NIGHT SHIFT DIFFERENTIAL PAY

Police Department—Non-Exempt, Non-Civil Service Employees of the Police Department who are required to work the rotating shifts will receive Shift Differential Pay of \$15 per pay period.

No Shift Differential Pay is authorized for any Employee not expressly eligible for such Pay under this policy.

*Approved: September 11, 2017
Effective Date: October 1, 2017*

POLICY NO. 630.03 EMERGENCY CALL PAY

Non-exempt hourly Employees who are called into service for emergency duty (i.e., an un-planned, unscheduled or unanticipated work assignment) will receive no less than 2-hours of compensation at their overtime rate of pay. After the employee has received a two (2) hour minimum, the employee will be paid only for actual time worked for the remainder of that twenty-four (24) hour period at their overtime rate of pay.

Work assignments scheduled in advance by an employee's supervisor, which may involve a schedule change, are not eligible for Emergency Call Pay.

Approved: August 28, 2006

POLICY NO. 630.04 SEPARATION PAY

Exempt and Non-Exempt Regular full-time Employees having completed 180 continuous days of City service who separate from employment for any reason, other than FMLA leave or military leave under USERRA, will be paid all wages due plus the following:

Vacation Leave –Maximum of 120 hours of accrued Vacation Leave. All accrued vacation leave in excess of this amount is forfeited.

Pre-1984 Sick Leave: Maximum of 720 hours of Pre-1984 Sick leave shall be paid at separation. All Pre-1984 Sick Leave in excess of 720 hours shall be forfeited. Pre-1984 Sick Leave shall count on an hour per hour basis.

Non-Exempt Regular full-time Employees having completed 180 continuous days of City service and separate from employment are also eligible for the following:

Sick Leave –If the maximum of Pre-1984 Sick Leave is not reached then one-half (1/2) of accrued Sick Leave up to a maximum of 720 hours shall be paid at separation. All accrued Sick leave in excess of this amount is forfeited.
Combination of Pre-1984 Sick Leave and Sick Leave shall not exceed 720 hours.

- Employees having completed less than 180 continuous days of City service, who separate from employment for any reason, other than for military leave under USERRA, shall forfeit all vacation and sick leave accruals.
- Civil Service Employees of the City's fire and police departments shall be paid according to current contract specifications.

Approved: August 28, 2006

INCENTIVES AND AWARDS

POLICY NO. 640.01 SAFETY INCENTIVE PROGRAM

Purpose: The purpose of this policy is to establish guidelines and policies for administration of the Safety Incentive Program. All monetary incentives are subject to taxes, federal withholding and other employee required contributions such as retirement. Monetary incentives may vary based on budget allocations.

Scope of Policy

The provisions for the Safety Incentive Program awards shall be applicable to all employees (regular full-time, part-time and temporary) employees, excluding (Civil Service, and those governed by Collective Bargaining).

Definitions

Incident – Any incident that results in damage to a City vehicle, another vehicle, City property, or other property owned by an outside party.

Preventable – An incident that would not have occurred if the employee had used sound judgment, had followed proper safety and operating procedures and/or had used proper care.

Unpreventable – An incident, which would have occurred irrespective of proper action by the employee.

Occupational – An incident which occurs at the workplace and leads to the physical injury of an employee and results in loss of time or the need for treatment by a physician.

Vehicle – Any piece of mechanized, rolling equipment, which is either operated on the public roads and highways or off the road on other property (e.g. automobiles, trucks, tractors, heavy equipment, etc.)

I. Safety Incentive Program

The Safety Incentive Program is intended to reward employees who avoid preventable incidents. The Risk Management Department shall be responsible for administering the Safety Incentive Program.

The program will begin on November 1st through October 31st of each year. The employee should be in eligible classifications, which consists of employees who work in an office environment or employees who work in a non-office environment. Employees shall be in one of the eligible classifications for the entire program year to be eligible for an individual award. No partial or prorated awards shall be made. Awards will be given during the Safety Incentive Awards Banquet during the month of December.

II. Criteria for Awards

Non-exempt, regular, temporary, part-time hourly employees (excluding Civil Service and those governed by Collective Bargaining) who have been employed for twelve (12) consecutive months immediately prior to the end of the safety awards year and have no documented preventable incidents will be eligible for the award.

If an employee has a preventable incident during the program year, the employee may lose all or part of the safety incentive award, depending on the monetary loss of the incident. The employee will be eligible to participate in the safety incentive in the upcoming year. The level will be determined by the monetary loss and number of preventable incidents the employee has during the program period.

Every year after October 31st, the Risk Management Department will submit a list of all employees eligible to receive the safety incentive award to each department head. The department heads shall review the list for approval and submit the approved listing back to the Risk Management Department.

The awards will be issued based on two job categories:

(1) Employees who work in an office environment are eligible for the following:

1 st Year –	8 hours off with pay and \$25.00
2 nd Year –	8 hours off with pay and \$40.00

3rd & Subsequent Years - 8 hours off with pay and \$50.00

(2) Employees who work in a non-office environment are eligible for the following:

1st Year – 8 hours off with pay and \$50.00
 2ndYear – 8 hours off with pay and \$75.00
 3rd & Subsequent Years - 8 hours off with pay and \$100.00

Monetary incentives are subject to federal withholding and may vary based on budget allocations.

The Incident Incentive Scale shall be used to determine the type of incentive granted or lost due to a preventable incident. When multiple preventable incidents occur and the incidents fall in both categories A and B in the Incident Incentive Scale, the safety incentive lost will be determined by the next available incentive.

All employees awarded 8 hours off with pay must utilize the 8 hours before October 31st of the following year. Employee will lose the 8 hours if not utilized before October 31st of the following year.

III. Incidents

The Central Safety Committee shall review all incidents whether vehicular or occupational reports. The committee shall meet at least monthly or as needed to review incident reports to make a recommendation if an employee followed safety procedures for the purposes of a safety incentive award.

The committee shall review the reports and shall conduct interviews or inquiries as deemed necessary. At the completion of the review, the committee will forward the report to the Safety and Risk Management Department with their recommendation. The Risk Management Department will notify the employee and department head in writing of the committee's decision regarding the incident.

Once the employee receives an incident determination letter, the employee will have ten (10) calendar days to appeal the committee's decision from the date on the determination letter. The appeal request letter must be submitted to the Risk Management Department. The employee will then be notified of the date and time of the appeal.

If the employee wishes to have the City Manager or City Manager's designee review the committee's appeal decision, the employees must make such request in writing within ten calendar days from the date of on the appeal determination letter. The request must be made to the Safety and Risk Management Department.

Once the City Manager or City Manager's designee makes a decision on the incident, the decision is final. The Risk Management Department will notify the employee and department head in writing of the decision.

**INDOOR EMPLOYEES
 Incident Incentive Scale**

A. Preventable incident with monetary loss under \$50.00

Employees with 1st and 2nd incidents shall maintain current safety incentive status for the following year. Employees with 3rd incident shall begin at the first year level of the safety incentive status the following year.

Year		1 st Incident	2 nd Incident	3 rd Incident
1 st year incident status	-	Letter of Counseling	Lose Day Off	Lose \$ 25.00
2 nd year incident status	-	Letter of Counseling	Lose Day Off	Lose \$ 40.00
3 rd year incident status	-	Letter of Counseling	Lose Day Off	Lose \$ 50.00

B. Preventable incident with monetary loss of \$51.00 to \$500.00

Employees in this category will begin the Safety Incentive Program next year at the first year level after the 2nd incident.

Year		1 st Incident	2 nd Incident	3 rd Incident
1 st year incident status	-	Letter of Counseling	Lose \$ 25.00	
2 nd year incident status	-	Letter of Counseling	Lose \$ 40.00	
3 rd year incident status	-	Letter of Counseling	Lose \$ 50.00	

C. Preventable incident with monetary loss of \$501.00 or more

Employees in this category will begin the Safety Incentive Program next year at the first year level after the 1st incident.

Year		1 st Incident	2 nd Incident	3 rd Incident
1 st year incident status	-	Lose Day Off and \$ 25.00		
2 nd year incident status	-	Lose Day Off and \$ 40.00		
3 rd year incident status	-	Lose Day Off and \$ 50.00		

**OUTDOOR EMPLOYEES
Incident Incentive Scale**

A. Preventable incident with monetary loss under \$50.00

Employees with 1st and 2nd incidents shall maintain current safety incentive status for the following year.

Employees with 3rd incident shall begin at the first year level of the safety incentive status the following year.

Year		1 st Incident	2 nd Incident	3 rd Incident
1 st	-	Letter of Counseling	Lose Day Off	Lose \$ 50.00
2 nd	-	Letter of Counseling	Lose Day Off	Lose \$ 75.00
3 rd	-	Letter of Counseling	Lose Day Off	Lose \$ 100.00

B. Preventable incident with monetary loss of \$51.00 to \$500.00

Employees in this category will begin the Safety Incentive Program next year at the first year level after the 2nd incident.

Year		1 st Incident	2 nd Incident	3 rd Incident
1 st year incident status	-	Letter of Counseling	Lose \$ 50.00	
2 nd year incident status	-	Letter of Counseling	Lose \$ 75.00	
3 rd year incident status	-	Letter of Counseling	Lose \$ 100.00	

C. Preventable incident with monetary loss of \$501.00 or more

Employees in this category will begin the Safety Incentive Program next year at the first year level after the 1st incident.

Year		1 st Incident	2 nd Incident	3 rd Incident
1 st year incident status	-	Lose Day Off and \$ 50.00		
2 nd year incident status	-	Lose Day Off and \$ 75.00		
3 rd year incident status	-	Lose Day Off and \$ 100.00		

IV. Exempt Employees

Exempt employees who have been employed for twelve (12) consecutive months immediately prior to the end of the safety awards year and have no documented departmental lost time injuries will be eligible for the safety incentive award.

The award will be issued based on two categories:

- (1) Exempt employees who work in an office environment.
- (2) Exempt employees who work in a non-office environment.

Exempt employees who work in an office environment shall be eligible for the following individual award.

1 st year	-	8 hours off with pay and \$25.00
2 nd year	-	8 hours off with pay and \$40.00
3 rd & subsequent years	-	8 hours off with pay and \$50.00

Exempt employees who work in a non-office environment shall be eligible for the following individual award.

- 1st year - 8 hours off with pay and \$50.00
- 2nd year - 8 hours off with pay and \$75.00
- 3rd & subsequent years - 8 hours off with pay and \$100.00

Money incentives are subject to federal withholding and may vary based on budget allocations.

All exempt employees awarded 8 hours off with pay must utilize the 8 hours before October 31st of the following year. Employees will lose the 8 hours if not utilized before October 31st of the following year.

Approved: August 28, 2006

Policy No. 640.02 Employee Recognition

The City's Employee Recognition programs are informal awards intended to permit the City to acknowledge the exceptional employment performance of a particular City Employee. The City has sole and absolute discretion whether to award any City Employee an Employee Recognition Award during any calendar year. The Human Resources Department administers the programs under the supervision of the City Manager. Examples of recognition programs include Employee of the Month, Employee of the Year and Years of Service Awards and Retirement Awards.

Approved: August 28, 2006

CHAPTER 7

HOLIDAYS, LEAVES & ABSENCES

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POLICY NO. 720.01 DESIGNATION OF HOLIDAYS

Certain days are official holidays for the City as declared by the City Commission. These "official City holidays" are:

<u>Description of Holiday</u>	<u>Date of Holiday</u>
New Year's Day	January 1 st each year
Martin Luther King, Jr. Day	Third Monday in January each year
President's Day	Third Monday in February
Good Friday	Friday before Easter each year
Memorial Day	Last Monday in May each year
Independence Day	July 4 th each year
Labor Day	First Monday in September each year
Columbus Day	Second Monday in October
Veteran's Day	November 11 th each year
Thanksgiving Day and Day after Thanksgiving	Fourth Thursday in November and Friday following
Christmas Day	December 25 th each year
Day before OR Day after Christmas	December 24 th OR 26 th each year
New Year's Eve (City Manager's discretion)	December 31 st each year

When an official City holiday falls on a Saturday, the preceding Friday will be considered the official holiday. When an official City holiday falls on a Sunday, the following Monday will be considered the official holiday.

For each of the official City holidays, it will be the policy of the City to permit as many Employees as possible to be given the day off from work. The welfare of the City's residents, however, dictate that certain Employees will be required to work in order to maintain operations of essential City functions.

Employees desiring to observe religious holidays that do not coincide with the official City holidays may be granted time off without pay for their observance. Such Employees may use accrued paid holiday or vacation leave time in such circumstances.

POLICY NO. 720.02 COMPENSATION FOR HOLIDAYS

Full-time non-civil service employees shall be entitled to be paid Holidays according to Policy 720.01 Designation of Holidays. Temporary or Seasonal employees are ineligible for Holiday compensation.

Part-time employees shall be eligible for pay at 1 ½ times the regular hourly rate only when work is performed on an official City Holiday. No other holiday benefits eligible to Full-time Employees are applicable to Part-time employees.

The number of hours in a Holiday is defined as the normal daily shift hours of a department. Work which begins during 12:00 a.m. and 11:59 p.m. on the official Holiday shall be compensated at 1 ½ times an employee's regular rate of pay.

If a Holiday falls on an employee's regular day off, the employee shall be eligible for time off or receive straight pay for the day. The time off and hours of straight pay is equivalent to a normal shift for the department. Employees must notify their supervisor of their choice by the end of the pay period in which a Holiday occurs. If straight pay is requested, it will be paid during the pay period in which the Holiday occurs. If time off is requested, it must be scheduled and taken prior to the end of the existing fiscal year.

If a Holiday falls on a Full-time employee's regularly scheduled work day, the employee shall receive 1½ times the employee's regular rate of pay for actual hours worked on the Holiday. The employee is also eligible for time off or straight pay for the Holiday. The time off and hours of straight pay is equivalent to a normal shift for the department. Employees must notify their supervisor of their choice by the end of the pay period in which a Holiday occurs. If straight pay is requested, it will be paid during the pay period in which the Holiday occurs. If time off is requested, it must be scheduled and taken prior to the end of the existing fiscal year.

Full-time Employees on a leave of absence without pay on the Holiday or on the scheduled work day immediately preceding or following the Holiday shall not receive pay for the Holiday.

Holidays falling within an Employee's vacation period or within a period of absence properly chargeable to sick leave shall not be counted against vacation or sick leave. *(The hours of Vacation and/or Sick leave scheduled on the Holiday shall remain on the books and the employee shall be paid for the Holiday at the employee's regular rate of pay.)*

Approved: August 28, 200
Updated: September 10, 2018 & Effective October 1, 2018
Updated October 22, 2018 & Effective October 22, 2018

POLICY NO. 730 VACATION LEAVE

All non-exempt and exempt regular, full-time Non-Civil Service Employees shall accrue paid vacation leave as follows:

- All regular full-time Employees with less than five (5) years of consecutive City service shall accrue 3.07 hours paid vacation leave for each bi-weekly pay period. All regular full-time Employees with five (5) years or more of service shall accrue 4.62 hours of vacation for each bi-weekly pay period.
- Employees under this policy may not accrue more than 120 hours of paid vacation leave during any fiscal year.
- Vacation leave shall be credited as earned and may be taken in increments of one hour, or fraction thereof, upon proper approval, after the Employee has completed the 180 days probationary period.
- Department heads shall schedule vacation, giving due consideration to the needs of the City and the ability of the remaining staff to perform the work of the department. Employees shall be permitted to take vacations at such times in the judgment of the department heads, which will best serve the interest of the City and the Employees. No more than 120 hours of vacation may be taken at one time. Appendix D-1 Leave Request Form.
- No cash payments for unused vacation shall be authorized except upon separation of employment. Vacation credits are not transferable between Employees. Payments of unused vacation leave shall not exceed 120 hours at time of separation. All Vacation Leave in excess of 120 hours will be forfeited.
- Vacation Leave shall not be used to extend an employee's separation date. The last day worked shall be the official separation date.
- Employees shall take accrued paid vacation leave concurrently with any FMLA leave for which they are eligible in appropriate circumstances.
- Employees on Vacation leave are subject to recall to duty in emergency situations as deemed appropriate by the Employee's supervisor.

Civil Service Employees shall accrue leave as specified in collective bargaining contracts.

Approved: August 28, 2006

POLICY NO. 731 FLEX LEAVE

Flex Leave provides employees with the ability to use paid time off to meet personal needs, while recognizing the employer's need to manage employee time off.

All non-exempt and exempt full-time non-civil service employees and regular part-time non-civil service employees shall earn eight (8) hours of Flex Leave the first payroll of December of each year. Temporary and seasonal employees are ineligible for Flex Leave.

Flex Leave hours do not accumulate and/or roll-over and must be utilized by October 31st of each year. Any unused Flex Leave shall be forfeited.

- Flex Leave may be taken in increments of one hour, or fraction thereof, upon proper approval.
- Employees are required to provide supervisors with reasonable advance notice and obtain approval prior to leave. This allows for the employee and supervisor to prepare for employee's scheduled time off and assure all staffing needs are met.
- No cash payments for unused Flex Leave shall be authorized at any time nor upon separation of employment.
- Flex Leave is not transferable between Employees.
- Flex Leave shall not be used to extend an employee's separation date. The last day worked shall be the official separation date.

- Employees shall take Flex Leave concurrently with any FMLA leave for which they are eligible in appropriate circumstances.
- Employees on Flex Leave are subject to recall in emergency situations as deemed appropriate by the Employee's supervisor.

Approved by Resolution # 2016-80 – 11/14/2016

Policy NO. 740.00 SICK LEAVE

This policy applies to all non-exempt and exempt, regular full-time non-civil service Employees

Paid sick leave shall be earned and used as follows:

- All regular full-time Employees earn 3.07 hours of sick leave for each bi-weekly pay period worked, up to a maximum of 80 hours per twelve (12) consecutive calendar months.
- All non-civil service Employees will be allowed to accumulate a maximum of thirty (30) days (240 hours) sick leave. In December of each year, the City shall buyback sick leave in excess of 240 hours at a rate of 50% and the hours in excess of 240 shall be removed from the employee's accrual banks. This policy does not affect sick leave earned prior to January 1, 1984.
- Sick leave shall be credited as earned and may be taken in increments of one hour or fraction thereof, after the Employee has completed 90 days of consecutive City service.
- Sick leave may be used only for absence from duty because of personal illness, illness in the immediate family, injury, or routine medical or dental appointments which cannot be reasonably scheduled outside of working hours. Eligible Employees shall take paid sick leave concurrently with FMLA leave when appropriate under the circumstances. Appendix D-1 Leave Request Form.
- The City may request and obtain verification of the circumstances surrounding any use of sick leave beginning from the first day of absence. After an absence of 3 days a medical release is mandatory before an employee may return to work.
- Accrued vacation leave may be used to supplement sick leave upon the request of the Employee. Pay shall be discontinued when authorized leave is exhausted.
- An Employee shall use accrued paid sick leave concurrently with Family and Medical Leave Act ("FMLA") leave when the Employee's reasons for such leave falls within those covered under the FMLA. Once an employee has exhausted all leave accruals shall discontinue.
- Sick leave credits are not transferable between Employees.
- Abuse of sick leave may be grounds for disciplinary action up to and including termination of employment.

Civil Service Employees shall accrue leave as specified in collective bargaining contracts.

Approved: August 28, 2006

Policy 740.01 SICK LEAVE POOL

PURPOSE

To provide additional sick leave days to full-time City employees in the event of a non-occupational catastrophic illness or disability preventing an employee from actively working. Employee may be eligible for Sick Leave Pool hours only after the employee has exhausted all accrued leave, including but not limited to, sick, vacation, holiday and flex leave.

The Human Resource Office shall establish procedures and forms through which eligible employees may voluntarily donate a portion of their accrued sick leave balances to a Sick Leave Pool.

DEFINITIONS

Employee – Fulltime employees with 12 or more months of continuous full-time service

Member – eligible employee as described in "Employee" definition who has enrolled in the Sick Leave Pool by contributing 8, 16 or 24 hours of sick leave.

Catastrophic Injury/Illness/Impairment – severe condition or combination of conditions affecting the mental or physical health of the employee or the employee's immediate family requiring services of a licensed practitioner for prolonged time and forces the employee to exhaust all leave time earned by that employee.

Licensed practitioner – practitioner, as defined in the Texas Insurance Code, practicing within the scope of license.

Immediate family – individuals related by kinship, adoption, marriage or foster children who are certified by the Department of Family and Protective Services living in the same household, or if not in the same household are totally dependent upon the employee for personal care or services on a continuing basis.

Eligibility timeframe – employees inability to perform material and substantial duties of position for a period of not less than four (4) weeks

ADMINISTRATION OF THE SICK LEAVE POOL

The Sick Leave Pool shall be administered by a member of the Human Resources Department, hereinafter referred to as the "Pool Administrator".

PROVISIONS

Contribution of Hours and Membership Terms

Contributing to the Sick Leave Pool is voluntary, however, all eligible employees are encouraged to participate. Member may contribute 8, 16 or 24 hours of sick leave each year from accrued sick leave banks.

An employee who terminates employment with the City may donate up to a maximum of 120 hours of accrued sick leave to the Sick Leave Pool.

Each annual contribution provides employee with one (1) year of membership in the Sick Leave Pool after which the employee must contribute additional hours to remain eligible for benefits through the Sick Leave Pool. Each December donations shall be accepted for the following calendar year (January – December).

Additional donation times:

Newly hired eligible employees – may donate at the completion of 12 months of eligible continuous employment.

Sick Leave Pool Levels - City may have special voluntary donation drives if the Sick Leave Pool falls below a "reasonable level".

Members may not stipulate who will receive donated hours. The hours shall be removed from the members accrued leave and placed in the City's Sick Leave Pool account. The donated hours become the property of the Sick Leave Pool and cannot be returned to member. Any Sick Leave Pool balances at the end of the calendar year automatically carry forward to the following year.

