

**PERSONNEL POLICY MANUAL
OF THE
CITY OF SAN BENITO, TEXAS**



**APPROVED BY THE CITY COMMISSION
FOR THE CITY OF SAN BENITO, TEXAS
ON
MAY 15, 2018**

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~ The City of San Benito, Texas is a Drug-Free Workplace. ~

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CITY OF SAN BENITO
PERSONNEL POLICY MANUAL

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CHAPTER I INTRODUCTION

Section I - Definitions

The following definitions apply to these policies unless the context clearly indicates otherwise.

Active Employee: Any employee who is actively at his place of employment as specified in his designated work schedule.

City Commission: The elected governing body for the City, also referred to as the Board of Commissioners.

City Manager or Manager: Refers to the duly appointed City Manager or that person's designee, such as the Assistant City Manager.

Compensatory Time (for FLSA non-exempt employees): Also referred to as "comp time", will be credited at the rate of one and one-half (1 1/2) hours for each overtime hour worked, in accordance with the FLSA.

Department Heads: A person appointed by the Manager who is responsible for the administration of a department or that person's designee.

Discretionary Time: Time off allowed to exempt employees for hours worked in excess of 40 hours in one work week.

Employee: Any person serving in a regular or temporary paid position in the City. A person on retainer or under contract is not considered to be a City employee in the absence of a specific agreement to that effect.

Employment Date: The date on which an employee begins service with the City.

Entity: The City of San Benito, Texas.

Exempt Employee: Certain department directors, supervisors, and other employees, who are not subject to overtime pay or comp time but have a set salary, as defined by the Fair Labor Standards Act.

FLSA: Refers to the Fair Labor Standards Act.

FMLA: Refers to the Family Medical Leave Act.

Fringe Benefits: Refers to benefits other than pay, such as accruals of sick leave, vacation leave, holidays, or retirement benefits, except as otherwise mandated by state or federal law.

Grievance: A complaint about a condition of work place which the supervisor has the authority to correct.

Immediate Family: For purposes of this Manual includes husband, wife, son, daughter, father, mother, brother, sister, or legal dependent, unless a broader definition is required based on the applicability of a state or federal law.

Inactive: Any employee on leave not accruing sick/vacation leave.

Job Classification Study: An audit of the duties and responsibilities of a position to determine if it is a reclassification or re-grade, its job worth and to place in the City's Pay and Classification Plan.

Manual: Refers to this Personnel Policy Manual (also, PPM).

Non-Exempt Employee: An employee who is not exempt under the Fair Labor Standards Act and will be compensated for any hours worked in excess of 40 hours in one work week.

Overtime: Overtime pay shall be determined in accordance with the requirements of state and/or federal law, which is typically one and one-half times the regular rate of pay.

Paid Time Off (PTO): Refers to accrued time for which an employee received a regular rate of pay but as to which the employee is not at work.

Personnel Department: Refers to the Personnel Department for the City of San Benito which is responsible for oversight of the City's personnel and human resource functions. Also referred to as the Human Resources Department.

Personnel Director: Refers to the duly appointed Director of the Personnel Department for the City of San Benito or that person's designee. Also referred to as the Human Resources Director.

Regular Full-Time Employee: An employee who is regularly scheduled for at least 32 hours a week and receives full fringe benefits as provided by the City.

Regular Part-Time Employee: An employee who is regularly scheduled for less than 32 hours a week (normally). Part-time employees are not eligible to receive fringe benefits.

Retiree: A retiree of the City of San Benito is a Civil Service or non-Civil Service employee who has ceased working from his or her active vocation or profession with the City upon meeting eligibility requirements for either the Texas Municipal Retirement System or Firemen's Relief and Retirement Fund and who is currently receiving retirement pension funds from either of the said retirement systems or has received the entire refund from Texas Municipal Retirement System.

Rio Grande Valley or RGV: Refers to the three-county area including Cameron, Hidalgo, and Willacy counties.

Seasonal employee: A person employed part-time or full-time, on a recurring basis (i.e. recreational leaders, lifeguards, etc.). Seasonal employees are not eligible for fringe benefits.

Separations or Termination: Any terminations of employment. Termination may include death, discharge, lay-off, resignation, or retirement.

