

Revision and Additions to Policies after August 28, 2006

| Change | Policy # | Policy Title | Approved | Effective |
|---------------|-----------------|---|--|-------------------------------------|
| Revision | 620.03 | Working Hours and Timekeeping | September 15, 2014 | |
| Addition | 731.00 | Flex Leave | November 14, 2016 | Resolution #2016-80 |
| Addition | 890.11 | Acceptable Use Policy | May 8, 2017 | Resolution #2017-28 |
| Addition | 630.02 | Night Shift Differential Pay | September 11, 2017 | October 1, 2017 |
| Revision | 600.20 | Health Insurance | September 25, 2017 | |
| Revision | 600.30 | Life Insurance | September 25, 2017 | |
| Updated | 720.01 | Designation of Holidays | September 10, 2018 | October 1, 2018 |
| Updated | 720.02 | Compensation for Holidays | September 10, 2018 October 22, 2018 | October 1, 2018 October 22, 2018 |
| Addition | 740.01 | Sick Leave Pool | December 10, 2018 | |
| Revision | 890.01 | Smoke and Vape-Free Workplace | May 6, 2019 | |
| Revision | 630.01 | Longevity | September 9, 2019 | October 1, 2019 |
| Revision | 630.04 | Separation Pay | September 9, 2019 | October 1, 2019 |
| Revision | 640.01 | Safety Incentive Award Program | September 9, 2019 | September 9, 2019 |
| Revision | 830.00 | Substance Abuse Policy | September 23, 2019 | October 1, 2019 |
| Addition | 890.12 | Safety-Toe Footwear & Reimbursement Policy | September 13, 2021 | October 1, 2021 |
| Revision | 720.01 | Designation of Holidays | September 7, 2021 | October 1, 2021 |
| Revision | 731.00 | Flex Leave | October 12, 2021 | October 1, 2021 |

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. 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 (City Manager's discretion) | December 24 th OR 26 th each year |
| New Year's Eve | 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.

*Approved by City Commission: September 10, 2018
Effective Policy Date: October 1, 2018*

POLICY NO. 720.02 COMPENSATION FOR HOLIDAYS

Full-time and Part-time non-civil service employees shall be entitled to be paid Holidays according to Policy 720.01 Designation of Holidays. Temporary and Seasonal employees are ineligible for Holiday compensation. 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 1½ 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 an 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.

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 by City Commission: September 10, 2018
Effective Policy Date: October 1, 2018*

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 and 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 1½ times an employee's regular rate of pay.

If a Holiday falls on a Full-time 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 a Full-time 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, 2006
Updated: September 10, 2018 & Effective October 1, 2018
Updated October 22, 2018 & Effective October 22, 2018*

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 Accrual Balance Below | Donation Increment | Maximum Sick Leave Pool Hours or one-third (1/3) of Sick Leave Pool Balance 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. 890.01 SMOKE AND VAPE-FREE WORKPLACE

The City of Kingsville is committed to providing a safe and healthy workplace and to promoting the health and well-being of its employees. It is the policy of City of Kingsville to prohibit smoking and vaping on all City premises. Smoking is defined as the "act of lighting, smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind." Vaping refers to the use of electronic nicotine delivery systems or electronic smoking devices such as e-cigarettes, e-pipes, e-hookahs and e-cigars.

This policy applies to areas under the City's responsibility including, but not limited to, the following:

- All areas of buildings occupied by City employees.
- All City sponsored offsite conferences and meetings.
- All vehicles owned or leased by the City.
- All City employees including full-time, part-time, temporary, seasonal and student interns.
- All visitors (customers and vendors) to City premises.
- All contractors and consultants and/or their employees working on City premises.

Smoking and vaping is permitted *only* in designated outdoor areas.

Employees who violate this policy may be subject to disciplinary action up to and including termination of employment.

Presented to City Commission for consideration: May 6, 2019

POLICY NO. 630.01 LONGEVITY

*Approved: 09/09/2019
Effective: 10/01/2019*

Longevity pay applies to all full-time and part-time employees of the City of Kingsville.

Longevity rates for non-civil service positions are established by the City Commission on an annual basis.

Longevity rates for civil service employees are established by their perspective collective bargaining agreements.

*Approved by Resolution # 2019-76 – 09/09/2019
Effective Date: October 1, 2019*

POLICY NO. 630.04 SEPARATION PAY

*Approved: 09/09/2019
Effective: 10/01/2019*

Exempt and Non-Exempt Regular full-time Employees having completed 9 months continuous 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 – For maximum accrued Vacation Leave available upon separation see chart below. All accrued vacation leave in excess is forfeited.

| Continuous Employment From | To | Hours |
|----------------------------|----------|-------|
| 9 months | 2 years | 80 |
| 2+ years | 5 years | 120 |
| 5+ years | 10 years | 140 |
| 10+ years | 15 years | 160 |
| 15+ years | 20 years | 180 |
| 20+ years | | 200 |

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.