Donations to the Sick Leave Pool

Employees may donate accrued sick leave hours to the Sick Leave Pool during designated timeframes as established by Pool Administrator. Members must maintain a minimum of 24 hours in sick leave banks to donate. Eligible Members may donate different number of sick leave hours with different benefit amounts. See chart below:

Donations Cannot Reduce Sick Leave Pool Balance	Donation	Maximum Sick Leave Pool Hours or one-third (1/3) of
Accrual Balance Below	Increment	whichever is less
24 hours	8	160
16	320	
24	480	

Applying for Sick Leave Pool Hours

Members meeting eligibility criteria must submit a request to use hours from the Sick Leave Pool. In situation where the member is not available due to event, the employee’s supervisor may initiate the process.

Sick Leave Pool Request Forms are available at the Human Resource Department. HR Department is responsible for developing and updating forms associated with this program.

Program Administration Guidelines

The Human Resource Department shall review administration guidelines periodically and recommend guideline revisions and/or updates to City Manager’s office for approval.

Approved: December 10, 2018

POLICY NO. 750.00 FAMILY AND MEDICAL LEAVE (FMLA)

To be eligible for the Family and Medical Leave described in this policy, Employees must have been employed by the City for at least 12 months and must have worked at least 1,250 hours in the 12 consecutive months preceding the Employee’s request for leave. All City Employees meeting these eligibility requirements are qualified for leave under this policy.

The City provides eligible Employees up to a total of 12 weeks of unpaid leave in any "rolling" 12-month period measured from the date an Employee uses any FMLA Leave in accordance with the Family and Medical Leave Act of 1993 ("FMLA"). Upon submission and approval of a leave of absence request, eligible Employees are entitled to leaves of absence (FMLA Leave) for the following purposes:

1. Birth/Adoption/Foster Care Leave - An Employee may take leave in connection with the birth of the Employee's natural child or the placement of a child with the Employee for adoption or foster care. An Employee's entitlement to leave for birth or placement of a child expires 12 months after the child’s birth or placement.
2. Family Leave - An Employee may take leave to care for his son or daughter, spouse or parent with a serious health condition.
3. Medical Leave - An Employee may take leave in connection with his own serious health condition, which renders the Employee unable to perform his or her job duties.

The City will require a health care provider's certification of either the Employee's or the family member's serious health condition, whichever is applicable. Copies of acceptable forms are available from the City. The City may request an up-date of the health care provider's certification regarding the Employee's continued eligibility for FMLA leave every thirty (30) days.

When it is foreseeable for the birth or placement of a child or for planned medical treatment, an Employee who wishes to take leave under this policy must give the City reasonable, advance notice and must submit a written leave of absence request for approval prior to the commencement of the leave. In most circumstances, a "reasonable, advance notice" means thirty (30) days advance notice. When it is not possible to give advance notice -- for example, an unforeseeable medical emergency -- the Employee must notify a Department Director as soon as practicable, ordinarily within one or two business days of when the Employee learns of the need for leave. The form to be used for requesting Family and Medical Leave is the "Employee Request for Leave of Absence" form available from the Human Resources Department. The City also has the right to designate an absence as Family and Medical Leave on its own volition, consistent with applicable laws and regulations even if the Employee does not request it.

It is a policy of the City that if an Employee has accrued paid leave which he or she has not yet taken, that paid leave will be utilized to cover any leave under this policy when permitted under the FMLA. When the paid leave is used up, the balance of any FLMA leave will be unpaid. Workers' compensation leave will also be required to be taken concurrently with FMLA leave. When any paid leave is used up the balance of any FLMA leave will be unpaid.

If a husband and wife are both employed by the City, they are limited to a combined total of 12 workweeks during any 12-month period if leave is taken (1) for the birth of the employee's child or to care for the child after birth; (2) for placement of a child with the employee for adoption or foster care, or to care for the child after placement; or (3) to care for the employee's parent with a serious health condition. The husband and wife would each still be entitled to the difference between the time he or she has taken individually and 12 weeks of FMLA leave for a purpose other than those indicated above.

An Employee taking leave for birth or because of placement of a child for adoption or for foster care is permitted to take leave intermittently or by working a reduced workweek only with the approval of the City. However, leave to care for a seriously ill family member or because of the Employee's own serious health condition may be taken whenever medically necessary, when supported by certification from the health care provider.

Employees on FMLA Leave will continue to be covered under the City's health benefits program and maintain the same health insurance premiums. If the Employee has coverage through the City's health plan, the Employee must continue to pay his or her portion of the premiums to keep their coverage in effect, just as if he or she was working -- this includes dependant coverage. The City will continue to pay its normal portion of the premium as if the Employee were working. If the Employee does not return to work at the end of the leave, the City will charge the Employee for the cost of the health coverage during the leave. However, the Employee will not be charged for any advances on premiums if he or she does not return due to:

1. The continuation, recurrence, or onset of a serious health condition which would entitle the Employee to Family and Medical Leave; or
2. Other circumstances beyond the Employee's control.

On return to work from FMLA Leave, an Employee is entitled to be returned to the same position the Employee held when leave commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

The City retains the right to deny reinstatement to "Key Employees" upon its determination that substantial and grievous economic injury will result. The Employee will be given notice that the Employee is considered a "Key Employee" as soon as practicable after receipt of a request or designation by the Employee of an absence as FMLA Leave. If a determination is made of substantial and grievous economic injury, the Employee will be notified in writing, with such notice being served in person or by certified mail.

An Employee on FMLA Leave may not engage in work for another employer during the City's normal business hours, whether full or part-time. Any violation of this provision may jeopardize the Employee's right to return to work.

The City will require a health care provider's certification that the Employee is "fit for duty" and may return to work, with or without reasonable accommodation, prior to the Employee returning to his job.

As used in this policy and under the Federal FMLA regulations, the following terms are defined below:

1. **Continuing Treatment** - A serious health condition involving continuing treatment by a health care provider includes any one or more of the following: (i) A period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from) of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves: (a) Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or (b) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider; (ii) Any period of incapacity due to pregnancy, or for prenatal care; (iii) Any period of incapacity or treatment

for such incapacity due to chronic serious health conditions; (iv) A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, but which requires the continued supervision of a health care provider (e.g., Alzheimer, severe stroke, etc.); (v) Any period of absence to receive multiple treatments (or to recover from same) conducted or ordered by a health care provider for a condition which, if untreated, would result in a serious health condition.

2. Equivalent Position - An equivalent position must have the same pay, benefits and working conditions, including privileges, prerequisites and status. It must involve the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility and authority.

3. Health Care Provider - A health care provider is (i) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or (ii) any other person determined by the Secretary of Labor to be capable of providing health care services. These may include but are not limited to podiatrists, dentists, clinical psychologists, clinical social workers, optometrists, chiropractors, nurse practitioners and nurse-midwives who are authorized to practice by the State. Christian Science practitioners listed with the First Church of Christ Scientists in Boston, Massachusetts are also included.

4. Key Employee -A key Employee is a salaried Employee who is among the highest paid 10 percent of all the Employees employed by the City within 75 miles of the Employee's work-site.

5. Parent - Parent means a biological parent or an individual who stands or stood in loco parentis to an Employee when the Employee was a child. The term does not include parents "in-law".

6. Serious Health Condition - A serious health condition is an illness, injury, impairment or physical or mental condition that involves: (1) inpatient care and any corresponding period of incapacity or subsequent treatment, or (2) continuing treatment by a health care provider.

7. Son or Daughter - Son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability".

8. Spouse - Spouse means a husband or wife as defined or recognized under state law for purposes of marriage, including common law marriage in states where it is recognized.

The City has the right to request an Employee who requires FMLA Leave to provide to the City a physician's certification documenting the Employee's entitlement to FMLA Leave. FMLA Leave is NOT available for bereavement purposes.

Approved: August 28, 2006

POLICY NO. 760.00 WORKERS' COMPENSATION LEAVE

Employees who cannot perform the essential functions of their job because of an occupational injury or illness will receive time off from work, and will be compensated according to this policy and the procedures contained herein.

Employees who are injured or become ill as a result of an occupational accident or exposure are entitled to the following:

- Employees shall receive their wages based upon 40-hours of work in the work-week for the first seven (7) days of their leave of absence from work, with appropriate medical documentation supporting the leave;
- Regular – Non Civil Service Employees: After the seventh day of leave, Employees will receive wage-replacement compensation according to state law. Regular-full time Employees may request to supplement workers' compensation pay with accrued sick leave, vacation leave or holiday pay. Worker's compensation and additional supplement must not exceed an employee's regular wages.
- Civil Service Employees: After the seventh day of leave, Civil Service Employees shall continue to receive worker's compensation pay in compliance with Texas Local Government Code, Chapter 143 for Civil Service Fire and Police personnel. Worker's compensation and additional City of Kingsville supplements must not exceed an employee's regular wages.
- Employees on workers' compensation leave will be required to take FMLA leave concurrently with their workers' compensation leave time.
- Employees on workers' compensation leave will not be paid from the City's payroll after the seventh consecutive day of the leave of absence, absent a contrary provision under state or federal law. The Texas Local Government Code Chapter 143 addresses exceptions for Civil Service Fire and Police employees.

Approved: August 28, 2006

POLICY 760.01 REPORTING WORKERS' COMPENSATION CLAIMS

The State of Texas requires prompt reporting of occupational injuries or illness and it is the City of Kingsville's policy that such incidents be reported promptly and accurately. Failure to report may result in an employee's claim being denied or disputed. It can also result in substantial fines assessed against the City of Kingsville by the Texas Department of Insurance, Division of Workers Compensation. Department Directors and Supervisors shall be responsible for insuring workers compensation claims are reported promptly and accurately.

Occupational injuries or illnesses are incidents, which leads to the physical injury or illness of an employee while performing their job. The incident may require the need of medical treatment by a physician or result in lost time from the workplace.

The Risk Management Department shall be responsible for coordinating and filing workers' compensation reports, related documents and retaining records in the employee's workers' compensation file.

Procedures for Reporting Workers Compensation Claims:

- First Report of Injury
Immediately after the occurrence of an occupational injury or illness, the employee shall notify their Supervisor and Risk Manager of the incident immediately. If the incident does not warrant immediate medical attention, the Supervisor shall bring the employee to the Risk Management Department in order to complete an "Employer's First Report of Injury or Illness" as per State of Texas Law.

If the incident warrants immediate medical attention and the injury report was not completed at the time of the occurrence, the Supervisor shall notify the Risk Management Department of the incident as soon as practical. The employee must still notify the Risk Management Department to provide information required to complete the "Employers' First Report of Injury or Illness".

Once the "Employer First Report of Injury or Illness" is completed, the Risk Management Department shall fax a copy to the City's Workers' Compensations Insurance Carrier. A copy of the report shall be sent to the injured employee along with the "Employee Rights and Responsibilities" handout. The original shall be retained at the Risk Management Department.

➤ Supervisor's Investigation Report

The Supervisor shall conduct an investigation into the occupational injury or illness immediately after the occurrence (within 24 hours from the date of the incident). After completing the investigation, the "Supervisor Incident Investigation Report" form shall be forwarded to the Risk Management Department for review within twenty-four (24) hours or the following regular business day after the occurrence of the injury or illness (whichever comes first). The "Supervisor's Incident Investigation Report" must indicate the date and time when the employee notified the Supervisor of the injury or illness. If the Supervisor does not submit the Supervisor's Investigation Report within the twenty-four (24) hours or the following regular business day the workers compensation claim may be disputed or denied.

When it is not possible to conduct an investigation immediately after the incident, the Supervisor shall review the "Employers' First Report of Injury or Illness" on file at the Risk Management Department. After reviewing the report, the Supervisor shall conduct an investigation into the incident. At the completion of the investigation, the Supervisor shall complete the "Supervisor Incident Investigation Report" and forward it to the Risk Management Department within the twenty-four (24) hours or the next regular business day, which ever comes first.

➤ Authorization for Medical Treatment

If medical treatment is required due to the incident, the Risk Management Department shall provide, when possible, the employee with a "Treatment Authorization for Occupational Injury and Illness" form.

If immediate medical treatment is required, the employee shall elect a medical provider of his/her choice. If the employee is physically unable to indicate such a choice, the Supervisor shall assure that the employee is taken to Christus Spohn Hospital Kleberg. When the incident warrants an emergency 911 shall be called for rescue and ambulance services.

In situations after hours, the Supervisor must notify the Risk Manager of the injury or illness. The Risk Manager will then make arrangements with the treating facility to ensure medical care for the injuries or ill employee. The Risk Manager can be contacted through the Kingsville Police Department after normal working hours.

The employee shall request a "Treatment Authorization for Occupational Injury and Illness" form from the Risk Management Department for all medical treatment received due occupational injury or illness. After each doctor's appointment, the employee shall request a complete "Texas Workers' Compensation Work Status Report" from the treating physician.

The employee shall submit the report to the Risk Management Department immediately after leaving the doctor's office. All doctors' statement or other documents shall be submitted to the Risk Management Department.

➤ Authorization of Medical Treatment

When the treating physician prescribes medication for the employee, the employee shall request a "Medication Authorization for Occupational Injury and Illness" form from the Risk Management Department. The form shall be completed by the Risk Management Department and then given to the employee. The employee may take the authorization form to any pharmacy of his or her choice in order for the prescription to be filled.

Approved: August 28, 2006

POLICY NO. 770.00 AMERICANS WITH DISABILITIES ACT POLICY

The ability of the City to provide timely and adequate salary continuation and benefit programs to assist City Employees absent from the job due to an injury or illness is dependent upon the City's ability to coordinate its handling of each individual case. This policy seeks to create a coordination and uniformity of the handling of all City Employee disability or injury cases, as well as protecting Employee rights under the Americans with Disabilities Act ("ADA"). It is expected that Employees will assist and cooperate with the City in obtaining recommended medical treatments or therapy and rehabilitative services in order to return to work at the earliest possible date.

This policy applies to all Employees of the City. Where this policy conflicts with the provisions of the Texas Local Government Code, or with the terms of a collective bargaining agreement of which the City is a party, the terms of Texas law or the collective bargaining agreement will control.

Definitions

The following definitions apply to this section:

- **Essential functions:** The major duties essential to a position (with or without reasonable accommodation). These are determined by the job description of each position. The following should be considered in determining if a job function is essential:
 - The position exists, in part, to perform the function.
 - There are a limited number of other Employees available to perform the function or among whom the function can be distributed.
 - A function is highly specialized, and the person in the position is hired for special expertise or ability to perform it.
- **Reasonable Accommodation:** A modification of the work environment or work process that enables a person with a disability to perform the essential functions of a job and associated regulations. The determination of what accommodations are reasonable shall be the determination of the City, but will be in compliance with the provisions of the ADA. The determination of reasonable accommodation will also include consideration of whether an undue hardship will be posed on the operations of the department or division, or if a direct threat to the health or safety of the Employee or others will be posed.
- **Undue Hardship:** An accommodation that is excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business.
- **Direct Threat:** A health or safety risk that, based on valid medical and/or other objective evidence, is determined to pose a significant risk of substantial harm, and which cannot be reduced to an acceptable level with reasonable accommodation.
- **Disability:** Under the ADA, an individual with a disability is a person who has: a physical or mental impairment that substantially limits one or more major life activities; a record of such impairment; or is regarded as having such as an impairment.
- **Illness, Injury, or Medical Condition:** A temporary physical or mental impairment that does not substantially limit one or more of the major life activities of an individual.
- **Business Necessity: Termination:** Occurs when a department's or division's productivity or ability to deliver services is adversely affected because an Employee is unable to perform the essential functions of the position for which that Employee is hired, and no reasonable accommodation can be made.
- **Modified Duty:** Any restriction placed on an Employee by a treating physician which requires an Employee to do less than his or her full job. Modified duty will not extend beyond 120 days.

Procedures

When an Employee is unable to perform the essential functions of his or her position due to a disability, injury illness, or medical condition (and reasonable accommodation is not possible), the City may separate the Employee due to business necessity and fill the position except as is required by the Family and Medical Leave Act.

Eligibility for benefits as defined in this procedure is dependent upon the complete compliance of the Employee with the responsibilities outlined in this procedure and the requirements and procedures stated in the Employee benefit booklets or appropriate benefit policies.

An Employee who experiences a non-occupational injury or illness that renders the Employee incapable of performing his or her regularly assigned duties shall use his or her accrued sick, vacation, and other paid leave balances. The Employee may use his or her available leave balances until the earlier of:

- the date that the Employee has exhausted all such leave balances; or
- the date that the Employee is able to return to work and perform the essential functions of his or her position.

Benefits will be calculated as listed below:

- Employees who are absent from work due to a non-occupational injury or illness shall continue to accrue vacation and sick leave for as long as they are receiving paid leave (i.e. sick, vacation, or other paid leave time).
- Benefit accrual and usage would follow the provisions of the Family and Medical Leave Act policy.
- The Employee and eligible dependents will remain qualified for health benefits coverage through the City's group plan as long as the premiums for the Employee and dependent coverage under the City plan are paid on a timely basis by the Employee (either through payroll deduction or personal payment), and as long as the Employee remains employed by the City.
- The City will continue to pay its portion of health insurance premiums for the Employee as provided by the Family and Medical Leave Act.

Employees who qualify for FMLA leave must comply with all provisions of the FMLA policy.

Approved: August 28, 2006

POLICY NO. 770.01 TERMINATION FOR BUSINESS NECESSITY REASONS

An Employee's position shall be filled and the Employee shall be terminated due to business necessity under the following conditions and guidelines. This section applies to non-occupational injuries or illnesses and certain occupational injuries or illnesses. Where this policy conflicts with the provisions of the Texas Local Government Code, or with the terms of a collective bargaining agreement of which the City is a party, the terms of Texas law or the collective bargaining agreement will control.

- The Employee has been unable to perform the essential functions of his or her job with or without reasonable accommodation for a period of nine (9) consecutive months from the beginning date of the disability, illness, injury or medical condition.
- The Employee's treating physician does not anticipate any change in status that will allow the Employee to perform the essential functions of his or her job for an additional ninety (90) days.
- Department Directors shall consult with the Director of Human Resources prior to initiating a recommendation of termination due to business necessity.

The Risk Manager shall also be consulted if the Employee's injury is occupational. The following shall be taken into consideration during the decision-making process:

- a. A doctor's prognosis indicating the Employee will not be able to perform his or her regular duties or modified duties if available. In the case of an Employee with a disability, termination would not be considered unless no reasonable accommodation (which would not cause undue hardship on the organization or pose a direct threat to the health or safety of the Employee or others) exists that would enable the Employee to perform the essential functions of his or her position, and no job reassignment is possible.
- b. The Employee's refusal to follow a prescribed course of treatment.
- c. The Employee's refusal of placement in a position for which the Employee is qualified.
- d. The Employee's refusal of a modified duty assignment after expiration of any available FMLA leave for an occupational injury.
- e. The Employee's non-compliance with established safety rules and regulations *and/or* City work rules and regulations.
- f. The failure of the Employee to present satisfactory evidence of an inability to return to work, either in a limited duty capacity if such work is available, or to regular duty according to the timetable established in this procedure or upon request by the City.
- g. Falsifications or misrepresentations made by the Employee concerning his or her physical condition or capacity.
- h. The failure or refusal of the Employee to return to regular duty on the day specified by the treating physician.
- i. The Employee's failure to contact their immediate supervisor on a regular basis (as directed by his or her Department Director) and notify of their condition and expected return-to-work date. If the Employee is unable to make contact personally, the Employee shall have someone contact his or her Department Director on his or her behalf.
- j. The Employee's failure to provide the requested progress reports from the treating physician.
- k. For an on-the-job injury, if the Employee is found to be participating in any activity, including outside employment or self-employment, that impedes the Employee's progress of recovery.
- l. For an on-the-job injury, if the Employee fails to report to his or her Department Director his or her participation in any other employment, including self-employment.

If after reviewing these factors, the Department Director determines a proposal for termination for business necessity is appropriate, the Department Director shall consult with the Human Resources Department. The Human Resource Director shall present the information to the City Manager for his decision. If the decision is to terminate the employee the employee must be notified in writing. An Employee who receives a proposed termination for business necessity shall be afforded the same response rights as any other Employee who receives a proposed dismissal under the City's disciplinary procedures. However, separation for business necessity shall not be considered a disciplinary action and shall not deny an Employee the use of any accrued benefits as outlined in appropriate policies.

Approved: August 28, 2006

POLICY NO. 770.02 JOB REASSIGNMENT AS REASONABLE ACCOMMODATION

Job reassignment will be provided as follows when an Employee is unable to return to his or her current position due to a disability, illness, injury, or medical condition:

- If a position for which the Employee is qualified and physically able to do is vacant, the Employee may be considered for transfer to a job reassignment. Job reassignment will only be considered within the six (6) month period from the date of disability, illness, injury, or medical condition.
- It will be the Employee's responsibility to contact the Human Resources Director to identify positions for which he or she may be qualified and physically able to perform, and to request such job reassignment.

Should an Employee be unable to return to work in his or her current position due to a disability, the City may provide job reassignment as a reasonable accommodation in accordance with the Americans with Disabilities Act of 1990.

Job reassignments are not guaranteed. Such requests will be discussed with the Director of Human Resources and the Department Director of the hiring department. The final approval will be obtained from the City Manager. Interviews with the hiring Department Director will be conducted. Rate of pay will be determined by the City's Job Classification and Compensation Plan for the position to which the Employee is being reassigned.

Approved: August 28, 2006

POLICY NO. 770.03 MODIFIED DUTY ASSIGNMENTS

Modified duty assignments may be considered based on the following when an Employee is unable to perform the duties of his or her current position due to a disability, illness, injury, or medical condition:

- If a modified duty position is available in the department which the Employee is physically able to do. Modified duty status will only be considered during the six (6) month period from the date of disability, illness, injury, or medical condition.
- It will be the Employee's responsibility to contact his or her Department Director and the Human Resources Director to determine if a modified duty position for which he or she may be qualified and is physically able to perform, is available.