Supervisor: Any person responsible to a superior for directing the work of others.

Temporary Employee: An employee who is hired on a part-time or a full-time basis but for a definite period of time or until the completion of a project. This type of employment may be renewed. Temporary employees are not eligible for vacation and sick leave benefits.

Vacation Leave: For purposes of this Manual is paid time off accrued under the provisions of this Manual; also may be referred to as Annual Leave.

Section 2 - At Will Provisions

All employees of the City of San Benito, except for those covered by Civil Service or by City Commission employment contract, are employees at will and shall have no expectation of continued employment, promotion, or any personnel benefits including but not limited to, sick leave, vacation leave, compensatory time, group health and life insurance, except as otherwise required by federal or state law.

The provisions contained in this policy manual are intended to be guidelines for the uniform, fair, and equitable administration of personnel issues in a uniform manner, but no inference or expectation of continued employment shall be premised on the contents of this policy manual.

Section 3 - Objectives

The purpose of these policies is to provide a uniform policy for the City's employees, with all of the benefits that such employment may provide and with employee performance and conduct expectations that will result in a high degree of understanding, cooperation, efficiency, and unity to better serve the citizens of San Benito.

The basic objectives of these policies are:

- a. To promote and increase efficiency and economy in the service of the City.
- b. To provide fair and equal opportunity to all qualified applicants to enter City employment on the basis of demonstrated qualifications, merit and fitness as ascertained through fair and practical methods of recruitment and selection.

- c. To develop a program of recruitment, advancement, and tenure which will make employment with the City attractive as a career and encourage each employee to render his/her best services to the City.
- d. To establish and promote high morale among City employees by providing a good working environment, uniform personnel policies, opportunity for advancement, and consideration for employee needs and desires.

Section 4 - Equal Employment Opportunity

Equal employment opportunity shall be ensured in the City service and affirmative action provided in its administration. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline, or any aspect of personnel administration because of race, color, age, sex, gender, national origin, religion, or disability is prohibited.

Section 5 - Sexual Harassment Prohibited

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser.

Sexual harassment includes the following types of behavior, which is misconduct under the City's policies:

- a. Unwanted sexual advances.
- b. Offering employment benefits in exchange for sexual favors.
- c. Making or threatening reprisals after a negative response to sexual advances.
- d. Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters.
- e. Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes of a sexual nature.
- f. Verbal sexual advances or propositions.
- g. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations.
- h. Physical conduct that includes touching, assaulting, or impeding or blocking movements.
- i. Unwelcome sexual advances (either verbal or physical), requests for sexual favors, and other verbal or physical conduct of a sexual nature.

Complaints about work conditions that an employee reasonably believes constitute sexual harassment must be reported under this policy manual as if it were an adverse personnel action to allow the City an opportunity to investigate and resolve any such claims. See Chapter VIII for grievance and complaint procedure.

Section 6 - Disability and Accommodation Policy

The City will make reasonable accommodations, as required by state and federal law and in accordance with the most recent interpretations of any applicable law.

Employees who reasonably believe they need an accommodation in the performance of their job should discuss the matter with their supervisor or department head so that an evaluation can be made about the extent to which such an accommodation is either needed or required.

City management reserves the right to make ultimate determinations about the level of accommodation required by law, taking into account the legitimate needs and interests of the City and the employee.

Section 7 - Applicability: Civilian and Civil Service Personnel

These guidelines shall generally apply to all City employees, including civil service personnel, except where otherwise superseded by other governing law or regulations, such as civil service or collective bargaining, or as otherwise specifically noted in this Manual. All civil service employees are responsible for being informed of all the content of this Manual and to be aware its provisions.

Employee manuals outlining the general personnel policies of the City will be furnished to all employees for their personal use and reference upon employment, as well as upon a request to the department head or the Personnel Department.

Section 8 - Dissemination and Familiarity of Policies

All City civilian employees are required to become familiar with these policies and shall be required to acknowledge receipt of the policy handbook upon request by supervisory staff.