- 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 9 months 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 by Resolution # 2019-75- 09/09/2019
Effective Date: October 1, 2019*

INCENTIVES AND AWARDS

POLICY NO. 640.01 SAFETY INCENTIVE AWARD PROGRAM

Approved: 09/09/2019

Effective: 09/09/2019

Purpose: The purpose of this policy is to establish guidelines and criteria for the administration of the City of Kingsville Safety Incentive Award 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 Safety Incentive Award Program was established to recognize City employees for working safely.

The provisions for the Safety Incentive Award Program shall be applicable to all non-civil service full-time, and part-time employees.

Definitions

Occupational Incident – Any incident resulting in injury/illness and/or damage.

Preventable Incident – An incident which would not have occurred if the employee had used sound judgment, followed appropriate training and safety operating procedures.

Non-preventable – An incident which would have occurred regardless of employee following appropriate procedures.

I. Safety Incentive Program

The Safety Incentive Award Program is intended to recognize employees who avoid preventable incidents. The Risk Manager shall be responsible for administering the Safety Incentive Award Program.

The program period is October 1st through September 30th of each year. Employees must be in the eligible classifications for the entire program year to be eligible for award. No partial or prorated awards shall be allowed. Awards shall be distributed to all eligible and active employees during the month of December each year.

II. Criteria for Awards

Eligibility Requirements:

Non-exempt and exempt full-time and part-time employees employed for twelve (12) consecutive months immediately prior to the end of the safety award year, and have no documented preventable incidents within the program period.

Disqualification for award:

- A) One (1) preventable incidents during the program year, or
- B) Failure to timely report occupational incidents as per policy

Employees ineligible for award in any given program year are eligible to participate in the following program year.

Every year after October 1st, the Risk Manager shall submit a list of all employees eligible to receive the safety incentive award to each department. The department supervisor shall review the list and submit the approved list to the Risk Manager.

Employees working in a non-office environment are eligible for the following:

| | |
|--------------------------|----------|
| 1st Year – | \$ 50.00 |
| 2ndYear – | \$ 75.00 |
| 3rd & Subsequent Years - | \$100.00 |

Employees working in an office environment are eligible for the following:

| | |
|--------------------------|----------|
| 1st Year – | \$ 25.00 |
| 2ndYear – | \$ 40.00 |
| 3rd & Subsequent Years - | \$ 50.00 |

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

Employees with one (1) incident in program year shall begin at the first year level of the safety incentive award.

III. Incidents

The Safety Advisory Board shall review all occupational incidents. The board shall meet monthly or as needed to review incident reports and any supporting documentation to determine whether the incident was preventable or non-preventable.

The board shall review the reports and shall conduct interviews or inquiries as deemed necessary. At the completion of the review, the board will forward the report to the Risk Manager with their recommendation. The Risk Manager shall review the documents for compliance and will notify the employee and department supervisor in writing of the Safety Advisory Board's decision regarding the incident.

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

If the employee may request 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 (10) calendar days from the date of the appeal determination letter. The request must be made to the Risk Manager.

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

*Approved by Resolution # 2019-74 – 09/09/2019
Effective Date: September 9, 2019*

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 effectiveness of our business and the professional, personal and family lives of our employees. 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 established this policy with regards 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 supervisor to ascertain if employee is able to perform their job functions

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.

When operating City vehicles and/or mobile equipment the City shall require an Employee to undergo drug and/or alcohol testing when involved in an incident in which injury and/or property damage occurs. Any accident in which a City Employee is operating a personal vehicle on City business, regardless of whether reasonable suspicion exists, will require a post-accident alcohol and drug test.

4. Random Testing.

Employees in positions requiring the performance of City safety-sensitive functions and employees in positions requiring a commercial driver's license are subject to random testing. The selection of employees for random controlled substance and alcohol testing will be made by a scientifically valid method. Under the selection process, each employee will have an equal chance of being tested each time selections are made and the City will not have the discretion to waive the selection of any Employee.

Safety sensitive positions involve job duties which if performed with inattentiveness, errors in judgment or diminished coordination, dexterity, or composure may result in mistakes that could present a real and/or imminent threat to the personal health and safety of the employee, co-workers, and/or the public. Including but not limited to: operating machinery (i.e. heavy equipment, hazardous tools, etc.); maintenance of vehicles and equipment; transporting people; carrying a weapon in performance of essential job functions; insuring the direct safety and protection of others and property, such as functions performed by lifeguards, police officers, firefighters, etc.).

Safety-sensitive positions subject to random testing under this policy shall be evaluated annually by the Human Resource Department

5. Return-to-Duty and Follow-Up Testing.

The City shall require any Employee to undergo drug and/or alcohol testing without prior notice following a prior confirmed positive test. The City is not obligated to reinstate or rehire any employee who violates this policy. Should the City decide to reinstate, the individual will require evaluation by a Substance Abuse Professional (SAP) or qualified program and be subject to follow-up testing at the employee's expense.