Modified duty assignments are considered temporary and will last no longer than 120 days. Type and length of modified duty assignments will be contingent upon availability and a doctor's statement indicating any restrictions in performing modified duty assignments.

Modified duty assignments are not guaranteed. Such requests will be discussed with the Department Director and Human Resources Director prior to assignment.

Approved: August 28, 2006

POLICY NO. 770.04 REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES

Reasonable accommodation will be provided to any otherwise qualified Employee with a known disability as defined by the ADA. Reasonable accommodation will be provided only when it enables the Employee to perform the essential functions of the job.

Requests for reasonable accommodation must be submitted by the individual to the Director of Human Resources. The Director of Human Resources will review such requests and make a recommendation to the City Manager. The City Manager and/or City Commission will determine whether reasonable accommodation will cause the City Undue Hardship in any particular Employee's case.

Approved: August 28, 2006

POLICY NO. 770.05 MEDICAL RECORDS

All medical records obtained pursuant to this procedure will be kept in confidential medical files as required by the Americans with Disabilities Act of 1990.

Approved: August 28, 2006

TYPES OF LEAVE

See Appendix D-1 for Leave Request Form.

POLICY NO. 780.01 BEREAVEMENT/FUNERAL LEAVE

The City of Kingsville provides up to 3 consecutive workdays (maximum of 24 hours) of paid leave to full time employees who miss work due to the death of an immediate family member. An immediate family member under this policy is defined as an employee's spouse, parent, child, sibling, grandparent or grandchild and an Employee's spouses' parent, child or sibling.

The employee shall notify their department supervisor of the need to use funeral/berereavement leave as soon a possible. Leave shall be granted unless there are unusual business needs or staffing requirements.

Funeral/Bereavement pay is calculated on the base pay rate at the time of absence and will not include shift differential pay. Paid time off for funeral/berereavement leave will not be counted as hours worked for the purposes of determining overtime.

Employees may, with their Department Director's approval, use available vacation leave for additional time off as necessary. Employees wishing to attend a funeral other than that of an immediate family member may use vacation leave or leave without pay. Sick leave shall not be used for attendance at a funeral.

Regular part-time Employees shall receive pay under this policy for the hours they were scheduled to work during the 3 workdays of the requested bereavement/funeral leave.

Approved: August 28, 2006

POLICY NO. 780.02 JURY DUTY LEAVE

The City of Kingsville encourages employees to fulfill their civic responsibilities by serving on a jury when required. Paid time off for Jury Leave will not be counted as time worked for the purposes of determining overtime, nor shall shift differential pay apply.

Jury Duty

Full-time employees qualify for paid jury duty leave. Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Jury duty pay is a benefit that will be calculated on the employee's base rate of pay for the number of hours the employee otherwise would have worked on the day of the absence. All Employees summoned for jury duty or eligible witness duty will be excused from work at least 1 hour prior to reporting for jury duty. Employees are expected to return to work whenever the court schedule permits or if released from court with work hours still remaining. Employees are allowed to keep any compensation received from the court for jury duty service.

Approved: August 28, 2006

POLICY NO. 780.03 WITNESS DUTY LEAVE

The City of Kingsville encourages employees to fulfill their civic responsibilities by fulfilling witness duty, when required. Paid time off for Witness Duty Leave will not be counted as time worked for the purposes of determining overtime, nor shall shift differential pay apply. Time spent in court by employees who are required to attend court in the course and scope for their job shall be counted as time worked for the purposes of determining overtime.

Witness Duty

Job-Related: Part-time or full-time employees serving as a witness for a job-related event will receive paid time off for the period of witness duty. The subpoena must be shown to the employee's supervisor immediately upon receipt so that operating and schedule adjustments can be made to accommodate the absence.

Expert Witness: Full-time employees who make a court appearance, as an expert witness because of their professional knowledge will be expected to schedule the time off in advance and take vacation leave.

Non-Job Related: Employees are to request the use of vacation leave or if no vacation leave is available, an absence of leave without pay.

Approved: August 28, 2006

POLICY NO. 780.04 VOTING LEAVE

It is the policy of the City to allow Employees short-term paid leaves of absence when work scheduling would prohibit participation as a voter in national, state, county, district, and municipal elections. The City encourages employees to fulfill their civic responsibilities by voting in elections. Generally, employees are able to find time to vote either before or after regular work hours. Department directors should encourage employees to use early voting in lieu of requesting special leave. If employees are unable to vote in an election during their non-working hours, the City will grant up to two (2) hours of paid time off to vote.

Employee should request time off to vote from their supervisor at least two (2) working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, or when the absence provides the least disruption. Voting time off will not be counted as time worked for the purposes of determining overtime.

Approved: August 28, 2006

POLICY NO. 780.05 ADMINISTRATIVE LEAVE FOR TRAINING OR OTHER CITY PURPOSES

In certain circumstances the Employee's Department Director may feel it is necessary or desirable for the Employee to attend training, professional conference, convention or civic function. Where the Employee's attendance at one of these functions is mandated by the City, the Employee will receive a paid leave of absence from the City for such attendance.

When the Employee attends a function voluntarily, it will up to the Department Director and City Manager to determine whether paid leave will be granted for purposes of the Employee's attendance. All paid leaves under this policy shall be subject to the approval of the City Manager.

Administrative leave for training or other City purpose that is for the benefit of the employer shall be counted as time worked for the purposes of calculating overtime.

Approved: August 28, 2006

POLICY NO. 780.06 ADMINISTRATIVE LEAVE WITHOUT PAY

When an Employee requires additional leave as a reasonable accommodation for impairment, illness, or disability, or when other appropriate circumstances make it desirable for the Employee to be granted a leave of absence, the Employee may, with the recommendation of the Employee's Department Director and the approval of the City Manager, be granted an unpaid leave of absence from the City after having exhausted all other eligible leave. During such periods of leave, the Employee will receive no wages or accruals of Employee benefits. In some cases, the Employee will be issued a COBRA notice with respect to the City's group health and dental plans.

Approved: August 28, 2006

POLICY NO. 780.07 ADMINISTRATIVE LEAVE - EMERGENCY SITUATIONS

Employees should never assume City offices will be closed. In the event of bad weather, such as hurricanes, instructions regarding the closing of City offices or facilities will be issued by the City Manager. The City Manager will determine which City personnel are "necessary or essential" and therefore will be required to work, despite the closing of any other City offices, during bad weather. Employees considered "necessary or essential" will be notified by their Department Directors prior to the closing of City offices. See Emergency Services Policy for more detailed information.

Approved: August 28, 2006

POLICY NO. 780.08 MILITARY LEAVE

Military Leave under the Uniformed Services Employment and Reemployment Rights Act ("USERRA")

As required by USERRA, the City will provide any Employee a leave of absence without pay to permit the Employee to enter the service of the Uniformed Services of the United States. "Service in the Uniformed Services" means the performance of duty, either voluntarily or involuntarily, in the uniformed services of the United States, including the National Guard. With regard to leave under USERRA:

- An Employee off on USERRA leave is entitled to an unpaid leave of absence. The Employee may use accrued paid vacation or other paid leave during the leave of absence to help cover the cost of the leave to the Employee.
- Upon reemployment, an Employee is entitled to the same "seniority rights" and benefits under a collective bargaining agreement as if the Employee had remained continuously employed during the period of USERRA leave. To the degree promotion opportunities were available during leave, the Employee will be put on the eligibility list (following passing the tests, etc.) in the same rank as the Employee would have held, but for the USERRA leave.
- Upon the Employee's return to work:
 - The Employee may elect continuing coverage for group health benefits for 24 months beginning on the date on which the person's absence begins; or the day after the date on which the person fails to apply for or return to a position of employment. A service member who elects to continue health-plan coverage may be required to pay not more than 102 percent of the full premium under the healthcare plan. In cases when service members perform service for less than 31 days, such person may not be required to pay more than the employee share, if any, for such coverage. The City shall give the Employee the appropriate notices and offer the opportunity to make an election for continuing coverage.
 - The Employee is entitled to continue to accrue benefits under the City's Texas Municipal Retirement System (TMRS) plan, and to make contributions to the plan on his own upon return to service, in an amount equal to those contributions that would have been made had the Employee not experienced a break in service because of USERRA leave. In other words, the Employee can make up contributions to the City's TMRS plan upon his or her return to work. Non-discretionary contributions of the City will be made to the plan upon return to work, as well as any discretionary matching contributions, assuming the Employee makes his or her contribution.

- Upon return to work, the Employee will be provided all seniority rights that the Employee would have earned if the Employee had been continuously employed. Vacation and Sick leave accrual rate placement shall depend on years of current City employment plus USERRA qualified military leave.
- USERRA rights under this policy are conditioned upon:
 - the leave of absence from employment is less than 5 years, unless federal law provides an exception;
 - the Employee is honorably discharged; and
 - the Employee re-applies for employment within either:
 - the first regular work day following 8-hours after discharge where the military service was less than 31 days in duration;
 - 14 days after discharge where service was for more than 30 days but less than 180 days; or
 - 90 days after discharge where service was for more than 180 days, but less than five (5) years.

Approved: August 28, 2006

CHAPTER 8

PERFORMANCE REQUIREMENTS

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POLICY NO. 801.00 CODE OF ETHICS

Refer to the most current City of Kingsville Code of Ethics Ordinance approved by City Commission. (Appendix E-1).

Approved: August 28, 2006

POLICY NO. 810.00 NO HARASSMENT POLICY

The City expressly prohibits harassment of and discrimination against Employees on the basis of race, color, sex, religion, national origin, disability, veteran status or any other status protected under local, state or federal law by managers, Employees or outsiders. We do so because we want to provide all of our Employees with a productive working environment. All Employees are responsible to conduct themselves in ways that ensure others are able to work in an atmosphere free from harassment of any kind.

Harassment Defined

An employee's intentions and motives are not the decisive factors in considering alleged harassment behavior. The effect of one employee's behavior upon another employee is the decisive factor. The welcomeness, frequency, and severity of the behavior determine whether or not harassment has occurred. Harassment shall be deemed to have occurred if the conduct or behavior:

- a. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
- b. Has the purpose or effect of interfering with an employee's work performance; or
- c. Adversely affects an employee's employment opportunities.

Upon investigation and a determination that certain conduct constitutes harassment, the refusal of an employee to modify or cease such conduct shall be grounds for immediate termination. All decisions, determinations, or findings by the City regarding enforcement of this policy shall not be subject to review by the TEAM Review Process or appeal to the civil service commission.

How to Report Harassment

Allegations of harassment should be reported promptly to any Department Director. If the Employee feels uncomfortable in filing such a report, the Employee shall contact and file a statement with the Human Resources Department at 361-595-8018 or the City Legal Department at 361-595-8016.

Policy Statement

The City will not tolerate sexual harassment, or any other form of harassment, whether based upon race, color, sex, religion, national origin, disability, veteran status or any other status protected under federal, state or local law.

Who Is Covered?

In short, anybody an Employee encounters as he or she performs his or her job for the City is covered by this policy. This includes all applicants and Employees regardless of position, title, grade, seniority or function, as well as clients, temporaries, visitors, independent contractors and vendors. Nobody is immune from this policy.

What Is Unlawful Sexual Harassment?

Sexual harassment has been defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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

Sexual harassment can be subtle or direct. It usually involves different genders, but may be committed by someone of the same gender. Sexually harassing behavior may include intentional physical conduct that is sexual in nature, sexual jokes and innuendo, sexual advances or requests for sexual favors, propositions, verbal abuse of a sexual nature, commentary about an individual's body, sexual prowess or sexual deficiencies, leering, touching, sexually base.

obscene comments or gestures, display of sexually suggestive objects or pictures and any other type of physical, verbal or visual conduct of a sexual nature.

Sexual harassment may occur through various methods including personal contact, in writing, over the telephone, over a cell phone, through cell phone pictures and videos, through e-mail, on the Intranet or Internet or through any other forms of communication devices. The means by which sexually harassing behavior is conducted does not change its inappropriateness. Sexual harassment will be disciplined, up to and including discharge.

Obligations of All Employees

It is an essential responsibility for every Employee to report any incidents of actual or perceived harassment. This includes harassment directly involving the Employee, or where the Employee is only a witness. Every Employee must consider the obligation to report harassment as an essential function of their job. Failure to report harassment of any co-worker will be disciplined, up to and including discharge.

Professional Environment

Our work environment is such that many individuals interact with each other every day. Differences of opinion, discomfort with personality traits, and even anger are inevitable. The City wants our workplace to be both interactive and professional. Tolerance of others is encouraged.

Statement of Harassment Required

Allegations of harassment may be reported in any manner that effectively communicates the message the Employee desires to send. This includes reporting in writing, orally, by e-mail, letter, memo or note or any other reasonable means. The City shall require a final statement in writing in order to have a clear and complete account of the Employee's perception of the situation. The most beneficial written reports will include at least:

1. The dates and times of all incidents of harassment;
2. The names of all harassers and victims;
3. A detailed factual description of the harassment; and
4. The names of all individuals present during the challenged conduct or who otherwise could corroborate or refute the facts alleged.

Employees should also remember that in resolving a problem of harassment, it may be beneficial with the assistance of the City to directly confront the harasser, clearly communicating what behavior is deemed unacceptable. In many instances, this alone will stop the undesirable behavior because the harasser does not realize the inappropriateness of his or her conduct. If the Employee does not feel that such a step is appropriate, however, the Employee should report the problem elsewhere, as previously discussed.

Investigations

In most cases, a prompt investigation will immediately follow the reporting of behavior believed to constitute unlawful harassment. Any such investigation will be designed to address the allegations made, but will usually include detailed interviews of the persons directly involved, witnesses, and review of any documentary items that tend to support or refute the allegations. The City shall determine the level of investigation necessary to support or refute the allegations.

Investigations will be kept as confidential as practical, but in keeping with the City's desire to conduct a thorough review of all facts and events.

Determinations

In instances where sufficient information is available, the City will promptly make factual and disciplinary determinations about the challenged conduct. However, an Employee should keep in mind that some inappropriate behavior is not reflected in documents or witnessed by other people. In those situations, individual credibility determinations will have to be made, and the City will strive to do its best at making those determinations correctly. All determinations will be based upon a totality of the circumstances then known to the City.

Discipline

Any Employee engaged in any form of harassment will be subject to discipline, up to and including discharge. This includes first-time offenders. All disciplinary decisions will be made on a case-by-case basis.

Retaliation

Any act of retaliation against an Employee who reports, participates in an investigation of sexual or other harassment or is otherwise involved in such an inquiry is strictly forbidden. Any Employee found to have retaliated against another person will be subject to discipline, up to and including discharge.

False Claims

Harassment is a very serious matter. Accordingly, while all legitimate claims of unlawful harassment must be reported, such claims must never be fabricated or lodged without the utmost sincerity. Any person found to have intentionally falsified a claim of harassment, or who lodges a claim for malicious or improper reasons, is subject to immediate discipline, up to and including discharge.

Consensual Romantic Relationships

Consensual relationships between Employees are unwise, and such relationships between a Department Director and his/her subordinates are strictly prohibited. Failed relationships provide the groundwork for one or both of the Employees to make allegations of harassment against the other. The only way to avoid this situation is not to engage in this type of behavior in the first place. The best policy is to keep your personal life private and out of the workplace.

Training

The City shall make available information or training for Employees on issues involving unlawful workplace harassment. This will entail various forms and methods designed to heighten your awareness and education on the subject. Every Employee should also keep and regularly review a copy of this policy.

Approved: August 28, 2006

POLICY NO. 820.00 NO RETALIATION POLICY

The City supports the Texas Commission on Human Rights Act, which protects a public Employee (under Subchapter B. Unlawful Employment Practices of Chapter 21. Employment Discrimination of the Texas Labor Code) who:

- (1) opposes a discriminatory practice;
- (2) makes or files a charge;
- (3) files a complaint; or
- (4) testifies, assists, or participates in any manner in an investigation, proceeding, or hearing.

Approved: August 28, 2006

POLICY NO. 830.00 SUBSTANCE ABUSE POLICY**Purpose**

The City recognizes the problem of substance abuse (including illegal drugs and misuse of alcohol, prescription drugs and over-the-counter drugs) in our society. If unchecked in the workplace, this problem could adversely affect both the productivity and profitability of our business and the professional, personal and family lives of our associates. The City will strive to balance respect for individual privacy with the need to keep a safe and productive work environment; however, the City is committed to and will aggressively pursue the goal of this policy. The City **INTENDS TO MAINTAIN A SUBSTANCE ABUSE-FREE WORKPLACE**. With that basic goal in mind, the City has established this policy with regard to use, possession and sale of alcohol and drugs.

Prohibited Conduct**Illegal Drugs.**

This policy prohibits any Employee from bringing onto City premises or property, having possession of, being under the influence of, possessing in the Employee's body, blood or urine in amounts exceeding predetermined cut-off levels, or using, consuming, transferring, selling or attempting to sell or transfer any form of illegal drug while on City business or at any time during the hours between the beginning and ending of the Employee's work day, whether on duty or not, and whether on City property or not.

For purposes of this policy, an "illegal drug" is any drug (a) which is not legally obtainable; (b) which may be legally obtainable but has not been legally obtained by the Employee; or (c) which is being used in a manner or for a purpose other than as prescribed for the Employee.

Alcohol

This policy prohibits any Employee from being under the influence of alcohol while on City business or at any time during the hours between the beginning and ending of the Employee's work day, whether on City property or not.

This policy also prohibits any Employee from bringing alcohol onto City premises or property or using, consuming, transferring, selling or attempting to sell or transfer alcohol while on City business or at any time during the hours between the beginning and ending of the Employee's work day, whether on City property or not, except as specifically authorized by the City.

Prescription and Over-the-Counter Drugs

This policy prohibits any Employee from abusing prescription medications or over-the-counter drugs while on City business or at any time during the hours between the beginning and ending of the Employee's work day, whether on duty or not, and whether on City property or not.

For purposes of this policy, "prescription or over-the-counter drug abuse" means taking medications that were prescribed for someone else; using prescription drugs or over-the-counter drugs for a purpose other than for which they were prescribed or manufactured or other than in accordance with the doctor's instructions or recommended dosages.

Employees are expected to consult with their physicians regarding the effect of medications prescribed for them and to consult any package warnings for over-the-counter drugs. When an Employee is taking a prescription or over-the-counter drug that can or will have an effect on the Employee's normal mental and/or physical state or interfere with work such as operating vehicles, machinery, equipment, etc., the Employee must inform his or her immediate Department Director so that an accommodation may be made to allow the Employee to continue job performance without endangering his or her health and safety or the health and safety of others.

Substance Screening

The City shall require individuals to undergo drug or alcohol screening under the following circumstances:

1. Applicant Testing.

The City shall require any job applicant who has received a conditional offer of employment to undergo a drug and/or alcohol test as a condition of commencement of employment. If the job applicant refuses to undergo substance testing or has a confirmed positive test result, the conditional offer of employment will be withdrawn and the individual will not be hired.

2. Reasonable Suspicion Testing.

The City shall require any Employee to undergo drug and/or alcohol testing if it has a reasonable suspicion that the Employee is using or has used drugs or alcohol in violation of this policy.

By way of example only, a "reasonable suspicion" for purposes of this policy may be based upon such circumstances as physical symptoms or manifestations of being under the influence of drugs or alcohol or direct observation of drug or alcohol use while at work or on duty; a reliable, credible and independently corroborated report of drug or alcohol use while at work or on duty; evidence that an individual has tampered with a drug or alcohol test during his or her employment with the City; or evidence that the Employee is involved in the use, possession, sale, solicitation or transfer of drugs while on duty or while on City premises or operating the City's vehicles, machinery or equipment.

3. Post-Accident Testing.

Generally, the City shall require an Employee to undergo drug and/or alcohol testing if the City has a reasonable suspicion that the Employee or another person has sustained a work-related injury or City property has been damaged as a direct result of the Employee's use of drugs or alcohol. Any accident in which a City Employee is operating a City vehicle or personal vehicle on City business, regardless of whether reasonable suspicion exists, will require a post accident alcohol and drug test.

4. Random Testing.

The City shall require any Employee to undergo drug and/or alcohol testing on a random selection basis. In selecting Employees at random for alcohol or drug testing, all Employees will have a substantially equal chance of being selected for random testing and the City will not have the discretion to waive the selection of any Employee.

5. Post-Rehabilitation Testing.

The City shall require any Employee to undergo drug and/or alcohol testing without prior notice following a prior confirmed positive test or following the Employee's participation in a drug or alcohol dependency treatment program which the Employee has completed as a condition of continued employment with the City ("Rehabilitation Option"). This post-rehabilitation testing shall continue for up to two years.

The Rehabilitation Option is not available for positive test results arising from drug tests administered on the basis of post-accident, reasonable suspicion, or any other basis under this policy including random testing.

Upon the sole discretion of the City, the City may suspend disciplinary action and allow the employee to exercise this Rehabilitation Option provided the employee agrees to:

- a. Accept a 5-day suspension without pay;
- b. Immediately enter a rehabilitative program of his choosing for such time as necessary to complete the program. All time in excess of the 5-day suspension shall be treated as sick leave. The employee shall not be allowed to return unless a certificate provided by a recognized licensed health care provider that the employee has satisfactorily completed a rehabilitation program.
- c. This post-rehabilitation testing shall continue for up to two years.
- d. The employee will be responsible for the cost of the rehabilitation program, to the extent not covered by medical insurance, as well as the cost of post-rehabilitation testing.
- e. The employee shall not be eligible for promotion or any step increase based on anniversary date for a period of two years from the date of the confirmed test result. There shall be no retroactive payment or eligibility for promotion upon completion of the two-year period.
- f. In the event any employee covered by a collective bargaining agreement is unable to successfully complete rehabilitation within the time frame required by the collective bargaining agreement for promotions or filling a vacancy, the employee shall be terminated and the position shall be filled as required by the collective bargaining agreement.