CHAPTER II RECRUITMENT AND EVALUATION

Section 1 - Vacancy Identification

Department heads shall notify the Personnel Department immediately when job vacancies occur in their department. Only those vacancies allocated in the annual budget or new positions authorized by the City Commission shall be filled. Vacancies may be

filled through public announcement, promotions, transfers, demotions, reinstatement, or in the case of municipal civil service employees, from current eligibility lists.

Section 2 - Announcement of Vacancies

The Personnel Department shall publicly announce by appropriate means all job vacancies. Each job announcement, insofar as practical, shall specify the title, and nature of the job; the required qualifications; whether competition is open to the general public or restricted to City employees; and the application deadline. The Personnel Department shall advertise internally and reserves the right to advertise.

Each announcement shall also contain a statement affirming the City's commitment to a policy of equal employment opportunity. A reasonable period of time shall be allowed in the selection process to insure fair and open competition for the vacant position.

Section 3 - Applications for Employment

Applications for employment or reinstatement shall be submitted in the manner specified in the applicable announcements. Each department may cease accepting or processing applications at any time in accordance with administrative requirements.

Section 4 - Applicant Evaluation

Applicants shall be required to provide any information and complete any examinations necessary to demonstrate compliance with prescribed standards for appointment to the position involved.

Depending upon the nature of the vacancy, all applicants may be required to undergo written, oral, performance, physical agility, background, post-employment offer medical examination, and/or other evaluation procedures as reasonably related to essential job functions with or without reasonable accommodations.

Section 5 - Disqualification

An applicant shall be disqualified from consideration if the applicant:

- a. Has made a false or misleading statement on the application;
- b. Does not meet the qualifications necessary for performance of the duties of the position involved;
- c. Is not eligible for employment in the United States at the time application is made;
- d. Would be in violation of the City's nepotism policy or laws;

- e. Does not have personal financial affairs in order such as unsettled debts and obligations, or unpaid taxes or other money owed to the City or other institutions.
- f. An applicant may also be disqualified from consideration upon other reasonable grounds relating to the job requirements.

Section 6 - Referral

Subject to approval by the City Manager, the Personnel Department shall prescribe standard operating procedures for the referral of applicants to departments and divisions and for the subsequent consideration of these applicants. The procedures shall provide for departments and divisions to report to the Personnel Department the disposition of all referred applicants and the reasons.

The Personnel Department is the central clearing house for all applications and for answering questions to the status of appointments.

CHAPTER III APPOINTMENT, PROMOTION & TRANSFER

Section 1 - Authority for Appointment

The appointing authority for all appointed positions shall rest with the City Manager except as otherwise provided by state law, City ordinance, or City charter. The City Manager may delegate hiring authority to the department heads for those positions under their supervision.

Appointments shall be made based on the qualifications of applicants as ascertained through fair and practical selection methods. It shall be the goal of the City to appoint the most qualified applicant to the position.

Section 2 - Administrative Authority

The City Commission has the ultimate and final authority to approve the policies under which personnel matters are to be administered. With the exception of matters reserved to the City Commission by statute, Charter or these policies, the general and final authority for executive management rests with the City Manager, who shall develop, administer, and interpret the personnel policies and procedures as they apply to all departments and employees.

Each department head is responsible for implementing and enforcing the provisions of these policies and related rules and procedures in regard to matters involving his/her department. Department heads may recommend personnel actions, including

termination, but except as otherwise provided by law, final authority to approve terminations shall be with the City Manager.

Section 3 - Types of Appointments

An appointment is ordinarily of indefinite duration and may be made to a full time or part time position as follows:

- a. Regular Full-Time Employee;
- b. Regular Part-Time Employee;
- c. Temporary Employee
- d. Seasonal Employee.

[See Section 1 - Definitions for more details of the types of appointments.]

Section 4 - Other Laws and Regulations

The provisions of this policy shall apply in addition to, and where appropriate shall be subordinated to, any requirements imposed by applicable federal, state, or local laws, regulations or judicial decisions.

Section 5 - Fitness for Duty Examinations

A person who has been offered employment may be required to take a fitness for duty examination by an appropriate health care provider to assure fitness for duty for the position or assignment to be held.

The offer of employment will be conditional upon the results of the examination; however, these results will not be used to discriminate on the basis of a qualified disability.