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 pools. 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 Employee pools for random testing purposes.

Substance Screening Methods

Initial tests for alcohol will almost always be through breath or saliva samples (blood samples may be used in limited situations). Initial tests for drugs will almost always be through urinalysis (blood samples may be used in limited situations).

If an applicant or Employee has a confirmed positive test result, the individual may explain the test results in confidence to the Medical Review Officer. 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 their 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. Also, any employee whose driver's license is suspended must notify the City within five (5) days of receiving notice of 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 employee does not meet the standards of job performance established for their 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 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 a person is separated for violations of this policy, the individual may apply for rehire after completion of a treatment program. An Employee rehired after violation this policy will be subject to an individual schedule of random testing for two years. If the Employee tests positive in a follow-up test the Employee 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
Approved: September 23, 2019
Resolution #
Effective Date: October 1, 2019

Policy 890.12 Safety-Toe Footwear and Reimbursement Policy

I. PURPOSE

To establish a policy for utilization and reimbursement of Safety-toe footwear for City employees whose duties expose them to hazards capable of causing foot and/or toe injuries.

II. SCOPE

All full-time and part-time City employees whose job activities expose them to foot hazards are required to wear safety-toe footwear. Departments and/or divisions will be responsible for determining those employees who are exposed to foot hazards.

Definitions

Safety-toe footwear – footwear intended to provide protection of the toes against external forces using a protective toe box incorporated in the footwear that is capable of complying with the requirements of ASTM (American Society for Testing and Materials) F2413.

III. PROCEDURES

Protective footwear worn by employees shall meet the ASTM standards.

- A. Safety shoes/boots **are mandatory** for all employees working in areas where there is exposure to hazards capable of causing foot and/or toe injuries.
- B. Only shoes/boots marked with the ASTM F2413 will be accepted. Previous designation prior to 2005 was ANSI Z41. Safety shoes/boots may be steel-toed or composite-toed if footwear meets the ASTM F2413 standard. Safety shoes/boots must have at a minimum, the letters "I" (Impact Resistant) and "C" (Compression Resistant) on the label affixed to the shoe/boot. Additional protection can be found on safety shoes/boots including:
 - I – Impact Resistant
 - C – Compression Resistant
 - MT – Metatarsal Protection
 - PR – Puncture Resistant
 - CD – Conductive Protection
 - EH – Electrical Hazard Resistant
 - SD – Static Dissipative
- C. Employees required to wear safety shoes may request a reimbursement of up to \$ 75 annually or \$ 100 every two years for the purchase of approved safety

shoes/boots. Employee must submit the receipt and supporting information indicating the shoe meets the ASTM F2413 standard within two (2) weeks of purchase date. Department Directors are responsible for approving purchase of safety-toe shoes and for keeping a records of yearly employee purchases.

- D. Safety shoes/boots may be purchased from any vendor and be reimbursed up to the maximum allowed.
- E. Safety shoes/boots purchased under the City's program shall be properly cared for and maintained by the employee. Damages that occur to safety shoes, either on the job or off, will be the responsibility of the employee. On-the-job incidents where the integrity of the safety shoe/boot is compromised, will be reviewed on a case-by-case basis by the Risk Manager who will make the determination if a second reimbursement is allowed.
- G. Employees reporting to work without the proper safety-toe footwear may be subject to disciplinary action up to and including termination of employment for violation of this or any City policies. Employees who are required to but are not wearing approved safety shoes at the beginning of their workday or during the work period while performing routine work functions are in violation of this policy for safe working practices.
- H. Employees not able to wear safety-toe shoes for medical reasons must produce a medical provider's certificate requesting exemption and provide an alternative for this requirement.

IV. POLICY UPDATE

This policy shall be reviewed on an annual basis by the Human Resource Department.

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 |
| Juneteenth | June 19 th 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 (City Manager's discretion) | December 24 th OR 26 th each year |
| New Year's Eve | 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.

When two official City holidays fall on a Friday and Saturday or on a Sunday and Monday, then the holidays will be observed as follows:

| <u>Holiday Combination</u> | <u>Observed City Holiday</u> |
|----------------------------|-------------------------------|
| Friday/Saturday | Preceding Thursday and Friday |
| Sunday/Monday | Preceding Friday and Monday |

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.

Approved by City Commission: September 10, 2018
Effective Policy Date: October 1, 2018
Amendment Approved by City Commission: September 7, 2021
Effective Policy Amendment Date: October 1, 2021

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.

All non-exempt and exempt full-time non-civil service employees shall earn four (4) additional hours and regular part-time non-civil service employees shall earn two (2) additional hours of Flex Leave during the Employee's birth month.

- 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.

Amendment Approved 10/12/2021