6. Scheduled, Periodic Testing.

The City shall require any Employee to undergo drug and/or alcohol testing as part of a routinely scheduled fitness-for-duty medical exam to the extent such an exam is regularly conducted on the Employee. Also, Employee's shall be required to undergo drug and/or alcohol testing which is routinely scheduled for all members of the Employee's classification or group. The City shall schedule random drug and/or alcohol testing of its Employee pool. The City shall follow applicable federal regulations for employees required to possess commercial driver's licenses. Commercial drivers will have a designed classification for U.S. Department of Transportation (DOT) drug testing purposes and for the City to maintain required documentation. The City will also include commercial drivers (DOT pool) in the City's entire Employee pool for random testing purposes.

Substance Screening Methods and Limits

Initial tests for alcohol will almost always be through breath or saliva samples (blood samples may be used in limited situations). Confirmation tests will be through breath or blood samples. Testing of urine samples for alcohol will be done only in connection with post-rehabilitation testing to monitor that an Employee continues to be substance free following participation in a treatment program.

Substance screening may also be conducted through urine tests for the following drugs and their metabolites at the indicated initial and confirmation levels:

<u>Drug Name</u>	<u>Initial level (ng/ml)</u>	<u>Confirmation level (ng/ml)</u>
(1) marijuana	50	15
(2) cocaine metabolites	300	150
(3) opiate metabolites	300	300
(a) codeine		
(b) hydrocodone		
(c) hydromorphone		
(d) meperidine		
(e) methadone		
(f) oxycodone		
(g) propoxyphene		
(h) morphine (test for 6-Acetylmorphine, when morphine exceeds 2000 ng/ml)		
(i) heroin		
(j) 6-Acetylmorphine		10 ng/ml
(4) phencyclidine	25	10
(5) amphetamines	1,000	500
(a) amphetamines		
(b) methamphetamines		
(c) methylenedioxyamphetamine		
(d) methylenedioxymethamphetamine		
(e) phentermine		
(6) barbiturates	300	300
(a) amobarbital		
(b) butalbital		
(c) pentobarbital		
(d) secobarbital		
(7) benzodiazepines	300	300
(a) diazepam		
(b) chlordiazepam		
(c) alprazolam		
(8) methaqualone	300	300

Initial test of 1000ng/ml shall be used for meperidine, and a confirmation test of 500ng/ml.

The levels shown above are subject to change in accordance with new or revised regulations established by the City Commission.

If an applicant or Employee has a confirmed positive test result, the individual may at his or her option explain the test results in confidence to the City's Medical Review Officer. The name of the current Medical Review Officer, who is medical professional trained and authorized to receive and interpret drug test results, can be obtained from the Human Resources Department. An applicant or Employee who has received a positive test result may also request a retest of the same specimen in order to challenge the results of a positive test; however, the individual shall pay all costs of the retest, unless the retest reverses the findings of the challenged positive test, in which case the City shall reimburse the individual for the costs of the retest.

All samples will be collected in a manner that is designed to protect to the fullest extent possible individual privacy of Employees. Employees will not be subject to direct observation while rendering urine samples; however, if there is a valid suspicion that the Employee has tampered with a sample, preventive measures will be employed. If an Employee provides a sample that contains confirmed evidence of any form of tampering or substitution, this shall constitute a refusal to be tested and the Employee shall be subject to discipline in accordance with this policy.

All records and results pertaining to substance screening shall be maintained by the City as "Confidential" in the same manner as medical records. Any applicant or Employee who wishes to obtain information or records related to his or her individual drug or alcohol test may, however, have access to those records upon written request to the Human Resources Department.

Employee Notification of Criminal Drug Conviction or License Suspension

In accordance with the federal Drug-free Workplace Act, any Employee who is convicted of a violation of a criminal drug statute involving an on duty or off duty incident must notify the City within five days of conviction or driver's license suspension.

Employee Education and Assistance Program

In an effort to help Employees understand the issues surrounding substance abuse, the City has established an ongoing education program. This program includes information about the dangers of substance abuse, the City's Substance Abuse Policy, information about treatment services available and the penalties for violation of the Substance Abuse Policy.

The City also provides drug and alcohol dependency evaluation and referral services for substance abuse counseling, treatment and rehabilitation as part of an Employee Assistance Program. Employees are encouraged to seek assistance through this program and an Employee's decision to seek assistance from the Employee Assistance Program will not be used as the basis for disciplinary action prior to administering an alcohol or drug test which produces a positive result or other violation of this Policy. On the other hand, using the Employee Assistance Program will not be considered a defense to imposition of disciplinary action when the City becomes aware of a positive drug test or other violation of this Policy outside of the Employee Assistance Program.

Depending on the circumstances, the City may suspend the imposition of disciplinary action subject to an Employee's successful participation and completion in an alcohol or drug dependency treatment or rehabilitation program, but such suspension of disciplinary action shall be in the sole discretion of the City. No Employee shall be able to avoid disciplinary action for violation of this Policy if he or she does not meet the standards of job performance established for his or her position even if the individual's lack of performance is due to alcoholism or drug dependency.

Consequences of Failure to Comply with this Policy

Any applicant who has been made a conditional offer of employment and who refuses to undergo substance testing or who has a confirmed positive result shall not be hired by the City. Any Employee who violates any provision of this Policy shall be deemed guilty of misconduct and subject to discipline up to and including discharge from employment, even for the first offense. This shall include any use, possession or sale of illegal drugs as prohibited by this Policy; any use or abuse of alcohol as prohibited by this Policy; and any prescription or over-the-counter drug abuse as prohibited by this Policy.

If you test positive, at the City's discretion and as an alternative to disciplinary action, you may be required to undergo a treatment program at your expense to the extent not covered by medical insurance. When you return from the treatment program you will be subject to an individual schedule of random testing for two years. If you test positive in a follow-up test you will be terminated. This (mandatory termination provision) shall also include any refusal to submit to an alcohol or a drug test required by the City as outlined and in compliance with this Policy or any delay in submitting to such a test when requested.

The City of Kingsville shall not tolerate any use of non-prescribed drugs or alcohol. If an employee comes to work under the influence of drugs or alcohol or uses drugs or alcohol while on City business or at any time during the hours between the beginning and ending of the Employee's work day, whether on City property or not, disciplinary action will be taken up to and including termination of employment.

All decisions, determinations, or findings by the City regarding enforcement or administration of this policy shall not be subject to review by the TEAM Review Process or appeal to the civil service commission.

Compliance with Applicable Law

To the extent any portion of this Policy is determined to be contrary to the requirements of any applicable federal or state statutes, rules or regulations, it is the intent of the City to conduct its program prohibiting alcohol and drug abuse in the workplace and any alcohol or substance screening in connection therewith in accordance with those legal guidelines, and the City shall do so even if this Policy has not been modified to address such inconsistencies.

Responsibility for Administration

This Policy shall be uniformly administered to insure fairness to all Employees of the City. The Human Resource Department is responsible for administering this Policy. This responsibility includes: (1) communicating the Policy to all Employees; (2) disseminating drug and alcohol awareness information and making information regarding the Employee Assistance Program available to all Employees; (3) providing appropriate training to Department Directory personnel; and (4) administering this Policy fairly and consistently throughout the City. The City will provide advisory and technical assistance and is responsible for insuring uniform administration of the Policy throughout the City.

Approved: August 28, 2006

POLICY NO. 840.00 DRESS CODE

In order to enhance and maintain a good image to the general public, City employees must maintain high standards of personal cleanliness and grooming and shall present a neat businesslike appearance at all times during working hours. Presenting a professional image creates a favorable public impression for the City, promotes respect among co-workers and encourages higher work standards.

Appropriate Business Attire

All clothing must be neat, clean, in good condition and appropriate for duties of the position. Business attire includes: dresses, pantsuits, slacks, skirts, blouses and shirts. Clothes shall be designed in styles and fabrics that are appropriate for City business. A shirt with the City logo is acceptable. All employees are expected to comply with safety regulations as dictated by departmental and industry safety standards.

Inappropriate Business Attire

Inappropriate business attire includes, but is not limited to:

- Clothing that is unsuitable for the business environment, such as team sports apparel and t-shirts
- Clothing including caps with offensive promotion/advertising designs or language
- Clothing styles that are extremely conspicuous, such as mini-skirts, revealing blouses or other clothing
- Suggestive attire or radical departure from traditional office attire
- Shirts and blouses must completely cover the abdomen and back .
- Proper undergarments, shall be worn at all times.
- Overalls, sweat shirts, sweat pants or wind suits
- Sneaker or shower shoes
- Tight pants, leggings or shorts
- Off the shoulder tops, halter tops, tube tops or muscle shirts
- Frayed, tattered, unhemmed or holey clothing

Dress Code Exceptions

The Dress Code applies only to those employees who are not required to wear a City uniform. However, some departments may have an alternate dress code **which includes the daily use of jeans in the workplace**. Unusual circumstances as approved by the supervisor, such as weather conditions, special work assignment, medical reasons, worksite conditions and/or unusual working hours or situations, may be sufficient reasons to grant an exception to the dress code.

Casual Fridays

The exception to this policy is on "Casual Fridays" for office personnel when less formal clothing is authorized such as jeans. The employees are still expected to present a neat appearance and are not permitted to wear untidy clothing, athletic wear or similarly inappropriate clothing.

Additional Provisions

More traditional business attire may be appropriate for certain meetings and/or presentations either inside or outside City offices. Department Directors and supervisors have the responsibility to inform their employees of appropriate attire when meeting the general Public or any other time the Director may deem it is necessary.

Personal Appearance

Without unduly restricting individual tastes, the following personal appearance examples are not permitted:

- Hairstyles are expected to be in good taste. Unnaturally colored hair or extreme hairstyles are not permitted
- Offensive body odor and poor personal hygiene
- Torso body piercing with visible jewelry or jewelry that can be seen through or under clothing must not be worn during work hours
- Tattoos/body art or brands that are offensive, advocate drugs, advocate sexual, racial or religious discrimination are prohibited from being visible while on duty.
- Intentional body mutilation or piercing that is excessive or eccentric is not permitted. Some examples are a split or forked tongue or foreign objects inserted under the skin to create a design or pattern
- Jewelry that pierces or is clipped to the eyebrow, tongue, nose, scalp, forehead, or other exposed parts of the body, except the ear, may not be worn during work hours

Employees who do not meet dress code or personal appearance standards will be sent home with no compensation until they are properly groomed or in the proper attire. Violation of this policy is cause for disciplinary action, up to and including termination of employment. Department Directors may implement more stringent dress codes. Questions about proper attire may be directed to the Department Director or the Human Resources Department.

Approved: August 28, 2006

POLICY NO. 850.00 OUTSIDE EMPLOYMENT

The City shall be the primary employer for all Employees for which benefits are being supplied. An Employee may be employed in any capacity in any other business, trade, occupation or profession while employed by the City, so long as it is determined that such employment does not tend to bring the City into disrepute, reflect discredit upon the Employee, or conflict with his/her employment or performance as a City Employee.

The City recognizes the prerogative of its Employees to pursue other employment to occupy off duty hours. However, this must be balanced with the City's need for full productivity during working hours and with loyalty from its' Employees. Employees must notify their Department Director in writing prior to accepting outside employment and whenever the nature of such employment changes. The information will be forwarded to the Human Resources Department for placement in the Employee's personnel file.

Employees may pursue other employment only when it is not in conflict with the operations and business of the City and does not interfere with the performance of their work. Outside employment shall not impair Employee's availability upon emergency recall by the City.

Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, or refusal to work overtime. Should the outside employment cause or contribute to any of these situations, it must be discontinued or the Employee will be subject to termination from City employment.

As the primary employer, the Employee must recognize the City's need for flexibility and changing schedules based upon the demand for services or departmental needs.

Approved: August 28, 2006

POLICY NO. 860.00 PERFORMANCE EVALUATION

The purpose of performance evaluations is to help both employees and their supervisors to monitor the employee's job performance and progress within the City's organization. For performance evaluations to be helpful to the employee, supervisors and Department Directors should communicate their performance expectations for the upcoming year during job performance evaluations.

Performance evaluations are scheduled approximately every 12 months by the Human Resources Department. An employee may attach a statement to their performance evaluation for rebuttal or clarification, if desired. Performance evaluations shall be in a written format and signed by the employee, evaluator and Department Director. Completed original performance evaluations must be submitted to the Human Resources Department for placement in the employee's personnel file.

Approved: August 28, 2006

POLICY NO. 870.00 SOLICITATION POLICY

Postings

No other non-job related announcement or printed material may be attached to any window, or building owned by the City unless approved by the City Manager or his designee. Announcements and printed material must have the approval of the City Manager or his designee to be posted on a City bulletin board. Specific technical job related material must be approved by the Department Director. All items posted must have a removal date and be removed timely. The public service bulletin board located in the Robert J. Kleberg Public Library is exempt from this policy. However, users of the public service bulletin board must adhere to the guidelines established by the Library.

Distribution of Literature

Any printed item, *i.e.*, discount coupons, tickets, announcements, etc., to be distributed to City employees must be coordinated with the Human Resources Department. To obtain approval, a printed item must be City-related business or a specific benefit for City employees due to their employment with the City. The Human Resources Department will determine the method of distributing all approved materials.

Approved: August 28, 2006

POLICY NO. 871.00 POLITICAL ACTIVITY

City employees shall not be permitted to take an active part on any political campaign for an elective position if they are in uniform or on duty.

Approved: August 28, 2006

POLICY NO. 880.00 DRIVING POLICY

Employees who are required to drive or operate a motor vehicle for the City, whether the vehicle is personal or City owned, will be immediately suspended from all City-related driving activities when it is determined that the Employee has an "unsatisfactory driving record" as defined below.

Employees whose driver's license is suspended; who are convicted for DWI or DUID or who upon a drug or alcohol test in accordance with City policy, test positive for alcohol or the illegal use of drugs will be immediately suspended from driving. In addition, the City may take disciplinary action up to and including termination of employment.

An "Unsatisfactory driving record" is where:

- The Employee is determined to be uninsurable by the City's insurance carrier
- The Employee two (2) or more "at fault" accidents within a three (3) year period
- The Employee has one (1) or more "Type A" violations within a three (3) year period
- The Employee has any combination of accidents and "Type B" violations which equal three (3) or more such violations within a three (3) year period
- The Employee loses his or her driver's license for any reason and is unable to perform the essential functions of their job.

"Type A" violations include:

- Driving while intoxicated ("DWI")
- Driving under the influence of drugs ("DUID")
- Negligent homicide arising out of the operation of a motor vehicle
- Operating a motor vehicle during a period of driver's license suspension or revocation
- Aggravated assault with a motor vehicle
- Operating a motor vehicle without the owner's permission
- Permitting or assisting an unlicensed driver to operate a motor vehicle
- Reckless driving or racing
- Hit and run where bodily injury or property damage was sustained

"Type B" violations are all motor vehicle and moving violations not listed, above.

Employees who are arrested or convicted of DWI or DUID, or whose license is revoked or suspended must report their status to their supervisor immediately but no later than 5 days from the date of the incident. The department supervisor shall consult with the Human Resources Department regarding the Employee's license status. Failure of the Employee to make a proper report with their supervisor will result in discipline, up to and including termination of employment.

Employees who lose their driving privileges under this policy may be reassigned to another employment position within the City, at the sole and absolute discretion of the City Manager.

General Disciplinary Guidelines for Avoidable Accidents

The following guidelines will be applicable to exempt and non-exempt non-civil service employees involved in city owned motor vehicular or equipment type accidents. Supervisors are to take into consideration all mitigating factors including severity, frequency, policy and procedure violations and an employee's driving history within the prior three (3) years.

Definition

Avoidable Accident – An accident shall be considered avoidable if an employee receives an official citation from a law enforcement agency.

These guidelines are as follows:

- An employee who has an avoidable accident with no damage may receive a written warning in their personnel file.
- An employee who has an avoidable accident where damages are up to \$1,000.00, the employee may receive two (2) days suspension without pay.
- An employee who has an avoidable accident where damages are up to \$5,000.00, the employee may receive three (3) days suspension without pay.
- An employee who has an avoidable accident where damages exceed \$5,000.00, may receive a minimum five (5) days suspension or more without pay or termination.

A second avoidable accident within the prior three years with no damage may be treated as a first offense with minimum damage. The second avoidable accident within the prior three years may double the punishment.

A third avoidable accident within the prior three years may be grounds for twelve (12) days suspension without pay or termination.

A fourth avoidable accident within the prior three years shall be grounds for further disciplinary action up to and including termination of employment.

Approved: August 28, 2006

POLICY NO. 881.00 . EMERGENCY SERVICES POLICY**I. Purpose**

The citizens of Kingsville depend on City employees before, during, and after an emergency or disaster to provide quality customer service in the restoration of essential public services required to maintain the health, safety, and quality of life for our community. City employees demonstrate pride and a commitment to quality customer service by ensuring a continuation of public services during the essential periods of every emergency or disaster. This policy sets out responsibilities of City employees before, during, and after disasters to ensure that City employees function as a team in restoring City services.

II. Scope

This policy applies to all City employees who in the course and scope of their employment provide services for the benefit of the general public during emergency situations that threaten the safety of the citizens of Kingsville. Effective upon approval of this policy, as revised, all City job descriptions are hereby amended to require current City employees to provide services in the course and scope of their employment for the benefit of the general public during emergency situations that threaten the safety of the citizens of Kingsville.

If conflicts arise between the Policy and Police and Fire Collective Bargaining Agreements, the applicable agreement shall govern.

III. Application

This policy will be in effect whenever the City Manager, or designee, in accordance with the City Emergency Preparedness Plan, declares that emergency conditions warrant it, either in preparation for, or as a reaction to, one or more disastrous events such as: a civil disturbance, hurricane, tornado, earthquake, flood, ice storm, fire, chemical accident including a hazardous material spill, possible public exposure to hazardous conditions, or other disasters which threaten the safety of the citizens of Kingsville.

IV. Position Designation And Responsibilities

All employees of the City of Kingsville hold essential services positions and, as part of the City's Emergency Response Team, provide services in the course and scope of their employment for the benefit of the general public during emergency situations that threaten the safety of the citizens of Kingsville. All city employees may be required to work immediately before, during, or immediately after an emergency or disaster as required by the circumstances, unless a waiver is requested and approved as per section VII of this policy.

V. Readiness Conditions

The procedures of the Emergency Services Policy will correspond to the increased readiness actions in the Emergency Preparedness Plan. The City Manager or designee will notify departments of any change in readiness conditions. Hazardous conditions include, but are not limited to, one or more disastrous events, such as: a civil disturbance, hurricane, tornado, earthquake, flood, ice storm, fire, chemical accident including a hazardous material spill, possible public exposure to hazardous conditions, or other disasters which threaten the safety of the citizens of Kingsville.

Basic Readiness Ongoing Phase – Customer Service and responsiveness is the daily job of all City employees. Employees of the City of Kingsville are responsible to the citizens of Kingsville for providing for their safety, health and welfare in the event of a state of emergency or disaster.

- A. Basic readiness requires City employees to know their functions and responsibilities in a disaster. City management will maintain minimal basic emergency response equipment and supplies as required of the applicable department.

Department Heads will review policies and procedures with all employees on or before May 15th of each year. The Department Head, or designee, will (a) provide each employee with a copy of the Emergency Services Policy, (b) obtain signed and correctly completed Acknowledgement Forms (Appendix F-1), and (c) verify that each employee has an up-to-date Employee Identification Card.

- B. Increased Awareness Phase (Readiness Condition 4) A higher degree of readiness is needed than is normally present. The condition can occur at any moment due to the probability of a hazardous condition. This condition will automatically be in effect during hurricane season, June 1 through November 30.

The Risk Manager will initiate general increased readiness activities.

The department heads will review their respective Standard Operating Procedures and advise the Risk Manager of any changes.

Department Heads will ensure personnel are aware of readiness conditions.

A Department Head may set a higher condition anytime when considered necessary (with the permission of the City Manager or designee). Departments will notify the Risk Manager when setting a higher readiness condition.

- C. Watch Phase (Readiness Condition 3) – Indicates the existence of a potential danger that could develop into a hazardous condition requiring a higher degree of readiness than Condition 4, but is not an immediate threat to life or property. The hazardous condition has the probability of requiring moving into Readiness Condition 2.

Department Heads will conduct briefings with their staff and check readiness of equipment, supplies and facilities. Departments should correct deficiencies and begin securing equipment and property.

Supervisors will review policies and procedures with City employees. The reviews will address work schedules, special equipment availability, notification of last minute changes, and the process to be used to contact employees after shift hours and on weekends.

Employees will review procedures with their families and inform them of the probability of Readiness Condition 2 and make final arrangements. It is the responsibility of the employee to be ready for Readiness Condition 2.

Supervisors and employees will be allowed to secure their homes and belongings during this Phase as approved by the Department Head, or designee, by taking sick or vacation leave.

- D. Warning Phase – (Readiness Condition 2)

A situation has definite characteristics of becoming hazardous, and there is significant probability of injury and/or property damage.

The City Manager will declare that the Emergency Services Policy is in effect.

City Property will be secured and protected.

Other actions will be taken as necessary in individual departments as required by the Emergency Operating Plan (EOP) and departmental Standard Operating Procedures (SOP).

The Phase will begin at the same time throughout the City, but it may end at different times in different departments.

Employees will remain at work until dismissed by their supervisor in accordance with the department's operational demands or Hurricane Standard Operating Procedure.

The City employee shelter will be opened and made ready with supplies, food, equipment needed. City employees will be advised of the shelter location and opening time.

Approved Leave Reassessed:

Department Heads will reassess on a case-by-case basis all approved vacation leave requests for employees who are off duty on vacation or personal leave at the time the Emergency Services Policy is activated (Warning Phase) and will use discretion in deciding to cancel, re-approve, or reschedule the leave.

Employees who are scheduled for approved vacation or personal leave that runs concurrently with the time for activation of the Emergency Services Policy (Warning Phase) will have such leave automatically cancelled. At the discretion of the Department Head, such leave may be rescheduled or re-approved on a case-by-case basis based on individual circumstances and operational needs.