The information obtained regarding a medical condition or history will be collected and maintained in separate medical files and shall be treated as confidential medical information to the extent required by law.

The City Manager, acting upon information provided by health care personnel, shall be the final authority in determining fitness for duty and suitability for employment in any given position.

The City Manager may waive or modify the fitness for duty examination requirement for any or all part time positions, temporary employees, or emergency appointments. With the approval of the City Manager, a department head may recommend that a current employee successfully undergo fitness for duty examination at the City's expense to determine fitness for continued employment, for promotion or other personnel action.

In cases of department heads, the City Manager may require a department head to successfully undergo a fitness for duty examination at City's expense.

Section 6 - Temporary Appointments

The City Manager is authorized to hire temporary or part-time employees in cases of unusual or extraordinary circumstances. The employees involved shall not acquire any status or rights in the position to which they are temporarily appointed.

Section 7 - Promotion Policy

A promotion is the assignment of an employee from one position to another job which is at a higher salary. It shall be City policy to provide promotional opportunities whenever possible and practical. The selection process may be limited to qualified City employees or such other employees that may be given legitimate preference in the application and/or consideration process. Within 60 days of a promotion an employee may request to be returned to his or her prior position.

Section 8 - Temporary Promotion

The City Manager may authorize a temporary promotion to insure the proper performance of City functions if a position is vacant or its regular employee is absent. Employees so promoted shall be additionally compensated for the duration of their temporary assignments in amounts to be determined by the City Manager.

Such temporary promotions shall not be used to circumvent normal selection procedures, and those employees involved shall not acquire any status or rights in the position to which temporarily promoted. Nothing herein shall be construed to prevent the assignment of additional or higher level of duties to an employee without additional compensation.

Section 9 - Transfers

A transfer is the reassignment of an employee from one position to another involving no change of pay or salary. A transfer not involving promotion or demotion may be affected at any time for administrative convenience or necessity, or upon request of the employee to the department head, or if interdepartmental, to the City Manager, provided that the employee is qualified to perform the duties of the position to which a transfer is contemplated. Transfers may be made administratively or in conjunction with an announced selection process.

The Personnel Department must be notified immediately of the transfer. Transfers between classes or between departments shall become effective following approval of the City Manager.

Section 10 - Demotions

A demotion is the assignment of an employee from one position to another which is of lower salary. A demotion may be effected as disciplinary action upon recommendation of the employee's department head and with the approval of the City Manager.

If qualified to perform the duties of the lower level position, an employee may be administratively demoted at his/her own request or as an alternative to layoff. Such demotions shall not be considered as disciplinary actions or to disqualify the employee involved from consideration for future advancement. Demotions, when used as an alternative to layoff, may be fully or partially rescinded at any time.

Section 11 - Special Application Civil Service Employees

These personnel policies apply to all employees, including civil service employees, except to the extent that they are superseded by the civil service laws or regulations; or by an applicable provision of a collective bargaining, or a meet and confer agreement. Therefore, civil service employees must also be familiar with and adhere to the provisions of this policies as may be applicable.

Section 12 - Reservation of Rights

The City Commission reserves the right to interpret, change, suspend, cancel or dispute, with or without notice, all or any part of this policy, or procedures or benefits discussed herein. Upon any change, each employee will be given a copy of the revised policy changes in writing as soon as possible thereafter. Although adherence to this policy by the employee is considered a condition of continued employment, nothing in this policy alters an employee's status. This policy shall not constitute or be deemed a contract or promise of employment.

Employees remain free to resign their employment at any time for any or no reason, without notice, and the City retains the right to terminate any employee at any time, for any or no reason.

Section 13 - Nepotism

No person related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to any member of the City Commission (including the Mayor) or the City Manager shall be appointed to any paid position of or employment with the City.

This prohibition shall not apply to civil service employees, or to employees who have been employed by the City continuously for more than six (6) months prior to the election of the related member of the City Commission.

In addition, the City Manager shall not approve for appointment to any supervisor's work group any person who is related within the second degree of affinity or consanguinity to that supervisor.