Employees who are on approved leave and are outside the city limits of the City of Kingsville, upon learning of the Mayor, or City Manager, or designee, opening the Emergency Operations center, are responsible for calling in to their Department Heads, or designees, at the applicable department or the Emergency Operations Center. Based on circumstances, the Department Head may use discretion to cancel or re-approve such leave.

If the employee is out of state or country, and does not learn of the opening of the Emergency Operations Center from available media, he/she will not know to call in. Under such circumstances the employee's approved leave will not be cancelled.

- E. Essential Services Phase – (Readiness Condition 1) A hazardous condition is imminent or has occurred. Events such as a civil disturbance, hurricane, tornado, earthquake, flood, ice storm, fire, chemical accident including a

hazardous material spill, possible public exposure to hazardous conditions, or other disasters that threaten the safety of Kingsville's citizens will result in declaration of Readiness Condition 1.

1. The availability of City employees to work is necessary for the benefit of the general public immediately before, during, and/or immediately after the emergency. Employees will not be authorized to evacuate should an evacuation order be issued in accordance *with Chapter 22 of the Texas Labor Code* unless they have requested and received an approved Waiver Form.
 2. Upon an evacuation order being issued in accordance with State law, employees who have been granted approved waivers shall be released from duty and may evacuate the City. Employees with approved waivers who evacuate the City are responsible for reporting back to work in compliance with the Return-to-Duty Phase of this Policy.
 3. Shifts during the Essential Services Phase may be established according to departmental needs at the discretion of the Department Head. Employees who are list in the Departmental Operations Pool must provide phone numbers, pagers, addresses, or other information to their Department Head where the employee can be contacted prior or during an emergency. The Department Head shall list the employees contact information on the Departmental Operations Pool form. Employees who need to request a waiver will be responsible for complying with deadlines and waiver request procedures as outlines in Section VII of this policy.
 4. Shelters: The Risk Manager, or designee, will communicate to department heads, or designees, the locations of shelters for city Employees who are on the Emergency Operations Pool, during the Essential Services Phase of this policy. Families of employees are strongly encouraged to evacuate with the general public when an evacuation order is issued. See "Shelter and Mass Care" in the Emergency Operating Plan for additional details.
- F. Return-to-Duty Phase: By reporting to duty as directed, each employee meets his/her responsibility to work with other City employees as a team in restoring the community to normal service levels following a disaster.

Following the announcement of the Return-to-Duty Phase by City Officials, employees who remained in local shelter, or sheltered-in-place in their homes, or evacuated (waiver approved status only) will report to work at the start of the next normal shift unless otherwise directed to call in or report sooner.

Waivers are granted only for the Essential Services Phase of an emergency and/or disaster. Employees who receive an approved waiver are still required to work before and after an emergency and/or disaster.

Employees who cannot report at the start of the next normal shift must call in, or otherwise contact their supervisor, or designee, at or before the time the employee's shift begins, or in no case later than 4 hours after the time the employee's shift begins.

Employees must make every attempt within reason to contact their supervisor, or designee, to report their inability to report to work and request authorized leave.

Mitigating circumstances that prohibit the employee from calling in, or reporting to duty at the next normal shift, will be considered on a case-by-case basis based on the facts of each circumstance.

Failure of employees to call in or otherwise contact their supervisor, or designee, will result in the leave being designated "unauthorized without pay", and subject the employee to disciplinary action up to and including termination depending on the circumstances and if such action is approved by the Director of Personnel and City Manager.

Employees should contact their supervisor to obtain information on the Return-to Duty Phase.

VI. Responsibilities

A. City Manager and Department Heads:

1. It is the shared responsibility of the City Manager, Assistant City Manager and Department Heads to communicate the implementation of the Emergency Services Policy to City Employees.
2. Department Heads and other positions incumbent in the Management Pay Plan are required to call the Emergency Operations Center for duty assignments upon becoming aware of an announcement by the Mayor, City Manager, or designees, that the Center is being activated.

3. On or before April 30th of each year, the Department Head will meet with assigned personnel and train employees on the content of the Emergency Services Policy, as last revised, and secure a signed Acknowledgement Form from each employee stating he/she has had an opportunity to ask questions on the Policy and understand his/her responsibilities.
4. The Department Head will provide the Risk Management Department with a completed "Emergency Services Employee Departmental List" form with employee names with designated employee assignments, such as:
 - a. Emergency Operations Pool (Employees shall remain throughout the emergency before, during, and after the emergency);
 - b. Emergency Operations Center (command center staff);
 - c. Departmental Operations Pool (Employees shall be available to assist before/after the emergency and are subject to work upon request); and
 - d. Approved waiver request.
5. Employees designated as belonging to the Emergency Operations Pool are subject to assignment to tasks as needed immediately before, during, or immediately after the emergency based on operational necessity, including, but not limited to, shelter management and support; telephone bank; bus evacuation assistance, etc. A copy of the Emergency Services Employee Departmental List will be forwarded to Risk Management and a copy to the Human Resources Department.

Risk Manager will assign individuals from departmental lists to perform specific functions including, but not limited to, shelter management and support; telephone bank; bus evacuation assistance, etc. Immediately before, during or immediately after the emergency.

If employee names on this list have not been assigned to a work assignment, then these employee names will stay in the "Department Operations Pool" and will remain available to assume work assignments as needed immediately before, during, or immediately after the emergency. "Pool status" must be documented on the Employee Departmental List in the column by each employee's name.

Employees who are designated to assist as needed immediately after the emergency will be instructed on when and where to report for duty upon announcement of the Return-to-Duty Phase.

Employees who are granted an approved waiver will be instructed on when to report to duty upon announcement of the Return-to-Duty Phase.

Department Heads are responsible for releasing employees with approved waivers at the time evacuation is ordered for the public under Chapter 22 of the Texas Labor Code to enable the employee to evacuate. Waivers are granted only for the Essential Services Phase of an emergency and/or disaster. Employees who receive an approved waiver are still required to work before and after an emergency and/or disaster and comply with the Return-to-Duty Phase when announced by City officials.

6. Prior to April 30th of each year, the Department Head is responsible for development and implementation of a process for communicating with employees (through use of a Communications "Tree" or Chart) whereby employees can be called in to work after normal shift hours and on weekends. The "Communication Tree" needs to clearly designate the persons responsible for calling assigned groups of employees to report to duty under this Policy.
7. Upon receipt of work assignments provided by Risk Management for departmental employees, the department head is responsible for ensuring that employees are aware of their individual responsibilities under this Policy.
8. The City Manager will have final decision-making authority over disputed waiver request, which have been reviewed & ruled on by the three (3) member Review Committee.
9. Department Head, or their designees, will be responsible for checking all employee Acknowledgement Forms to ensure that the form is fully completed and signed. This verification will be indicated by the Department Head's, or designee's, signature on the Acknowledgement Form for each employee in the Department.
10. Department Head, or designees, shall ensure that all City job descriptions and Vacancy Notification state that City employees are required to provide services in the course and scope of their employment for the benefit of the general public during emergency situations that threaten the safety of Kingsville's citizens. The only exception to this requirement is when a waiver is requested and approved under this policy.

11. *Department Heads shall ensure that all employees assigned to them have a City of Kingsville Employer Identification Card (provided by the Kingsville Police Department) before the beginning of Hurricane Season, June 1 of each year.*
12. Department Heads, or designees, will document all hours worked by non-exempt and exempt personnel including their assignments.

B. Supervisors

1. Supervisors are responsible for the support and implementation of this Policy in a consistent and fair manner. Supervisors are responsible to their Department Heads for documentation, reporting potential violations of this Policy by employees, assisting with fact-finding, and assisting the department head in the initiation of necessary disciplinary action.
2. Supervisors are responsible for ensuring that each employee under their supervision correctly completes and signs his/her Emergency Services Policy Acknowledgement Form.
3. Supervisors are required to review and sign Waiver Request Forms submitted by their assigned personnel and to take action to ensure that a replacement employee is assigned to cover the essential services upon approval of the waiver.

C. City Employees

1. Each employee is responsible for knowing his/her responsibilities under this Policy. Compliance with this Policy is mandatory. Each employee is responsible for calling in, and reporting as directed, to the Emergency Operations Center or elsewhere as otherwise assigned.
2. Employees shall be responsible for complying with waiver request procedures and deadlines as outlined in Section VII of this Policy.
3. Employees are required to report to their Department Head, or as directed under the Return-to-Duty Phase of this Policy.
4. Employees who do not have a telephone, will be required to contact their department head, or designee, in person and on their own initiative, in a reasonable time period, upon knowledge that the Mayor, City Manager, or their designees, have announced the opening of the Emergency Operations Center or the need for employees to report to duty regardless of the Readiness Condition at the time of the announcement

D. Human Resources Department - The Human Resources Department shall:

1. Facilitate a three (3) member Waiver Review Committee to be appointed by the City Manager, or designee, to review all waivers for citywide consistency. This Waiver Review Committee will ensure that each department head receives an initial list of employees who have been granted approved waivers and an amended list as additional waivers are approved throughout the year;
2. Originals of approved waivers will be filed in the employee's official personnel file in the Human Resources Department;
3. Ensure that recruitment advertisements include notification of applicants that all City job descriptions require incumbents in the course and scope of their employment to provide services for the benefit of the general public during emergency situations that threaten the safety of Kingsville's citizens, and that without an approved waiver, City employees must be able to work immediately before, during, or immediately after an emergency;
4. Provide general information about this Policy to all new employees during New Employee Orientation Training, and obtain signed Acknowledgment Forms from new employees to be placed in their personnel files; and
5. Provide general assistance to the City Manager, including coordination of disciplinary actions, waiver reviews, and resolution of pay issues.

E. Risk Manager

The Risk Manager, or designee, is responsible for maintaining and updating the Emergency Services Policy, annually. The Risk Manager, or designee, shall provide assistance to departments in planning and coordinating

the activities of all Phases to insure consistency with the City's Emergency Operating Plan and the emergency services plans as established by the State of Texas .

F. Shelter Coordination & Communication with Employees:

1. The Risk Manager will advise Department Heads in a timely manner of the names of employees from their departments required for specific work assignments, as directed by the City Manager. The Risk Manager, or designee, is responsible for ongoing coordination of shelters for City employees through liaison with the Kingsville Independent School District (KISD) and other local community agencies. The Risk Manager shall coordinate with the City's Legal Department to ensure that an inter-local agreement between Kingsville Independent School District and the City of Kingsville is implemented regarding shelter, bus and drivers.
2. The Risk Manager, or designee, will communicate to department heads, or designees, the locations of shelters for use of City Employees who must work immediately before, during, and/or immediately after the Essential services Phase.

VII. Waivers

ANNUAL WAIVER REQUEST FORMS REQUIRED

- A. Waivers are granted only for the Essential Services Phase of an emergency and/or disaster.
- B. Employees who receive an approved waiver are still required to work before and after an emergency and/or disaster and comply with the Return-to-Duty Phase of this Policy.
- C. Upon an evacuation order being issued in accordance with State law, employees who have been granted approved waivers shall be released from duty and may evacuate the City.
- D. Employees with approved waivers who evacuate the City are responsible for reporting back to work in compliance with the Return-to-Duty Section of this Policy.
 1. Submission of Waiver Request Form:
 - a. If an employee has personal circumstances, which would affect his/her ability to work during the Essential Services Phase (Readiness Condition 1) of this Policy, it is the responsibility of the employee to file an annual Waiver Request Form (Appendix F-2) on or before May 15th of each year. This Waiver Request Form must be co-signed by the employee's supervisor.
 - b. The employee must file additional Waiver Request Forms when his/her circumstances change.
 - c. If circumstances change, waiver requests may be made within three (3) working days of the implementation of the Essential Service Phase of this Policy, and will be granted for circumstances that the employee could not have foreseen prior to the event.
 - d. A copy of the Waiver Request Forms is located in Appendix F-2). An employee who is denied approval of a Waiver Request may appeal in writing within five (5) calendar days to the City Manager.
 2. Review and Approval:
 - a. The Human Resources Department will facilitate a three (3) member Review Committee to be appointed by the City Manager, or designee, to review all waivers for consistency Citywide and to provide a list of approved waivers to each department head for his/her assigned employees;
 - b. Originals of approved waivers will be filed in the employee's official personnel file in the Human Resources Department;
 3. Waiver Requests that meet the following circumstances will automatically be approved by the Human Resources Director without going through the Review Committee if the approval does not cause departmental understaffing during the emergency situation:
 - a. An employee who is a single parent with primary responsibility for children under the age of 17, or for care of elderly family members, and for whom other care arrangements cannot be made;
 - b. An employee who personally suffers from serious health problems, has a physical and/or mental disability, or who has primary responsibility for a chronically ill spouse and/or family member under similar circumstances; and,

- c. An employee who has a spouse who works for the City of Kingsville must report to work under this Policy, or who has a spouse employed by another governmental entity, hospital, or other public or private essential services provider (e.g. employees of private business who provide emergency food, supplies, equipment, gasoline, water, etc.), who must report under a comparable policy requirement, or work immediately before, during or immediately after the Essential Services Phase, and who meet the criteria stated in Section VII, Subsections 3-1 and 3-2. Written confirmation from the spouse's employer shall accompany the Waiver Request Form unless the spouse is employed by the City of Kingsville.
- d. An employee who cannot perform the essential functions of his/her position and who has not been released to "full duty" by his/her physician at the time of the Essential Services Phase is exempt from filing a waiver and automatically granted waiver status. This may include an employee who is:
 - On Family Medical Leave (FMLA) for any eligible purpose; or
 - On approved non-FMLA leave due to an occupational and/or non-occupational illness or injury; or
 - Who is on limited duty or no-duty assignment under the City's Limited-Duty Policy.
- e. An Employee on approved leave due to a death in the employee's immediate family as defined in the City's emergency leave policies Chapter VII-Absence – Section 7.08.
- f. An employee who has been granted a waiver in the best interest of the City.

Requested Waivers submitted by employees for reasons other than those listed in Subsection 3 of this Section will be considered on a case-by-case basis with consideration given based on the facts and circumstances.

VIII. Violations of this Policy

An employee violates this Policy by:

1. Refusing to perform assigned duties required by this Policy or to obey any order or direction made or given by a supervisor;
2. Failing to report for duty as directed during any applicable Phase of this Policy;
3. Failing to abide by City Policy, departmental rules or regulations, Standard Operating Procedures (SOP's);
4. Any conduct that interferes with, or might reasonably be expected to interfere with, the proper and orderly conduct of the City's business, or brings, or might reasonably be expected to bring, discredit on the public service.

IX. Consequences for Violation of this Policy

A violation of this Policy shall be considered a violation of City Policy, departmental rules or regulations, Standard Operating Procedures, and Rules and Regulations for which disciplinary action up to and including termination may be taken by the applicable department head, with the concurrence of the Director of Human Resources and City Manager, or designee.

X. Pay Provisions

A. Use of Leave With and Without Pay by Exempt and Non-Exempt Employee:

Employees will be allowed to secure their families and property as scheduled by the Department Head, or designee, and to use vacation or sick leave, if any, or leave without pay if paid leave is exhausted, for that purpose.

B. Non-Exempt Employees:

1. All hours worked by non-exempt employees over 40 hours in a 7-day work period shall be compensated at the overtime rate of one and one-half the employee's hourly base rate as provided in the City's Overtime Policy.
2. Unless notified in advance, non-exempt City employees who do not have an approved waiver will be required to report to work during a civil disturbance, hurricane, tornado, earthquake, flood, ice storm, fire, chemical accident including a hazardous material spill, possible public exposure to hazardous conditions, or other disasters which threaten the safety of Kingsville's citizens.

3. Non-Exempt employees who report under these circumstances, and who are subsequently released from duty due to emergency condition, shall be paid:
 - a. A minimum of two (2) hours at the regular rate of pay, or for the number of actual hours worked, whichever is greater, and
 - b. Allowed to use accrued vacation, or accrued sick leave, if any, or leave without pay, if paid leave is exhausted, to cover work hours missed during that work period.
- C. Exempt Employees:
 1. Exempt employees on a salaried basis may be charged leave, as applicable, for partial day absences. The use of leave by municipal employees is allowed under FLSA regulations without affecting the exempt employee's salaried status.
 2. Specific overtime provisions are addressed in City of Kingsville Administrative Policies and Procedures Manual, Policy 620.04 Overtime Pay.
- D. Compensation Questions Related to This Policy:
 1. Questions related to compensation arising from this Policy shall be directed to the applicable department head and the Human Resources Director.

Approved: August 28, 2006

WORK PLACE POLICIES

POLICY NO. 890.01 NO SMOKING

Except where prohibited by state law, smoking of cigarettes, cigars or pipes is not permitted in the City's facilities. No smoking or use of any tobacco product is permitted in any City owned vehicles or facilities. For those Employees who wish to smoke, they should do so for a very brief period of time outside the City's facilities in the designated smoking area. The City may discipline for excessive break periods taken for the purpose of permitting an Employee to smoke. Employees are expected to keep designated smoking areas clean, and to properly discard cigarette and cigar butts.

Approved: August 28, 2006

POLICY NO. 890.02 CONFIDENTIALITY

Many Employees of the City are in positions that give them access to confidential information in regards to the City and its customers. This information must be respected and not discussed in any manner with persons outside the City unless authorization is obtained.

Employees are not to disclose any information to any other person in the City unless there is a legitimate business reason for doing so or to anyone outside the City unless the appropriate department director has expressly stated that the information can be disclosed to that person. Any breaches of this rule could result in disciplinary action up to and including termination.

Newspaper representatives, attorneys, law enforcement agents and all other persons not connected with the City shall be referred to administration when requesting information of Employees.

Approved: August 28, 2006

POLICY NO. 890.03 CONDUCT AND WORKING ENVIRONMENT

It is the policy of the City of Kingsville that employees maintain a working environment that encourages mutual respect, promotes civil and congenial relationships among employees and is free from all forms of harassment and violence.

This policy identifies the City's responsibility and the employee's responsibility as it relates to conduct and working environment.

Employees are expected to conduct themselves in an appropriate manner as judged by a reasonable person.

Employees have the right to conduct their work without disorderly or undue interference from other employees. The City prohibits employees from violating this right of their co-workers.

The City encourages a congenial work environment of respect and professionalism. Therefore, the City prohibits employees from intentionally harming or threatening to harm other employees, clients, vendors, visitors or property belonging to any of these parties. This prohibition includes but is not limited to intentional acts such as:

- Physically harming others
- Verbally abusing others
- Using intimidation tactics and making threats
- Sabotaging another's work
- Stalking others
- Making false statements about others with malice that cause harm
- Publicly disclosing another's private information

Employees are responsible for maintaining their work area in a neat and professional manner.

Employees are responsible for assuring the security of the City's confidential/proprietary material in their possession and similarly maintaining the security of the City provided equipment. Employees concerned for the security of their work area or equipment must inform their supervisor of such concerns.

The City may take disciplinary action against employees whose conduct violates this or other City policies and practices. The supervisor should consult the Department Director and/or the Human Resources Director on such matters.

Approved: August 28, 2006

POLICY NO. 890.04 PRIVACY

Because the City is responsible for the safety and security of all its Employees while they are at work, the City reserves the right to inspect each Employee's work area and personal items at any time, and for any reason. Therefore, Employees are put on notice that they should have no expectation of privacy in their work spaces, including desks, drawers, cabinets, file cabinets, mail, computers or other assigned storage areas, or in such personal effects as purses, backpacks, luggage and in any form of electronic communication devices while the Employees are on City property.

Approved: August 28, 2006

POLICY NO. 890.05 GUNS AND FIREARMS

The possession of guns and firearms on the City's premises, whether during normal work hours or otherwise, is strictly prohibited. Any Employee, other than designated peace officers or city marshals, found to be carrying or holding a gun or firearm on City property will be immediately terminated from his or her employment.

An employee, including designated peace officers and city marshals, may not carry firearms to a City Commission meeting unless he/she is designated or duly appointed as a security officer by the City Manager.

Approved: August 28, 2006

POLICY NO 890.06 ATTENDANCE POLICY

Dependability, attendance, punctuality, and a commitment to do the job right are essential at all times. Employees are expected to report for work promptly and to work all scheduled hours and any required overtime. Excessive tardiness and poor attendance disrupt workflow and customer service and will not be tolerated.

An employee must notify their supervisor or designee as far in advance as possible or no later than one hour before the scheduled start time if late or absent or as directed otherwise. This policy applies for each day of absence. Unauthorized or excessive absences or tardiness shall result in disciplinary action, up to and including termination. An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved.

When an Employee must be absent from work or tardy because of unexpected illness or family emergency, the Employee, or a representative of the Employee, such as a family member, must notify his or her Department Director/supervisor prior to the beginning of the Employee's work shift. ***Employees who are absent from work for three (3) consecutive days, without giving proper notice, will be considered to have abandoned their job and the Department Director shall make recommendation for disciplinary action up to and including termination of employment.***

Where an Employee has properly notified their Department Director/Supervisor regarding an unexpected illness or family emergency, the Employee shall request that his or her absence be documented as sick leave. Employees should, in such cases, submit a completed leave request form to the Department Director/Supervisor as soon as practicable after taking a leave of absence and, in any event, no later than 2 work days after returning to work. Before granting the paid sick leave time request, the City may require the Employee to provide a medical or other appropriate verification of the Employee's reasons for the unscheduled absence from work.

Approved: August 28, 2006

POLICY NO. 890.07 MEAL AND REST PERIODS

Meal Periods

A 30 minute to 1 hour allowance for meal breaks is customarily granted to regular full-time employees. This meal period is not considered work time if employees are completely relieved of their work duties.

If employees must continue their work duties through the meal period, this work time must be approved in advance by a supervisor and recorded as work time.

Meal periods shall be determined by the department directors for each of their divisions. The amount of time allowed for a meal period will not be used as a form of disciplinary action by any City of Kingsville department director or supervisor.