Section 14 - Reemployment

Former employees who have been terminated for cause are not eligible for reemployment. The City, in its sole discretion, may rehire a former employee if the former employee is qualified to perform the duties of a particular position, except as otherwise provided in this Personnel Manual.

Applicants ineligible for rehire as a matter of standing City policy are any former employees who meet one or more of the following conditions:

- a. who was terminated for disciplinary violations; or
- b. who resigned while under investigation for misconduct; or
- c. who left employment other than in good standing at the time of separation of employment. The determination of good standing at the time of separation shall be made by the City Manager at the time of reapplication.

Section 15 - Employment Orientation

All new employees shall be given an orientation about the nature of the job, the benefits, obligations and responsibilities of the position, and the general policies and procedures of the City and the department in which he/she is to be employed. In addition, the City will obtain such information needed for insurance programs, determining citizenship status, etc., that was not provided in the application for employment.

The employee shall also be furnished with a copy of the Personnel Policy Manual for their personal use and reference at this time, and the employee, by signature, shall acknowledge its receipt.

Section 16 - Reasonable Accommodations for Disabilities

Whenever an employee who has an actual or a perceived disability makes a request to supervisory personnel for an accommodation, the supervisory personnel shall refer the request to the Human Resources department so that the appropriately trained human resource specialist can evaluate the request and determine whether and to what extent a requested accommodation can or should be implemented.

Requests for accommodations shall be assessed against the nature and type of claimed disability and the particular functions of the position held by the requesting employee. City Management reserves its authority to make ultimate determinations about the level

of accommodation required by law, taking into account the legitimate needs and interests of the employee and the City, as allowed by law.

CHAPTER IV PROBATION

Section 1 - Probationary Period – Civilian Employees

Even though all civilian employees are “at will” employees under Texas law and this Personnel Policy Manual, the City places every newly employed person or promoted employee on a probationary status for a minimum period of six (6) months, except as otherwise provided for in this Manual.

This use of a probationary status for administrative purposes does not create a property interest in the position held and should not be so considered by the employee who at all times remains an at will employee under state and federal law and city policy.

Department heads are required to report to the City Manager an evaluation at three (3) month intervals to assess the employee’s ability to perform the functions and duties of the position held.

Whenever a license or certification is required for a non-civil service position, or when circumstances involving performance so warrant, an employee may be placed on a probationary status for a period of time to obtain such license or certification or to allow the City to further evaluate the employee’s ability to perform the functions of the positions held.

Section 2 - Purpose of Probationary Period

The department heads shall use the probationary period to evaluate the work and fitness of employees and to provide a reasonable opportunity for a new employee to the job to adjust to the position held.

Only those employees who meet acceptable standards and minimum job qualifications during their probationary periods shall be retained. Department heads shall submit an evaluation report on each probationary non-civil service employee to the City Manager prior to the completion of the probation at reasonable intervals.

An evaluation report on each probationary civil service employee must be submitted to the Civil Service Director prior to the completion of the probationary period for such employees.

In the case of appointed department heads, performance during the probationary period shall be evaluated by the City Manager.

Section 3 - Failure of Probation

An employee shall fail probation when, in the judgment of the department head or City Manager, the employee's fitness and/or quality of work are not such as to merit continuation in the job or the employee fails to obtain any required license or certification.

Failure of probation may occur at any time within the probationary period and may be considered part of the disciplinary process if appropriate.

Department heads shall ensure the thorough documentation of all cases of failure of probation and report the same to the City Manager and Personnel Department for record keeping purposes.

Section 4 - Probationary Period – Civil Service Employees

As prescribed by state law, a person appointed to a beginning position in the fire or police department will serve a probationary period of one (1) year beginning on that person's date of employment, or as otherwise provided by the Civil Service Rules or an applicable Labor Agreement, if any.

Upon successful completion of such probationary period, the fire fighter or police officer automatically becomes a full-fledged civil service employee and has full civil service privileges. During or before the end of the probationary period, the supervisor may discharge or discipline any employee. Such disciplinary action or discharge shall not be subject to any grievance by the employee.

CHAPTER V

PERFORMANCE EVALUATION & COMPENSATION

Section 1 - Salary and Wage Plan

The final determination of applicable salary, wages, and benefits, shall be made by the City Commission as part of its authority to manage the City's fiscal budget.

Similarly, the final determination of the staffing levels and/or number of positions to be authorized shall be made by the City Commission as part of its authority to manage the City's fiscal budget.

The City Commission shall determine the form and nature of the compensation package for authorized positions, including but not limited to categories of pay such as salary,

wages, seniority pay, education pay, certification pay, and any and all other categories of pay that the City Commission authorizes by separate action.

The City Commission shall determine the form and nature of the benefits package for City employees, including but not limited to health insurance, workers' compensation insurance, various categories of paid time off such as holidays, vacation days, sick leave, retirement, and other such benefits that may be authorized by separate City Commission action.

The terms, conditions, and details of the foregoing pay and benefits package shall be set by separate action as may be taken from time to time by the City Commission.

Section 2 - Employee Pay Checks

All employees will be paid bi-weekly. Pay dates falling on a recognized holiday will be scheduled for the preceding workday.

Direct deposit shall be the primary method of handling and processing payroll checks. Employees are required to provide appropriate account information and authorization to implement direct deposit to the fullest extent possible.

If for an appropriate reason approved by the Personnel Department, an employee cannot or does not have direct deposit, payroll checks will be handled as follows:

1. When an employee is on authorized leave, the employee may pick up his/her paycheck from the Payroll Department or have an authorized representative pick it up with a signed document.
2. Distribution of Payroll: Payroll checks will be distributed in an envelope by the Payroll Clerk to Department Heads for distribution to their employees. Payroll checks will be released only to the employee whose name appears on the check. Cash payments for payroll expenses are prohibited. Release of paychecks prior to end of the pay period is prohibited.
3. Payroll checks unclaimed for five or more working days will be returned to the Finance Department.

Section 3 - Overtime and Compensatory Time Under FLSA

All non-exempt employees who are required to work hours that would entitle that employee to receive an overtime rate of pay shall receive overtime pay in accordance with the Fair Labor Standards Act (FLSA).

Overtime will be paid for all hours actually worked over (40) hours per week, unless the employee is classified as exempt under FLSA standards, or unless a different overtime standard is required by law. Other paid time off, such as sick leave, vacation or annual

leave, holiday leave, or leave taken for jury duty or for traveling to and from schools, conferences, or seminars shall not be considered as hours actually worked when determining overtime pay unless required by law. FLSA regulations for determination and calculation of what qualifies as work hours will be followed by the City.

Any overtime hours worked must be approved by a supervisor, and must be clearly reflected on the employees' time record. An employee who works overtime hours that are not properly approved shall be paid for those hours, but may be disciplined to include termination for failure to abide by the overtime approval policy.

Department heads, as FLSA exempt employees, are not eligible for overtime pay; however, department heads may be allowed to take time off from time to time at the discretion of the City Manager if an exempt employee works extraordinary hours within a given week.

Section 4 - Standby Time

Standby compensation is the amount of money paid to non-exempt non-civil service employees who are specifically required to be available by phone or other means of communication to respond to various job assignments after regular work hours.

- a. City employees required to be on standby shall be compensated in accordance with the minimum standards required by state or federal law, in an amount to be set by administrative directive. Employees on standby status shall take the necessary steps to be fit for duty as if they were on regular duty.
- b. Hours spent on standby are not regarded as working time and are defined as that period of time an employee is required to be available for work within thirty (30) minutes from time of notification.
- c. If the employee on standby is called in to work, the time spent on the assignment shall be treated as hours worked.
- d. Rosters indicating standby assignments shall be posted at least twenty-four hours prior to the anticipated requirement of standby status when possible.

Section 5 - Employee Performance Evaluation

The work performance of each regular employee shall be evaluated with reference to the job requirements of the position held.

Performance evaluations of department heads and other executive management staff shall be done by the City Manager. Evaluations of the City Manager shall be conducted by the City Commission in accordance with the requirements of the City Charter and any employment contract of the City Manager.

City management staff will exercise its best efforts to provide a performance evaluation annually or on an as needed basis.

All performance evaluation reports shall be signed by the employee and permanently placed in the employee's personnel file. Employees shall be provided copies of their performance evaluation reports if requested.