Rest Periods

If authorized by an employee's supervisor, employees may be allowed two 15 minute rest periods during the day. Such rest periods shall be considered a privilege, not a right, and shall never interfere with proper performance of the work responsibilities and work schedules of each department. If possible, rest periods will be provided in the middle of the work periods. Rest periods shall not be combined, taken at the start or the end of an employee's work day, or be used to extend meal periods. Since this time is counted and paid as time worked, employees must not be absent from their workstations beyond the allotted rest period times.

Approved: August 28, 2006

POLICY NO. 890.08 TELEPHONE USE, CELLULAR PHONES AND PAGERS

This policy outlines the use of office phones, personal cell phones and pagers at work, the personal use of City provided cell phones and pagers and the safe use of cell phones by employees while driving. ***Employees are encouraged to follow and use safe practices when placing or accepting calls or checking messages.***

Procedures:

1. Telephone Use

The City recognizes that employees will occasionally need to place and receive personal phone calls during the workday. In all cases personal calls should be minimal, whether the calls are placed and received using City phones or personal phones. Receiving and placing excessive calls is disruptive to others. Therefore, abuse is subject to disciplinary action.

While at work employees are expected to exercise discretion in using City phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. A reasonable standard the City encourages is to limit personal calls during work time. Employees are therefore asked to make any other personal calls during non-work time when possible and to ensure that friends and family members are aware of the City's policy. Flexibility will be provided in circumstances demanding immediate attention.

Employees that make long distance personal calls shall be required to pay for said calls at a rate specified by the Finance Department. The employee will be asked to reimburse the City by cash or check for any personal long distance calls placed and charged to the City. Payments shall be submitted to the Collection's Division located on the 1st floor of City Hall. The receipt issued by Collections must accompany the copy of the phone bill and be submitted to the Finance Department. Mark personal calls on your bills in such a way as to easily distinguish business calls from personal calls (i.e. highlighting personal calls).

Note:

- The Finance Department maintains a list of account codes needed when making a payment to the Collection's Division. Please obtain the account code for your department *prior* to making a payment to ensure you receive proper credit.

If no personal calls appear on the phone bill, note on the bill *no personal calls*. The phone bill shall be forwarded to the Finance Department. The information shall be submitted within seven (7) working days of receiving a phone bill for review.

2. Personal Cellular Phones

While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of City phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. A reasonable standard the City encourages is to limit personal calls during work time. Employees are therefore asked to make any other personal calls during non-work time when possible and to ensure that friends and family members are aware of the City's policy. Flexibility will be provided in circumstances demanding immediate attention.

The City will not be liable for the loss of personal cellular phones brought into the workplace.

3. Personal Use of City-Provided Cellular Phones

Where job or business needs demand immediate access to an employee, the City may issue a business cell phone to an employee for work-related communications. The City provides the cell phone and cell phone plan allowing the employee a sufficient amount of talk time to be accessible to the City's needs.

Employees that make or receive personal calls shall be required to pay for said calls at a rate specified by the Finance Department. The employee will be asked to reimburse the City by cash or check for any personal calls placed or received. Payments shall be submitted to the Collection's Division located on the 1st floor of City Hall. The receipt issued by Collections must accompany the copy of the cell phone bill and be submitted to the Finance Department. Mark personal calls on your bills in such a way as to easily distinguish business calls from personal calls (i.e. highlight personal calls).

Note:

- The Finance Department maintains a list of account codes needed when making a payment to the Collection's Division. Please obtain the account code for your department *prior* to making a payment to ensure you receive proper credit.

If no personal calls appear on the cell phone bill, note on the cell phone bill *no personal calls*. The cell phone bill shall be forwarded to the Finance Department. The information shall be submitted within seven (7) working days of receiving a cell phone bill for review.

Employees in possession of City equipment such as cellular phones are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone in good working condition within the time period requested (i.e. 24 hours) may be expected to bear the uninsured cost of a replacement.

Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

Employees are to limit directory assistance usage and other features that cause additional expenses besides the normal monthly plan rates. Any invoices that indicate overages in plan usage shall be reviewed by the City Manager or his designee. The City shall not be responsible for charges related to abuse of phone usage. Employees will be requested to reimburse the City for overages that cannot be substantiated by the employee. Disciplinary action will be taken for unauthorized use of City property.

4. Safety Issues for Cellular Phone Use

Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone for business use are expected to refrain from using their phone while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options if available, refrain from discussion of complicated or emotional discussions and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area.

Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business use, are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves or others at risk to fulfill business needs of responding to phone calls.

5. Personal Pagers

While at work employees are expected to exercise the same discretion in using personal pagers as is expected for the use of City pagers. Excessive personal pages resulting in personal phone calls during the workday can interfere with employee productivity and be distracting to others. Employees are asked to limit personal phone calls to non-work time and to ensure that friends and family members are aware of the City's policy. Flexibility will be provided in circumstances demanding immediate attention.

The City will not be liable for the loss of personal pagers brought into the workplace.

6. Personal Use of City-Provided Pagers

Where job or business needs demand immediate access to an employee, the City may issue a business pager to an employee for work-related communications.

Employees in possession of City equipment such as pagers are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the pager for return or inspection. Employees unable to present the pager in good working condition within the time period requested (i.e. 24 hours) may be expected to bear the uninsured cost of a replacement.

Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

As a public employer and as public employees who are entrusted with the responsibility of administering public funds efficiently, the City of Kingsville and its employees must ensure that City property, equipment, and facilities are utilized for the sole purpose of providing services to the citizens of Kingsville. The use of City property, equipment, or facility for personal business or gain is strictly forbidden and any such action could result in immediate termination.

Employees who violate this policy and/or any other City policy shall be subject to disciplinary action up to and including termination of employment.

Approved: August 28, 2006

POLICY No. 890.09 TAKE HOME VEHICLE POLICY

This Administrative Policy establishes regulations for the use of City-owned vehicles as a take-home vehicle. The purpose of the take-home vehicle policy is to provide a special equipped vehicle at ready access for use in delivering City services required after regular business hours. These regulations establish parameters which will conserve energy, improve vehicle-operating costs, and extend vehicle life.

Take-Home Vehicles are vehicles owned, leased, or otherwise under care and control of the City of Kingsville. Using a City take-home vehicle for conducting personal business is prohibited.

A Take Home Vehicle Authorization Form (Appendix – K-1) must be submitted to the City Manager for approval prior to assigning a take home vehicle. The City of Kingsville allows the use of City owned vehicles as Take Home Vehicles to the following department personnel only:

Police Department – Police Chief and civil service law enforcement personnel subject to the Take Home Cars section of the collective bargaining contract.

Fire Department – Fire Chief and Fire Marshal

City of Kingsville Task Force - Personnel assigned as Task Force Agents (excluding clerical personnel)

City/County Health Department - Personnel who are subject to call-outs within the City and Kleberg County provided the individual(s) resides within the limits of Kleberg County.

Use

- Take-home vehicles shall only be authorized for use by personnel subject to emergency callbacks, as they are defined in this policy, or to ensure timely provision of City services during off-duty hours.
- Vehicles must be equipped with tools/equipment necessary for emergency callback.
- All vehicles must be operated in a lawful manner and appropriately maintained under the care and control of the assigned employee.
- Employees will not use City vehicles to haul or tow anything other than City equipment needed in the performance of their job assignment.
- Employees will not possess, purchase, or be under the influence of drugs or alcoholic beverages while operating City vehicles or equipment.
- Employees are responsible for the security of take-home vehicles and tools/equipment in the vehicle. Any loss or damage shall be reported as soon as possible to the appropriate Department Director and Risk Management.
- In case of an accident, while driving a City vehicle or using a non-City owned vehicle on City business, the employee shall immediately call the police or law enforcement agency in the jurisdiction and his/her supervisor. The supervisor shall notify Risk Management. The employee should not leave the scene of the accident, unless required to do so because of injury, until after the law enforcement investigation is completed.
- In no case shall a person other than a City employee be allowed to drive a City vehicle or ride in one if not associated with City business.
- Employees who will be absent from their normal work shall park their assigned unit at the City facility to which the vehicle is assigned.
- Employees shall not operate any City vehicle while on leave due to illness, injury, medical condition or while on light duty or other restricted duty unless approved by the attending physician's restrictions.
- Employees are encouraged to exercise discretion and good judgment when stopping for personal business while commuting to and from the workplace. The duration of the rest/stop, type of personal business and parking location are very critical factors in determining the validity and good judgment.
- Any violations of these limitations will result in corrective action and/or disciplinary action, up to and including termination.

Care of Vehicles

To prolong the life and properly maintain City vehicles, employees will ensure that their assigned vehicles have sufficient gas, oil, and other fluids to prevent premature failure, and that all tires are kept properly inflated. The

employee is responsible for the condition of the vehicle and that it continues on its scheduled maintenance program as set up by the Garage Department.

Careless, abusive, negligent, or reckless handling or operation of any City vehicle by any employee shall result in disciplinary action, up to and including termination of employment.

Authorization

A "Take-Home Vehicle Authorization Form" (Appendix K-1) must be completed for each potential take-home vehicle and included with the Department's budget each year for authorization by the City Manager or his designee.

Revocation

All actions associated with the use of take-home vehicles must be reasonable and appropriate, given the nature of the concerned employee's assignment.

Any non-compliance of this administrative procedure shall result in immediate suspension from the take-home vehicle program or disciplinary action, up to and including termination.

If an employee is in doubt about a circumstance related to his/her use of a City vehicle or any other piece of equipment, supplies, tool, or materials purchased with taxpayer funds, the employee must check with his/her supervisor before proceeding with the use of that vehicle/equipment. Violations of any of the provisions related to the use of City vehicles/equipment will result in disciplinary actions, up to and including termination of employment.

Approved: August 28, 2006

POLICY NO. 890.10 VIOLENCE IN THE WORKPLACE

I. Prevention of Violence In The Workplace

It is the policy of the City of Kingsville to provide all employees with a work environment that is safe and free from violence. The City expressly prohibits any acts or threats of violence by any current or former employee against any other employee in or around the workplace or elsewhere at any time while conducting City business. The City also will not tolerate any acts or threats of violence against employees, customers, visitors, vendors or other people at the work site at any time or while they are engaged in business with or on behalf of the City. Such violations shall be treated with disciplinary action up to and including termination of employment.

Any employee who becomes aware of a display of violent, abusive or threatening behavior, or a threat or tendency to engage in such behavior by another employee, is to report such behavior to his immediate supervisor or to Human Resources. To the extent possible, such reports will be handled confidentially. Employees have an obligation to inform their immediate supervisor, department director, or Human Resources of any activity in the workplace that they believe could result in violence. For example, this includes threats of violence, aggressive/confrontational behavior, offensive acts, or threatening/hostile comments.

Employees shall report violence or threats of violence between employees away from the work site occurring at any time. These reports should be made to the Human Resource Department. Employee reports made pursuant to this policy will be held in confidence to the extent possible. The City will not tolerate any form of retaliation against any employee for making a report under this or any other policy.

The purpose of this policy is preventative and to establish a **zero-tolerance** policy for the City of Kingsville, which prohibits all workplace violence. Each employee is to be treated with dignity, respect and fairness. Violence, threats of violence or physically threatening behavior by or against any City of Kingsville employee at any level will not be tolerated.

Notices of this Policy shall be posted conspicuously on City premises to alert employees and the public of this Policy. (Appendix – G-1)

II. Responsibilities

Each employee and supervisor plays an important part in preventing workplace violence.

A. Management's And Supervisor's Responsibilities:

Managers and supervisory staff shall take the initiative in preventing workplace violence.

Supervisors and managers must not ignore, condone, or disregard any violent or physically threatening behavior exhibited or threatened by any employee.

All City employees shall receive a copy of this Policy and acknowledge that violence, threats of violence, or other physically threatening behavior in any form shall not be tolerated in the workplace.

B. Employee Responsibility

Employee shall take the initiative in preventing workplace violence.

Co-workers, supervisors, and managers shall not excuse, cover for, or protect an employee who threatens or commits a violent act against another person or property.

City employees shall comply with the City's Policy which prohibits a concealed or unconcealed handgun, licensed or not, or other weapon from being carried by a City employee while in any way involved in an activity related to their employment, including, but not limited to, while on City premises or work sites. Certified law enforcement officers of the City of Kingsville are excluded from this prohibition.

No employee shall engage in threats of violence, violence or other physically threatening behavior against City of Kingsville employees, citizens, or property.

All threats of violence, including those expressed jokingly, shall be taken seriously, and employees engaging in this type of behavior shall be subject to disciplinary action up to and including termination.

Employees who are aware or concerned that they may exhibit violent, or physically threatening behavior may request leave to seek private counseling or medical assistance if such participation or request occurs prior to the employee's involvement in prohibited behavior as stated in this Policy.

C. Human Resources Department Responsibilities:

The Human Resources Department shall consult with employees, supervisors, and managers regarding employee conduct issues, interpretation of policies, rules and training. The Human Resource Department shall also work with the Legal Department to resolve conduct and policy interpretation issues.

D. Responsibilities Of The Employee Assistance Program (EAP):

The City of Kingsville offers its employees and their enrolled dependents the opportunity to seek assistance through the EAP as part of the City's health plan. The City's EAP program is available 24 hours a day and the discussions are kept confidential between the employee and the EAP. The current EAP is Cigna and their toll free telephone number is 1-888-800-8849.

III. Reporting Threats

The first priority of any City employee is to secure his/her own safety. The employee is to report the threat, as directed below based on the urgency of the situation. An employee shall not attempt to handle a violent or potentially violent incident on his/her own. Upon becoming aware of the violent or physically threatening behavior of anyone in the workplace, the employee shall promptly report such activity using the following guidelines:

A. Imminent Threats

When reporting imminent threats and/or Acts of violence, the employee shall:

Notify the local police by dialing "911" for threats or incidents in progress. Carefully describe the circumstance such as weapons involved, description of the person making the threats or performing acts of violence including location of incident, layout of facility, and physical descriptions.

Notify your immediate supervisor. Employees should follow their respective chain of command when reporting incidents.

The City Manager shall be notified of all incidents of workplace violence as soon as safety permits.

A timely report of incidents shall ensure that appropriate investigation and follow-up procedures are implemented.

B. Non-Imminent Threats:

If the threat is not imminent, immediately inform the first level supervisor or follow the appropriate chain of command. The supervisor to whom the incident is reported will immediately notify their department director to investigate the incident and submit findings to the City Manager. Questions regarding the investigation process should be directed to the Human Resources Department which will work in conjunction the City's Legal Department. The City Manager shall have final approval on any disciplinary action taken by the City.

IV. Internal Nature of Policy

This policy shall not in any way enlarge the legal responsibility or liability of the City or of any employee of the City civilly or criminally. As to outside parties, this policy does not create any higher standard of duty, safety, liability, or other purpose, than if this policy did not exist. The City shall use violations of this policy in an internal disciplinary or administrative context that involves only the employer/employee relationship and may not be the basis of action by an outside party.

Approved: August 28, 200

Policy No. 890.11 ACCEPTABLE USE POLICY

1. Overview

Internet/Intranet/Extranet-related systems, including but not limited to electronic and computer equipment, software, operating systems, storage media, network accounts providing electronic mail, WWW browsing, and File Transfer Protocol (FTP), are the property of City of Kingsville. These systems are to be used for business purposes in serving the interests of the city and of our citizens in the course of normal operations.

Effective security is a team effort involving the participation and support of every City of Kingsville employee and affiliate who deals with information and/or information systems. It is the responsibility of every computer user to know these guidelines, and to conduct their activities accordingly.

2. Purpose

The purpose of this policy is to outline the acceptable use of electronic and computing equipment at the City of Kingsville. These rules are in place to protect the employee and the City. Inappropriate use exposes the City of Kingsville to risks including virus attacks, compromise of network systems and services, and legal issues.

3. Scope

This policy applies to the use of information, electronic and computing devices, and network resources to conduct City of Kingsville business or interact with internal networks and business systems, whether owned or leased by City of Kingsville, the employee (to the extent the employee uses their personal device for City business), or a third party (to the extent the third party uses their personal device for City business). All employees (full-time, part-time and temporaries; hereinafter "employees"), contractors, consultants, and other workers at City of Kingsville are responsible for exercising good judgment regarding appropriate use of information, electronic devices, and network resources in accordance with City of Kingsville policies and standards, and local laws and regulation. Exceptions to this policy are documented in section 5.2

This policy applies to employees, contractors, consultants, and other workers at the City of Kingsville, including all personnel affiliated with third parties. This policy applies to all equipment owned or leased by City of Kingsville.

4. Policy

4.1 General Use and Ownership

- 4.1.1 *City of Kingsville proprietary information stored on electronic and computing devices whether owned or leased by the City of Kingsville, the employee, contractor, consultant or a third party, remains the sole property of City of Kingsville. Employees contractors, and consultants must ensure through legal or technical means that proprietary information is protected in accordance with generally accepted data protection standards.*
- 4.1.2 *Employees contractors, and consultants have a responsibility to promptly report the theft, loss or unauthorized disclosure of City of Kingsville proprietary information.*
- 4.1.3 *Employees contractors, and consultants may access, use or share City of Kingsville proprietary information only to the extent authorized and necessary to fulfill assigned job duties.*
- 4.1.4 *Employees contractors, and consultants are responsible for exercising good judgment regarding the reasonableness of personal use. Individual departments are responsible for creating guidelines concerning personal use of Internet/Intranet/Extranet systems. In the absence of such policies, employees should be guided by departmental policies on personal use, and if there is any uncertainty, employees should consult their supervisor or manager. Contractors and consultants should contact the City's IT Department with any questions.*
- 4.1.5 *For security and network maintenance purposes, authorized individuals within the City of Kingsville may monitor equipment, systems, and network traffic at any time*
- 4.1.6 *City of Kingsville reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.*

4.2 Security and Proprietary Information

- 4.2.1 All mobile and computing devices connecting to the internal network must abide by generally accepted baseline security standards (ie., Current anti-virus software, application of good judgement when downloading files or opening attachments from unknown sources).
- 4.2.2 System level and user level passwords must comply with the standard operating procedures (SOP's) and guidelines as set forth by the City's IT Department. Providing access to another individual, either deliberately or through failure to secure its access, is prohibited.
- 4.2.3 All electronic and computing devices must be secured as per IT Department SOP's and guidelines with a password-protected screensaver with the automatic activation feature. You must lock the screen or log off when the device is unattended.
- 4.2.4 Postings by employees from a City of Kingsville email address to newsgroups should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of City of Kingsville, unless posting is in the course of business duties.
- 4.2.5 Employees must use extreme caution when opening e-mail attachments received from unknown senders, as they may contain malware.
- 4.2.6 Working Off-Site
 - 1. It is accepted that laptops and mobile devices will be taken off-site.
 - 2. Working away from the office must be in line with City of Kingsville policies.
 - 3. Equipment and media taken off-site must not be left unattended in public places and not left in sight in a car.
 - 4. Laptops must be carried as hand luggage when travelling.

5. Information should be protected against loss or compromise when working remotely (for example at home or in public places). Laptop encryption must be used.
6. Particular care should be taken with the use of mobile devices such as laptops, mobile phones, smartphones, and tablets. They must be protected at least by a password or a PIN and, where available, encryption.

4.2.7 Mobile Storage Devices

1. Mobile devices such as memory sticks, CDs, DVDs and removable hard drives must be used only in situations when network connectivity is unavailable or there is no other secure method of transferring data.
2. Only City of Kingsville authorized mobile storage devices with encryption enabled (when applicable) must be used, when transferring sensitive or confidential data.

4.2.8 Software

1. Employees contractors, and consultants must use only software that is authorized by the City of Kingsville on City computers and electronic devices.
2. Authorized software must be used in accordance with the software supplier's licensing agreements.
3. All software on City of Kingsville computers must be approved and installed by the City of Kingsville IT Department unless an exception is provided under Section 5.2.
4. Individuals must not store personal files such as music, video, photographs or games on City of Kingsville equipment.

4.3 Unacceptable Use

The following activities are, in general, prohibited. Employees may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g., IT staff may have a need to disable the network access of a host if that host is disrupting production services).

Under no circumstances is an employee of City of Kingsville authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing City of Kingsville -resources.

The lists below are by no means exhaustive, but attempt to provide a framework for activities which fall into the category of unacceptable use.

4.3.1 System and Network Activities

The following activities are strictly prohibited, with no exceptions:

1. Violations of the rights of any person or city protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by City of Kingsville.
2. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which City of Kingsville or the end user does not have an active license is strictly prohibited.
3. Accessing data, a server or an account for any purpose other than conducting City of Kingsville business, even if you have authorized access, is prohibited.
4. Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The appropriate management should be consulted prior to export of any material that is in question.
5. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).

6. Revealing your account password to others or allowing use of your account by others. This includes family and other household members when work is being done at home.
7. Using a City of Kingsville computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws.
8. Making fraudulent offers of products, items, or services originating from any City of Kingsville account.
9. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
10. Port scanning or security scanning is expressly prohibited unless prior notification to City of Kingsville IT Department is made.
11. Executing any form of network monitoring which will intercept data not intended for the employee's host, unless this activity is a part of the employee's normal job/duty.
12. Circumventing user authentication or security of any host, network or account.
13. Introducing honeypots, honeynets, or similar technology on the City of Kingsville network.
14. Interfering with or denying service to any user other than the employee's host (for example, denial of service attack).
15. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet/Extranet.
16. Providing information about, or lists of, City of Kingsville employees to parties outside the City of Kingsville.

4.3.2 Email and Communication Activities

When using city resources to access and use the Internet, users must realize they represent the City. Whenever employees state an affiliation to the City, they must also clearly indicate that "the opinions expressed are my own and not necessarily those of the City of Kingsville". Questions may be addressed to the Legal Department regarding content of email communications.

1. Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam).
2. Any form of harassment via email, telephone or paging, whether through language, frequency, or size of messages.
3. Unauthorized use, or forging, of email header information.
4. Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.
5. Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type.
6. Use of unsolicited email originating from within City of Kingsville 's networks or other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by City of Kingsville or connected via City of Kingsville 's network.
7. Posting the same or similar non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam).

4.3.3 Blogging and Social Media

1. Blogging or social media use by employees contractors, and consultants, whether using City of Kingsville's property and systems or personal computer systems, is also subject to the terms and restrictions set forth in this Policy. Limited and occasional use of City of Kingsville 's systems to engage in blogging is acceptable, if it is done in a professional and responsible manner, does not otherwise violate the City of Kingsville's policy, is not detrimental to City of Kingsville's best interests, and does not interfere with an employee's regular work duties. Blogging from City of Kingsville's systems is also subject to monitoring.
2. City of Kingsville's Confidential Information policy also applies to blogging. As such, Employees are prohibited from revealing any City of Kingsville confidential or proprietary information, trade secrets or any other material covered by City of Kingsville's confidentiality policies or procedures_when engaged in blogging.
3. Employees, contractors, and consultants shall not engage in any blogging that may harm or tarnish the image, reputation and/or goodwill of City of Kingsville and/or any of its employees. Employees, contractors, and consultants are also prohibited from making any discriminatory, disparaging, defamatory or harassing comments when blogging or otherwise engaging in any conduct prohibited by City of Kingsville's No Harassment Policy.
4. Employees, contractors, and consultants may also not attribute personal statements, opinions or beliefs to City of Kingsville when engaged in blogging. If an employee, contractor, or consultant is expressing his or her beliefs and/or opinions in blogs, they may not, expressly or implicitly, represent themselves as an employee or representative of the City of Kingsville. Employees, contractors, and consultants assume any and all risk associated with blogging.
5. Apart from following all laws pertaining to the handling and disclosure of copyrighted or export controlled materials, City of Kingsville's trademarks, logos and any other City of Kingsville intellectual property may also not be used in connection with any blogging activity

5. Policy Compliance

5.1 Compliance Measurement

The City of Kingsville IT Department is tasked with the responsibility of conducting testing to verify compliance with this policy. Various methods, including but not limited to, business tool reports, internal and external audits, and feedback to the policy owner may be utilized.

5.2 Exceptions

Any exception to the policy in order to conduct City business must receive approval by the City of Kingsville IT Department in advance.

5.3 Non-Compliance

An employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment. A contractor or consultant found to have violated this policy may be subject to suspension of service or other action, up to and including termination of relationship with the City.

6. Related Departmental Standard Operating Procedures (SOP's) and Guidelines

The City of Kingsville IT Department shall issue further clarification by way of departmental standard operating procedures and guidelines to assist employees in complying with this Acceptable Use Policy.

- Password Protection SOP
- Password Construction Guidelines

7. Definitions and Terms

- Blogging- website containing a writer's or group of writers' own experiences, observations, opinions, etc., an often having images and links to other websites.
- Honeypot- Programs that simulate one or more network services that you designate on your computer's ports. An attacker assumes you're running vulnerable services that can be used to break into the machine. A honey pot can be used to log access attempts to those ports including the attacker's keystrokes. This could give you advanced warning of a more concerted attack.
- HoneyNet- a network set up with intentional vulnerabilities; its purpose is to invite attack, so that an attacker's activities and methods can be studied and that information used to increase network security. A honeyNet contains one or more honey pots.
- Proprietary Information- Proprietary information is that information unique to a company and its ability to compete, such as customer lists, technical data, product costs, and trade secrets.
- Spam- Electronic junk mail or junk newsgroup postings.

Approved: May 8, 2017

CHAPTER 9

DISCIPLINARY & DISPUTE RESOLUTION

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POLICY NO. 910.00 DISCIPLINARY PROCESS

It is the policy of the City to maintain an effective, productive, and disciplined work force in order to deliver quality and adequate services to the citizens of Kingsville. Each Employee is responsible for performing his job in a safe, productive, and effective way and within the instructions and standards established by his/her Department Director. In addition, Employees are expected to maintain acceptable standards of conduct in their employment. Department Directors are responsible for instructing Employees in job duties and responsibilities and communicating performance standards for the job. Department Directors accomplish this through job orientation, job instruction, coaching and informal discussions with the Employee.

This policy applies to non-probationary full time Employees. Those Employees governed by the provisions of Chapter 143 of the Texas Local Government Code (Civil Service), the City Manager, City Attorney, Municipal Judge, persons employed by an employment agreement signed by the City Manager, probationary, temporary, and seasonal Employees shall be exempted for the application of this policy, unless specifically stated otherwise herein. However, an opportunity for a response and hearing shall be afforded such Employees when the conduct charged has been publicized by the City to the extent that the reputation of the Employee is brought into dispute or the conduct charged constitutes the exercise of a constitutional right. The purpose of this policy is to give direction to Department Directors only. It confers no contractual or property rights upon any Employee, and all Employees are employed strictly on an at-will basis.

Procedures

These administrative procedures are established to provide appropriate guidelines in carrying out the policies of the City regarding the progressive disciplinary program. They are intended to address general application of the principles of disciplinary actions in typical situations. Disciplinary actions should recognize the importance of the City's responsibility to provide quality service delivery to the citizens. These procedures address a broad range of performance of duties and conduct problems. However, they are not intended to address every problem or situation which might arise. It is the responsibility of the Department Director to determine the nature, extent, facts and circumstances in each disciplinary action and use judgment in the application of these policies and procedures.

If an Employee demonstrates unsatisfactory performance of duties or unsatisfactory conduct problems, disciplinary actions are designed to help the Employee correct the problem and build a renewed commitment to the City and his job in an equitable and consistent manner.

Definitions for purposes of these Procedures shall be as follows:

Whenever the terms "Director of Human Resources or designee" or "authorized representative of the Department of Human Resources" are used, they shall mean the Director of Human Resources or, upon his absence or act of designation, the Human Resources Coordinator.

Whenever the term "Department Director" is used, it shall mean that person who is responsible for hiring the Employee and administering performance evaluations and disciplinary actions for that Employee.

General Criteria Governing Disciplinary Action

The Department Director may consider the following criteria in determining what disciplinary action is to be taken:

- Severity and kind of offense(s)
- Impact of the offense(s) on other Employees, the City and citizens
- Employee's length of service and work record

- Period of time since discussion with the Employee about a similar problem or recent disciplinary action for the same or similar problem

All or a combination of the following disciplinary measures may be taken depending upon the particular circumstances surrounding the Employee's conduct.

If a Department Director determines that the nature, severity and impact of the Employee's action(s) require severe disciplinary action, he should thoroughly investigate the situation, discuss it with and obtain approval of the Director of Human Resources prior to taking any action.

Responsibility and Authority Regarding Disciplinary Action

Department Directors are responsible for enforcing all City policies and procedures, accomplishing the goals and objectives of a division or department and maintaining the work performance, attendance and conduct standards among their Employees. They are vested with the authority to take appropriate disciplinary action under the directions and guidelines set forth in these procedures.

- The City Manager or Department Director or designated supervisor may issue an oral or written reprimand to an Employee under his responsibility, place an Employee on an Employee Action Plan, suspend an Employee without pay, or dismiss an Employee.
- Prior to any disciplinary action being administered, the Department Director will conduct a thorough examination of the situation before deciding to take any disciplinary action.
- All proposed disciplinary progress periods, suspensions or terminations shall be reviewed by the Director of Human Resources or his designee prior to any formal action being taken.
- All disciplinary actions for written reprimands, suspensions, Employee Action Plans and terminations will be properly documented, substantiating the action being taken and copies of documents required by this policy will be included in the Human Resources Department files.
- If a serious problem arises endangering the safety, health, or life of the Employee, another Employee, or citizen, the Department Director will immediately notify the City Manager and the Director of Human Resources. The City Manager has the authority to immediately place the Employee on administrative leave with or without pay. This will allow time to investigate, determine appropriate action and discuss alternate actions prior to formal action being taken.
- The City Manager and Assistant City Manager shall have authority to discipline a Department Director, or other direct reporting subordinate.

Examples of Conduct Subject to Disciplinary Action

Coaching and informal discussions are everyday responsibilities performed by Department Directors to ensure Employees are performing their jobs and conducting themselves in an acceptable manner. If a work performance, attendance, or conduct problem arises, the Department Director may coach and informally discuss the problem with the Employee. The objective is to assist the Employee in recognizing that a problem exists and develop effective solutions to correct the problem. Normally, the Employee corrects most problems in this manner. However, when informal discussions fail to bring about the appropriate changes in the Employee's behavior, formal disciplinary action may be taken.

The following actions are intended to be descriptive of reasons for disciplinary action and serve only as a guide to the types of problems for which disciplinary action, up to and including termination, may be appropriate. This listing is not intended to be exhaustive or exclusive of the types of conduct for which disciplinary action may be taken:

A. Work Performance

1. Sleeping (excluding shift firefighters) or engaging in unauthorized personal business during work hours;
2. Insubordination, the failure or refusal to comply with a supervisor's direction or instructions unless such directions or instructions are illegal, a violation of City policy, or endangering the life of another person, or damaging property;
3. Failure to appropriately respond in an emergency situation;
4. Failure to properly maintain prescribed records;
5. Failure to comply with City safety policies or procedures;

6. Failure to immediately report an accident on City premises involving an on the job injury or property damage, or an accident in which the employee is involved;
7. Incompetence, neglect of duty, negligence in the performance assigned duties, or unsatisfactory performance of essential or assigned job duties;
8. Concealing, falsifying, altering, misusing, or removing City files or records, including but not limited to time records and work records (paper, electronic, or otherwise);
9. Failure to accurately record time records, or recording the time of another employee;
10. Defrauding or attempting to defraud City of goods, services or money;
11. Giving false information to other agencies or to employees responsible for recordkeeping, failure to provide accurate and complete information whenever such information is required by an authorized person;
12. Making or reporting false claims;
13. Providing false testimony or information, or withholding information in the course of an official investigation, failure to provide statement or testimony or evidence in the course of an official investigation, failure to corroborate with and official investigation;
14. Failure to immediately report or disclose a violation of the law or a City policy to the appropriate supervisor, department director or the Human Resource Department;
15. Providing City files or records (paper, electronic or otherwise) to unauthorized persons;
16. Sharing a City key, identification card or passwords or codes with another employee or third party;
17. Unauthorized use or misuse of City funds, property or personnel;
18. Failure to treat other employees and the public in a courteous, productive, and respectful manner;
19. Failure to follow prescribed rules and regulations;
20. Violation of a City policy or procedure;
21. Conduct that brings discredit to the City;
22. Engaging in any conduct on or off the job, or on or off duty, that adversely affects the employee's credibility, effectiveness, or ability to perform the duties and responsibilities of the position held;
23. Threatening, intimidating, coercing, or interfering with another employee or supervisor at any time;
24. Failure to report for scheduled overtime work;
25. Making false statement or claims, or making misrepresentation to obtain sick leave, accident benefits, workers' compensation benefits, or other benefits;
26. Distracting the attention of other, or causing confusion by unnecessary shouting or demonstration on the job;
27. Boisterous or disruptive activity in the workplace;
28. Use of profane, abusive, or loud/boisterous language in the workplace;
29. Hindering, limiting or interfering with another employee's work;
30. Inability to work scheduled hours/days;
31. Working overtime without the City's prior approval;
32. Failure to inform the supervisor when leaving the work area for work break or meal period, or failure to report back to the work area at the conclusion of a work break or meal period, if requested by supervisor;
33. Use of another's computer sign-on or computer access code(s), or providing an individuals sign on or computer access code to a third party without proper authorization to gain unauthorized access to confidential or privileged information; and/or;
34. Engaging in any harassing or discriminatory conduct or conduct that violates another person's right or privacy.
35. Possession of, accessing, or viewing of offensive material while on duty or in the workplace.
36. Failure to meet or maintain specified conditions of employment, such as failure to obtain or maintain a license or certificate required as a condition for performing a job.
37. Engaging in unbecoming conduct, either on duty or in the workplace.

B. Attendance and Punctuality

1. Repeated tardiness, unexcused or excessive absenteeism, or absences which exhibit a pattern or trend;
2. Failure to report promptly to work at the scheduled starting time or leaving work before the scheduled quitting time, without specific approval of the supervisor;
3. Failure to observe the time limits and scheduling of meal, rest or other authorized breaks;
4. Failure to promptly notify the supervisor on each day of absence, unless such notice requirement is waived; and/or
5. Any unauthorized absence of three (3) or more workdays without notifying the supervisor.

C. Use of Property

1. Use of City Personnel, property, equipment or supplies for personal use or for other than approved activities;
2. Unauthorized posting or removing of notices or items from City bulletin boards;
3. Willful or intentional damage to City property, misappropriation, negligent or reckless use of City property; and/or
4. Unauthorized entry to City property, including entry outside of assigned hours of work or entry to restricted areas.

D. Employee Actions and Appearance

1. Fighting with, threatening, injuring, or attempting to injure another person;
2. Using abusive language towards employees, or other persons;
3. Unauthorized possession of weapons;
4. Making false or malicious statements concerning another employee, citizen, or the City;
5. Exhibiting the signs of being under the influence of alcoholic beverages or illegal drugs during working hours; the use of alcoholic beverages or illegal drugs during working hours; Illegal possession, use or sale of drugs on or off the job;
6. Illegal use of legal drugs;
7. Reporting for work under the influence of alcoholic beverages or illegal drugs;
8. Discrimination on the basis of race, sex, age, religion, national origin, citizenship, disability or veteran status;
9. Taking an adverse personnel action against an employee in retaliation for disclosing alleged wrongful conduct;
10. Falsification of resume or false or misleading statement in employment application materials or omission of material factual information;
11. Misrepresentation to obtain employment with the City;
12. Engaging in work activities for personal gain while on City time, including work performed while on sick leave, workers' comp leave or other paid City time;
13. Conviction of a felony;
14. Smoking or using tobacco products in other than designated areas;
15. Carrying, possession, or use of firearms, explosives, or other weapons while on duty or during work hours or on City premises, except when authorized in connection with City employment;
16. Soliciting or canvassing of employees during working hours except for work related reasons;
17. Gambling of any type on City premises;
18. Commission of any crime on City premises, such as theft of City property or private property from City premises, willful or intentional damage to City property or private property on City premises, possession of alcoholic beverages, illegal drugs, explosives, gambling devices or items, weapons on City premises except when authorized by law;
19. Charging personal long distance phone calls to the City;
20. Reading another employee's mail, correspondence, or email without express permission except as otherwise authorized by personnel policy
21. Listening to another employee's voice mail without express permission except as authorized by the personnel policy;
22. Giving false or misleading information to obtain a leave of absence;
23. Failure to comply with the uniform or dress code policy, including the wearing of identification badges and/or name tags;
24. Unauthorized or improper use of possession of uniforms, identification cards or badges; and/or
25. Failure to exercise good judgment, or being discourteous in dealing with another employee or the general public.
26. Preventable accidents see Driving Policy # 880.

Disciplinary Procedures

The following disciplinary process outlined below may be applied to an Employee whose performance of duties or personal conduct is unsatisfactory. These disciplinary procedures are not intended to establish a policy of progressive discipline and shall in no way prevent the Department Director from taking appropriate disciplinary action when the severity of the violation(s) warrants such action. The following are intended to be descriptive and serve only as a guide to the types of disciplinary responses which may be appropriate. This listing is not intended to be exhaustive or exclusive:

Reprimands

Oral Reprimand

- The Department Director shall discuss the situation with the Employee in private and make every effort to discover the reason(s) for the Employee's performance and advise the Employee of the necessary changes in his behavior to correct the problem.
- A report concerning the discussion and specific actions and agreements to correct the problem will be prepared by the Department Director for inclusion in the Employee's personnel file. (Appendix H-1)

The reprimand shall remain in the employee's personnel file.

Written Reprimand

The written reprimand (Appendix H-2) shall be issued by the Department Director when the Employee has demonstrated an inability to perform his job duties, or has had more than two unexcused absences or personal conduct problems. An Employee who demonstrates significant inability to perform his duties or a serious personal conduct problem may be issued a written reprimand without having been issued an oral reprimand or having discussed the problem with the Department Director. It is recommended that a written reminder or reprimand include the following information:

- The reason for the reprimand, including previous oral reprimands or informal discussion for the same or other violations.
- The effective date or dates of the reprimand.
- The specific change in behavior expected by the Department Director.
- The time frame allowed for improvement to occur.

A copy of the report shall be forwarded immediately to the Employee's official file in the Human Resources Department, the City Manager and the Employee.

Disciplinary Progress

Differences in the nature of the work unit, type of work performed, the type of performance problem and the severity of the impact on the organization, may require that different disciplinary actions be available that are responsive to both the needs of the Employees and the needs of the organization.

When the job performance of an Employee falls below the acceptable level, Department Directors should point out deficiencies to the Employee at the time they are observed. An Employee who continues to perform below the acceptable level may be placed on a formal program designed to improve performance. The Department Director should communicate this to the Employee orally and by presenting him with a memorandum (Employee Action Plan) including the following:

- The specific deficiencies observed in the Employee's performance of duties.
- The actions necessary to bring about improvement.
- The period of time in which improvement must occur.
- The specific dates and times during this period at which the Department Director shall meet with the Employee and discuss his progress in improving his performance.
- What further action will result if the Employee fails to show satisfactory improvement?

The Employee Action Plan should be signed by both the Employee and the Department Director. The Employee should understand that his signature indicates receipt of the document only, not necessarily acceptance of its contents. If the Employee refuses to sign, the Department Director should have a witness sign that a copy was given to the Employee. The original Employee Action Plan shall be placed in the Employee's permanent personnel file maintained in the Human Resources Department, and a copy given to the Employee.

If an Employee fails to demonstrate the necessary improvement as required in the Employee Action Plan upon completion of the disciplinary progress period, the Department Director may reassign, demote or dismiss the Employee.

If an Employee demonstrates sufficient improvement as required in the Employee Action Plan, the Department Director will discuss the improvements with the Employee and monitor the Employee's performance.

Nothing shall preclude a Department Director from proposing disciplinary action when an Employee commits an act of serious personal misconduct even though the Employee is completing an Employee Action Plan.

Suspension without Pay

- A Department Director may recommend a suspension without pay for up to 30 days. In determining the length of the suspension, the Department Director should consider the nature and severity of the conduct, impact on the organization and previous disciplinary actions. No disciplinary suspension or combination of suspensions will exceed 30 working days in a 12-month period. All proposed suspensions without pay will require the approval of the City Manager.
- Before an Employee is suspended, notice of the proposed disciplinary action shall be given to the Employee. The Employee may respond to the Department Director proposing the suspension within two (2) working days. While the response may be in oral or written form, the Department Director shall ensure that a face-to-face meeting with the Employee occurs to review the response, giving the Employee the opportunity to present facts on his behalf. After such response is made, the Department Director shall consider the response and render a written decision to the Employee.
- Even if the Employee fails to respond, he may be suspended without pay on the next day following the expiration of two (2) working days from the date of service of the notice of disciplinary action or as soon thereafter as determined convenient for the Department by the Department Director and as approved by the Director of Human Resources.
- In the event the Employee chooses to respond, and after reviewing the testimony and evidence presented by the Employee, if the Department Director decides the proposed suspension remains appropriate, the Employee shall be suspended without pay.
- An Employee who is suspended may request a hearing to review the action in accordance with the TEAM Review Process, even if he did not choose to respond to the proposed action.

Termination

A Department Director may propose that the Employee be dismissed from employment with the City. A Department Director proposing a dismissal must provide clear, specific and detailed justification for an action of dismissal. All dismissals will be reviewed by the Director of Human Resources and the City Attorney prior to action. The City Manager shall have final approval on all terminations.

With the exception of terminations that implicate an Employee's rights under the United States Constitution, upon the concurrent approval of the City Manager and City Attorney, after consultation with the Director of Human Resources, the City Manager may deviate from any or all of these procedures and summarily dismiss any Employee at any time for any reason or for no reason, with or without a hearing.

Probationary Employees

A probationary Employee may be disciplined or dismissed for any reason or for no reason without being afforded a hearing.

Approved: August 28, 2006

POLICY NO. 920.00 DISCIPLINARY ACTION HEARING AND APPEAL

It is the policy of the City to give individual employees an opportunity for a hearing regarding, disciplinary, suspensions or demotions. TEAM Review hearings as provided in Policy No. 940 TEAM Review Process are designed to be heard according to prescribed guidelines. The TEAM Review process is designed to afford the employee a responsive forum to guard against biased or arbitrary decisions, and to provide a forum for a name clearing hearing; however, nothing in this policy shall be construed as a grant to any employee of a property right in public employment. All employees are employed strictly on an at-will basis.

Those employees governed by the provisions of Chapter 143 of the Texas Local Government Code (i.e. Civil Service Employees) and probationary Employees shall be exempted from the application of this policy, unless specifically stated otherwise herein. However, an opportunity for a response and hearing shall be afforded such employees when the conduct charged has been publicized to the extent that the reputation of the employee is brought into dispute or the conduct charged constitutes the exercise of a constitutional right.

Hearing and Appeal Procedures**Hearing Information**

- Since it is important that TEAM Review hearings be resolved as rapidly as possible, time limits, as set out in the following paragraphs, shall be considered a maximum and every effort shall be made to expedite the process. However, the limits may be extended or shortened at any or all steps if both parties agree in writing. In the event either party cannot agree, the Director of Human Resources shall have the discretion to shorten or extend the time limits. In the event the last day of a time limit falls on a weekend or a City holiday, the time limit shall include the next working day. In all instances, consecutive working days will be counted (excluding Saturday, Sunday, and City holidays) in arriving at the length of the time interval. Under no circumstances shall any failure to meet any time limit affect the validity or finality of the event for which a hearing is sought.
- All requests for TEAM Review hearings must be in writing on forms provided by the Human Resources Department, and must be filed with the Human Resources Department. All decisions rendered in response to TEAM Review hearings must be in writing to the employee, either in memorandum or letter format.
- An employee who requests a TEAM Review hearing must inform the Human Resources Department in writing of his correct mailing address and telephone number. Failure to provide current mailing address and telephone information may result in administrative closure of the TEAM Review hearing.