The performance evaluation is designed to help supervisors and employees measure how well work is being performed and to provide a tool for management decisions regarding pay increases, promotions, and retention of employees.

Evaluators shall provide the evaluation results to the individual employee and may counsel the employee on performance concerns and suggest improvements to performance which appear desirable or necessary.

Employees dissatisfied with their performance evaluation may file a written rebuttal or response to the evaluation, which will also be included in the employee's personnel file. The evaluator may, but need not, reconsider the evaluation in light of the rebuttal provided, but no further appeal or consideration is required.

Section 6 - Termination Pay

Upon separation from City service for any reason, employees shall receive all pay due them in accordance as follows:

- a. An employee will be paid for any hours worked and for any overtime compensation due him/her.
- b. Newly hired employees terminated in their initial probation period shall not receive pay for accrued vacation time.
- c. Any indebtedness to the City which the employee might have incurred shall be deducted from his/her final paycheck. An employee is required to have on file a consent form – attached – as a condition of employment.
- d. If an employee dies while employed by the City, the City shall pay his/her designated beneficiary, or the employee's estate, for any unpaid pay, unused vacation time, and accumulated benefits.
- e. All municipal civil service employees shall receive termination pay according to state law.

CHAPTER VI ABSENCES & LEAVES

Section 1 - Holidays

The City's recognized holidays shall be those established by the City Commission from time to time by resolution or ordinance.

Recognized holidays shall be observed in accordance with the following rules:

- a. Subject to the need to fill essential City functions, employees will be allowed to take the holiday off.
- b. A permanent full-time employee who works on an official holiday as directed by the supervisor shall be paid at the rate required by law.
- c. If the holiday falls on Saturday, it shall be observed on the preceding Friday; if a holiday falls on Sunday, it shall be observed on the following Monday.
- d. An employee on unauthorized leave on the working day immediately preceding and/or following a holiday shall lose pay for the holiday as well as for the other day or days off.
- e. Holidays falling within an employee's vacation period or within a period of absence properly chargeable to illness shall not be counted against vacation or sick leave.
- f. Employees desiring to observe religious holidays not listed herein may be given time off without pay or may be authorized to use accrued vacation leave.
- g. Department heads shall ensure that eligible shift workers and other employees working unusual schedules receive the benefit of the full number of official holidays.

Section 2 - Vacation

All full time Non-Civil Service employees in their first five (5) years of service shall earn vacation leave at the rate of 1.54 hours for each week of service for a total of eighty hours (80), which equals to two (2) weeks, of vacation leave per year.

The rate of accrual shall increase to 2.31 hours for each week of service after five years of continuous service for a total of one hundred and twenty (120) hours, which is equal to three (3) weeks, of vacation leave per year. Part-time, temporary, and seasonal employees shall not earn vacation leave.

The accrual rates, and pay-out, if any, upon separation, for civil service employees shall be in compliance with Texas Government Code Chapter 143 and any applicable provisions of a labor agreement, if any.

Vacation leave shall be administered according to the following rules:

- a. Vacation leave shall accrue from the date of employment, including probationary period.
- b. Employees shall not be eligible to take vacation leave until completion of the required probationary period.
- c. Use of vacation leave shall not be granted in time increments of less than four (4) hours, provided further that a written request has been submitted to the Supervisor not less than ten (10) working days in advance.
- d. Approved vacation leave shall not be paid in conjunction with worked hours.
- e. Employee's laterally transferred, promoted, or demoted shall retain any accrued vacation leave.
- f. Vacation leave hours are not transferable between employees.
- g. After the employee's first year of service, employees are encouraged to use their full vacation allowance before the employee's next employment anniversary date. At the employee's next anniversary date, the employee should have a maximum of 80 hours (those with less than five (5) years) or 120 hours (for those with more than five (5) years) of accrued vacation leave.

Notwithstanding the foregoing, the City Manager has the discretion to authorize departures from these standards upon request of a department head if circumstances justify a variance from these requirements.

Section 3 - Sick Leave

All full time non-civil service employees shall earn sick leave at the rate of 1.54 hours for each week of service, for a total of eighty (80) hours, which equals to two (2) weeks of sick leave per year.