Hearing Process

- An employee who has been demoted or suspended may request a hearing in accordance with the TEAM Review Process. If the chosen panel member played a role in the disciplinary action proposed, the Director of Human Resources will assign a different panel member. A director shall be presumed to have played a role in the disciplinary action if he:
 - Discussed the details of the proposed disciplinary action with the employee or any supervisor in the chain of command;
 - Approved the disciplinary action; or
 - Personally imposed the disciplinary action.
- Nothing shall prevent a Department Director from acting as a panel member for an employee's hearing if he has merely been informed of the type of disciplinary action imposed against the employee.
- The employee must make the request for the hearing in writing within 10 working days after receiving notification of an action taken. The written request must set forth the specific reasons why the employee feels the action is not justified.
- A request for a TEAM Review hearing shall commence at Step 2 of the TEAM Review process.
- A hearing will be conducted within 30 days of the employee's request for a hearing, unless an extension is agreed upon by both parties as described in this policy.

- Upon conclusion of the hearing, the TEAM Review panel will make a final decision recommendation to the City Manager and have a final action concluded within ten (10) working days. Upon concurrence by the City Manager, the Human Resources Director will communicate the decision in writing to the employee, the employee's supervisor and others with the need to know in the chain of command.

Approved: August 28, 2006

POLICY NO. 930.00 COMPLAINT RESOLUTION PROCEDURES FOR PERSONS WITH DISABILITIES

Persons who believe the City is not in compliance with the Americans with Disabilities Act of 1990 (ADA) may file complaints with the Human Resources Department. (See "Americans with Disabilities Act of 1990" policy.)

Requests for services, questions, concerns, and/or complaints regarding the accessibility of City facilities, services, programs, and/or activities may be filed by calling the City's Human Resources Department. If a complaint is not resolved through informal channels, a written complaint may be filed. The Human Resources Director or designee will investigate complaints and respond to the complainant in writing. If the complainant is not satisfied with the outcome of the investigation, a written request for further review by the City Manager's Office must be submitted to the Human Resources Director within ten (10) working days after receipt of the Human Resources Director's response. The City Manager or designee will review the matter and prepare a final written response which will be sent to the complainant as soon as practicable.

Applicants with disabilities may file complaints with the Human Resources Department. Complaints will be processed in accordance with the City's TEAM Review Process.

Employees with disabilities may file complaints with the Human Resources Department. Complaints will be processed in accordance with the TEAM Review Process.

Approved: August 28, 2006

POLICY NO. 940.00 THE EMPLOYEE ACHIEVEMENT & MANAGEMENT REVIEW POLICY

THE EMPLOYEE ACHIEVEMENT & MANAGEMENT REVIEW POLICY (TEAM REVIEW PROCESS) DOES NOT PROVIDE LEGAL RIGHTS TO EMPLOYEES. ONLY THE CITY COMMISSION, IN ENACTING THE CITY CHARTER AND CODE, MAY CONFER RIGHTS TO EMPLOYEES. THESE PROCEDURES ARE DRAFTED FOR THE PURPOSE OF IMPLEMENTING THE KINGSVILLE CITY CODE.

THE TEAM REVIEW PROCESS SERVES AS GUIDELINES FOR THE ORDERLY PROCESSING OF GRIEVANCES AND DISCRIMINATION COMPLAINTS. THE HUMAN RESOURCES DIRECTOR MAY WAIVE PROCEDURAL RULES FOR GOOD CAUSE. FAILURE OF THE CITY TO STRICTLY FOLLOW THE GUIDELINES DOES NOT PREVENT THE CITY FROM IMPOSING DISCIPLINE ON EMPLOYEES, UP TO AND INCLUDING TERMINATION.

It shall be the policy of the City of Kingsville to give eligible employees an opportunity to discuss their grievances and discrimination complaints with their supervisors in order to reach a mutually satisfactory resolution as soon as possible. In the presentation of grievances and discrimination complaints, employees are assured of freedom from restraint, interference, discrimination or reprisal. Resolutions may be negotiated at any step throughout the TEAM Review Process.

City Employees who have successfully completed their initial probationary period and who are not employed in a temporary status may file grievances and complaints. Some employees are excluded from coverage under these procedures (see Exclusions provision).

The Human Resources Director shall be responsible for ensuring that grievances and discrimination complaints are processed in accordance with established procedures. Decisions pertaining to the application, interpretation and

implementation of these procedures shall be made by the Human Resources Director after consultation with the City Attorney.

A grievance is a formal protest of an action other than oral and written reprimands, disciplinary dismissal, demotion or suspension which results in an alleged personal harm.

A Disciplinary Review is a formal protest of a disciplinary action imposed on an employee consisting of a dismissal, demotion, or suspension. The elements of an Employee Action Plan, verbal counseling, or an oral or written reprimand are not subject to the TEAM Review process.

A discrimination complaint is a grievance which states that the alleged personal harm, other than disciplinary dismissal, demotion, or suspension is the result of disparate (unequal) treatment based upon race, color, national origin, gender, age, religion, sexual orientation and/or disability.

Any discrimination complaint shall be construed as being a claim against the City of Kingsville. Each complaint, unless determined by the City Attorney to be facially invalid, shall be investigated as if it were a claim. The Human Resources Director shall investigate the complaint for review by the City Attorney.

All discrimination complaints shall be filed directly with the Human Resources Director, and the resolution process shall begin at Step 2.

Applicants with disabilities may file complaints with the Human Resources Director in accordance with the City's "Complaint Resolution Procedures for Persons with Disabilities" Policy.

The TEAM Review Process

Filing a Grievance or Complaint

The aggrieved employee must contact the Human Resources Director within five (5) working days of the occurrence of the matter aggrieved or within five (5) working days after the employee first learned about the incident. A meeting will be convened to discuss the employee's concerns, to determine eligibility, and to explain the process and provide the documents needed to file a grievance or complaint. (Appendix I-1)

Step 1: Department Director

A completed Grievance/Appeal Report form shall be delivered to the Department Director within five (5) working days after meeting with the Human Resources Director.

The Department Director shall have ten (10) working days to gather the facts, attempt to secure a resolution and respond in writing. Fact-gathering responsibilities shall rest with the Department Director. Attempts should be made to settle the problem within the department if deemed reasonable and appropriate.

The Department Director should meet with the aggrieved employee to discuss the issues being contested before a written response is prepared.

If the Department Director successfully resolves the problem, the settlement shall be written by the Department Director and signed by all parties, copies of which shall be distributed to the aggrieved employee, Department Director and Human Resources Department along with the appropriate copy of the Grievance/Appeal Report form. The complete file shall be maintained by the Human Resources Department.

Step 2: Human Resources Department

If the grievance is not resolved at Step 1, the employee shall deliver the Grievance/Appeal Report form, along with the Step 1 response, to the Human Resources Department within two (2) working days after receipt of Step 1 response.

An employee who requests a Disciplinary Review must make the request for the hearing in writing within ten (10) working days after receiving notification of a disciplinary action being imposed.

The Human Resources Director shall have ten (10) working days to conduct additional fact-gathering and attempt to resolve the issues.

In the event the employee has failed to direct his grievance or complaint to the applicable Department Director, the Human Resources Director shall direct and arrange for the employee to complete Step 1. However, should the Human Resources Director determine that the employee, or other relevant parties or witnesses, will not proceed with TEAM Review process for fear of retaliation, reprisals, or intimidation, then upon such a finding, Step 1 shall be waived. The Human Resources Director shall consult with the City Manager and City Attorney for authorization to alter, suspend, or modify the process upon granting such a waiver.

In those cases where it appears that the Human Resources Director may alter the Department's decision, the Department Director and the aggrieved employee shall meet with the Human Resources Director to discuss and clarify the facts. This meeting shall be convened within the ten (10) working days allotted for Step 2.

If the Human Resources Director alters the department's decision to the satisfaction of the employee, a resolution statement will be prepared, signed by all parties and distributed with the appropriate copy of the Grievance/Appeal Report form to the aggrieved employee, Department Director and Human Resources Department which shall maintain a complete case file.

Step 3: TEAM Review Panel (Disciplinary Review, Grievances and Complaints)

Failure to resolve the employee's grievance or discrimination complaint results in his option to proceed to Step 3 or discontinue the grievance or discrimination complaint. If the employee decides to proceed, the employee must contact the Human Resources Department in writing within five (5) working days after receipt of the Step 2 response to request that the Human Resources Director convene TEAM Review Panel (the "Panel").

The Human Resources Director shall schedule and convene the Panel as soon as practical.

Either party may request a rescheduling of the hearing by notifying the Human Resources Department as soon as possible prior to the time of the hearing. If, in the Human Resources Director's judgment, the request is reasonable, the hearing will be rescheduled. If, in his judgment, the request is not deemed reasonable, the issue will be submitted to the Panel, which may administratively suspend or terminate the TEAM Review process. In no event shall the TEAM Review process be suspended for longer than 90 days. Expiration of 90 days shall result in automatic termination of Disciplinary Review process, the grievance, or the discriminatory complaint.

If an employee does not cooperate with the hearing scheduling process by failing to attend a scheduled hearing without notice or by failing to provide information needed to schedule a hearing, that employee's disciplinary review, grievance or discrimination complaint may be administratively closed by the Human Resources Director.

Hearing Procedures

1. The Panel shall only consider the issues contained in the employee's Grievance/Appeal Report form and the rationale for the action taken. Evidentiary information presented at the hearing by either party must directly relate to those issues. The Panel shall receive a copy of the employee's Grievance/Appeal Report form, the Step 1 and 2 responses, and the action being grieved.
2. Hearings may be tape-recorded by either party (using their own equipment) or the Panel; otherwise, hearings will not be tape-recorded.
3. The Panel shall select a member to preside over and direct the hearing (the "Chairman") and will be compensated for their time at the hearing.
4. The Panel may question all the evidence presented in order to clarify factual statements and to ensure their understanding of the points being presented.
5. Each party may question statements, evidence and testimony.
6. The Panel shall adjourn the hearing after both parties complete their presentations.

7. Within ten (10) working days after the hearing or as soon thereafter as practicable, the Chairperson shall submit the Panel's written findings and recommendations to the City Manager.
8. Upon receipt of the findings and decision from the City Manager, the Human Resources Director or designee shall forward copies of the findings and recommendations of the Panel, as implemented by the City Manager, to the aggrieved employee, Department Director, Panel members and Human Resources Director along with the appropriate copies of the Grievance/Appeal Report form. The grievance and discrimination complaint process shall be concluded.

Findings and Recommendations

1. Panel findings and recommendations shall be based upon a preponderance of the evidence (i.e., by the greater weight of the evidence presented).
2. The Department shall have the burden of proof, by a preponderance of the evidence, to show that just and reasonable cause for the action taken was present.
3. If the employee alleges that discrimination was the basis of the action taken by the department, the burden of proof shall rest upon the employee who must establish by a preponderance of the evidence that discrimination has taken place.
4. If the Panel determines that the City's action is not sustained, the Panel shall recommend an appropriate course of action for the City Manager's consideration. If the Panel determines that the City's action is sustained, the Panel shall recommend that the department's action be upheld.
5. Such recommendations shall be limited to a statement of whether the Panel finds that the City's action is sustained or not sustained, and the corrective action which the Panel recommends. The Panel may, in its discretion, recommend that an employee be awarded part or all of any pay lost due to suspension without pay when the Panel finds that such action would be appropriate.

Step 4: City Manager Review

The Human Resources Director shall send the case file to the City Manager within five (5) working days after the Panel's determination and recommendation is final. At the discretion of the City Manager, a meeting may or may not be convened with the employee.

The City Manager will review the Panel's findings and recommendations and will determine whether to accept, modify or reject the Panel's recommendations. The City Manager's decision will be final and forwarded to the Human Resources Department.

Upon receipt of the decision of the City Manager, the Human Resources Director shall forward copies of the Panel's findings and recommendations, and the decision by the City Manager, to the employee (and representative, if applicable), Department Director, the Panel members, and the Human Resources Department which shall maintain a complete case file and the review process shall be concluded.

Provisions Pertaining to Response Deadlines

If the employee fails to pursue a grievance or complaint within the time limits set forth under Step 1, 2, or 3, the grievance or complaint shall be considered settled, based upon the last answer given by the supervisory representative of the City.

If the City fails to respond to a grievance or complaint within the time limits set forth under Steps 1 or 2 and a reasonable explanation is not given, the grievance or complaint shall automatically move to the next step in the procedure.

If either party wishes to have an extension of a step response deadline, a written request (explaining the reasons(s) for the request) must be submitted to the Human Resources Director prior to the step's original deadline. The request will be reviewed and will be approved or denied. No extension may last more than ten (10) working days, and only one (1) extension request per step by either party may be granted.

Employee Representation

Employees may have a representative during the hearing and process. The representative may or may not be an attorney. Employees may obtain assistance from employee organizations. However, management and supervisory employees of the City may not represent employees in the resolution process.

Management Rights

The City of Kingsville has Management Rights. Complaints that involve management rights will not be processed unless the complaint describes a discrimination issue. Plainly stated, management rights are not grievable matters. These rights include the daily management of operations, direction of the work force, and maintenance of discipline and efficient utilization of the work force. More specifically, but not limited herein, management rights include the authority: to hire and to determine employees' qualifications and ability; to determine the number and location of facilities and employees; to assign work; to transfer, promote and lay off employees; to evaluate employees and grant salary increases; to create, modify and abolish job classes, class specifications and job duties; to change or eliminate existing operations, methods, equipment or facilities; to contract out work; to schedule working hours within the work week; and to establish and enforce reasonable rules and regulations.

NOTE: Discrimination complaints involving management rights will be processed, this exclusion does not apply.

Separation of Employment

Employees who resign their employment with the City or are dismissed forfeit their right to have access to the TEAM Review Process. Attempted withdrawal of a resignation shall not give an employee access to this TEAM Review Process. Any grievance or complaint being processed at the time of separation will not be processed and will be administratively closed.

Performance Evaluations and Merit Increase Denials

Employee performance evaluation ratings and merit increase issues are not grievable items under the TEAM Review Process but may be appealed to the Department Director, provided however, failure to attain a Step Increase under the City of Kingsville Compensation Plan due to unfavorable, unsatisfactory, or poor performance ratings shall be eligible for appeal.

Performance Appraisals

The City's performance appraisal process is designed to improve communication between supervisors and employees to align employees' work efforts with City and department goals.

All employees' performance shall be appraised at least once each year. Supervisors and employees are encouraged to establish the objectives to be rated during the coming year, the performance standards to be utilized, and the way their job should be accomplished. All new employees' performance shall be reviewed at the completion of their initial 180 day probationary period. Employees who have successfully completed their initial probationary period may appeal annual performance appraisal ratings (within 5 working days of the appraisal) which they believe do not accurately reflect their job performance to the Department Director.

Exclusions from Procedure

Unless otherwise specified within this regulation, the following individuals, officers and employees of the city shall not have access to the TEAM Review Process:

- a. The Mayor, members of the City Commission and members of appointed boards.
- b. The City Manager, Assistant City Manager, and Municipal Judge.
- c. The Directors of Departments and the City Secretary.
- d. The City Attorney and the Assistant City Attorney.
- e. Persons temporarily appointed to City employment. Employees of the Police Department and Fire Department who are subject to the provisions of the Fire and Police Civil Service Act (Chapter 143, Municipal Code).
- f. Customers, citizens, residents, or taxpayers who are not covered employees of the City of Kingsville.
- g. Spouses, family members, or other relatives of covered employees may not initiate the process without the covered employee.

Matters not subject to TEAM Review process

The TEAM Review process is not designed, intended, or available to resolve matters which are within the sole discretion of the City under its legislative or management authority. The process cannot be used to alter or affect any matter, contract, ordinance, resolution, or action which is passed or approved by the City Commission. Any action taken or recommendation in contravention of the City's legislative or managerial authority is void.

The TEAM Review process shall not apply to any matter or issue which is the subject of any other legal proceeding regardless of whether it is civil, criminal, or administrative in nature. Upon initiation of such a proceeding, the TEAM Review process shall be suspended until such other proceeding is complete. The process cannot be used by employees to contest:

1. Health Care Benefits or any other optional benefits offered by the City;
2. The applicability of Worker's Compensation or any determinations regarding impairments or disability;
3. Any issues regarding unemployment compensation; or
4. Any issues which are the result of professional medical opinion regarding requirements for a position, including but not limited to physical fitness requirements for a position, establishing limitations on light duty, or a determination by a Medical Review Officer under the Substance Abuse Policy.

Eligibility for TEAM Review Panel

The City Manager shall appoint from among the City employees nine (9) members to the Employee Panel pool for terms of two (2) years (Employee Pool). All Department Directors, Municipal Judge, Assistant City Manager, Fire Chief, and Police Chief shall be eligible for appointment to a TEAM Review Panel (Management Pool). A total of three (3) members shall be selected from these two pools by the Human Resources Director and shall serve as the Panel to hear a designated grievance or discrimination complaint. They shall elect a Chairperson at the outset of the hearing. The Panel shall not disregard the rights of employees or of the City, and shall serve as an impartial body that will render findings and recommendations in an unbiased manner.

Disciplinary Panel: The Human Resources Director shall appoint two members from the Management Pool and a single member from the Employee Pool.

Non-Disciplinary Panel: The Human Resources Director shall appoint two members from the Employee Pool and a single member from the Management Pool.

The Panel shall have the authority to call witnesses at the hearing for the purpose of proving, disproving or clarifying claims set out in the disciplinary review hearing, grievance or discrimination complaint. By submitting a grievance or discrimination complaint to the Panel or requesting a disciplinary review, an employee shall grant permission for the Panel members to inspect the employee's personnel file if the Panel believes that such inspection is relevant.

The Panel shall consider only the points set out in the original grievance or discrimination complaint and any additional information contained in written employee or supervisory responses attached thereto which pertain to the grievance or discrimination complaint.

As a body of arbitration, the Panel is not bound by any previous Panel decisions. The Panel may determine whether rules, regulations and policies were applied in a uniform, consistent manner. Along with its findings, it may also make relevant recommendations for administrative changes, which shall not be binding upon the City.

Findings and recommendations of the Panel to the City Manager shall require the affirmative vote of at least two (2) of its three (3) members.

The proceedings of the Panel may be tape-recorded and maintained by the Human Resources Department for two (2) years or as may be required by the Texas State Library and Archive Commission Local Government Records Control Schedule.

Approved: August 28, 2006

CHAPTER 10

SEPARATION OF EMPLOYMENT

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POLICY NO. 1000.01 RESIGNATION

An employee may leave City service in good standing by submitting a resignation to the appropriate supervisor. See Policy No. 1010.00 Process for Separation.

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POLICY NO. 1000.02 JOB ABANDONMENT

Employees who fail to work or contact their supervisor for three (3) consecutive workdays shall be considered to have abandoned the job without notice effective at the end of their normal shift on the third day. The supervisor shall notify the Human Resources Department at the expiration of the third workday and initiate the paperwork to terminate the employee. Employees who are separated due to job abandonment are ineligible to receive accrued benefits and are ineligible for rehire

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POLICY NO. 1000.03 RETIREMENT

An employee may leave City service in good standing by submitting a resignation to the appropriate supervisor. See Voluntary Separations – Notice.

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POLICY NO. 1000.04 REDUCTION IN WORKFORCE

An employee may be laid off because of changes in duties, or organizational changes, for lack of funds or for lack of work. Whenever possible, an employee laid off from one department or division shall be transferred to a suitable position elsewhere if a vacancy exists. Whenever possible, at least 2 weeks notice shall be given an employee prior to any layoff.

Layoffs shall be carried out on the basis of demonstrated job performance and efficiency, with the most proficient employees being retained the longest. Seniority shall not be the sole basis of determining which employee shall be laid off. Seniority within the City service may be used to determine the order of layoff among employees with substantially equivalent records of job performance and efficiency. Layoffs shall not be considered disciplinary actions and may not be appealed through the grievance process.

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POLICY NO. 1000.05 INCAPACITY

Separation for incapacity shall not be considered disciplinary action. Separation for incapacity is an administrative measure designed to protect the interest of the City and the employee. For additional information see Policy No. 770 Americans with Disabilities Act.

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POLICY NO. 1010.00 PROCESSES FOR SEPARATION

Notice of Separation

Minimum notice is necessary in order to expedite employee out-processing and ensure a smooth transition without adversely affecting department efficiency.

- Department Directors and supervisors shall make every effort to give fifteen (15) working days advance written notice of separation including retirement.
- All other employees shall make every effort to give 2 weeks or ten (10) working days advance written notice of separation.
- If an employee does not provide advance notice or fails to actually work the notice time period, the employee will be ineligible for rehire. Vacation Leave or Holiday Leave shall not be used to extend an employee's separation date. The last day worked shall be the official separation date.
- If an employee abandons their job, the employee will be ineligible for accrued benefits and will be ineligible for rehire.

- Failure of an employee to provide the minimum notice requirement could adversely affect future employment eligibility with the City.
- The City Manager may waive notice requirements if doing so would be in the best interest of the City.

Check List for Separation: Voluntary or Involuntary

- A "Separation Checklist" (Appendix J-1) must be completed by the employee's Department Director and forwarded to the Human Resources Department before the final paycheck can be processed.
- The affected Department/Division will submit a status change and an employee requisition form along with a completed termination checklist.
- Replacement costs of unreturned employee issued items or other monetary obligations to the City will be assessed upon termination and shall be deducted from the employee's final paycheck.

Exit Interview

Exit interviews will be conducted by the Human Resources Department for all departing employees. Any information obtained through these interviews will not become a part of the employees' personnel files and will only be used to improve working conditions and to correct existing problems that may be identified. An employee's exit interview will be scheduled through the Human Resources Department.

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