Part-time, temporary, and seasonal employees shall not earn sick leave.

It is the policy of the City to grant sick leave with pay to eligible employees for the purpose of a bona fide illness of the employee. Sick leave is intended to allow an employee time off with pay for illness and is not a substitute for annual vacation leave or other types of leave.

If deemed warranted, department heads may require a doctor's statement from any employee who uses any sick leave hours. Also, employees missing more than three (3) consecutive workdays due to illness or injury shall provide a statement from his/her doctor regarding the illness. Failure to do so may result in dismissal, suspension, and/or forfeiture of such pay.

Non-civil service employees may accumulate sick leave benefits up to a maximum of seven hundred and twenty (720) hours (ninety (90) work days) and shall be administered according to the following rules:

- a. Sick leave shall accrue from the date of employment, including probationary period.
- b. Sick leave may not be taken in advance of it being earned.
- c. Sick leave may be taken in minimum increments of four (4) hours. A reduction of the time increment shall be granted only for medical and /or dental appointments.
- d. Sick Leave hours are not transferrable between employees.
- e. If the employee becomes ill and cannot report to work, the employee must report his/her absence to his/her immediate supervisor on or before his/her regular reporting time so that such absence can be charged to sick leave. Failure to report may subject the employee to appropriate disciplinary action.
- f. An employee who becomes ill or injured during a vacation may request that the vacation be terminated and the time of illness be charged to sick leave. Such request must be made immediately to the department head or no later than the first regularly scheduled workday following vacation. A doctor's statement will be required in such instances.
- g. No excuses from doctors in Mexico will be accepted as valid documentation.
- h. After an employee's accumulated sick leave has been exhausted, accrued vacation may be used as sick leave.
- i. When absence due to an illness exceeds the amount of accrued leave, the employee shall not continue to accrue paid leave unless and until the employee returns to active work.
- j. Accumulated sick leave will not be compensated for in any way at the time of termination, whether by resignation, retirement, or dismissal for non-civil service employees.
- k. An employee, who sustains an on-the-job injury which prevents the employee from performing the essential functions of his position, may use

his or her accrued paid time off to complete that employee's customary payroll amount.

- I. Sick leave is a benefit not a right. Abuse of this benefit will subject an employee to disciplinary action to include termination of employment. The City may inquire as to the reasons why an employee is requesting or has taken sick leave. Also, a pattern of taking sick leave for a non-FMLA qualifying reason on Mondays and/or Fridays will also create a presumption of sick leave abuse.

Section 4 - Workers Compensation

City employees are protected by Workers' Compensation coverage and the benefits provided by such coverage shall be made available so long as the appropriate reports and documentation are properly processed.

- a. When an employee is injured on the job, the supervisor/foreman in charge of the injured employee shall complete an accident report form immediately and deliver it to the Human Resource Department.
- b. The benefits to be afforded an employee under a worker's compensation injury shall be administered by the City's workers compensation carrier.
- c. Before employees who have been on injury leave return to full work status, they must provide their supervisors with return-to-work authorization signed by an appropriate health care provider certifying that the employee is physically and mentally able to return to that employee's particular job duties and functions.
- d. An employee, who sustains an on-the-job injury which prevents the employee from performing the essential functions of his position may use his or her accrued paid time off to complete that employee's customary payroll amount.

An employee's position of employment with the City will be held for a maximum of 180 calendar days from the date of injury. If the employee is unable to return to that employee's regular job duties work within the 180 calendar days, the employee's employment will be terminated for non-disciplinary reasons.

Section 5 - Military Leave

Full time employees of the City who are members of the State Military Forces or members of any of the Reserve Components of the Armed Forces of the United States are entitled to leave of absence from their duties for up to fifteen (15) work days in any one calendar year, without loss of vacation time or salary. Said leave may be used for all days during which they are engaged in authorized training or duty.

Request for approval of military leave must be accompanied by copies of the relevant military orders. Military leave in excess of fifteen 15 days will be charged to vacation leave or leave without pay.

Full time employees of the City who enter active duty with State Military Forces or with the Armed Forces of the United States are entitled to be restored to prior status subject to the provisions of the law upon honorable release from active duty provided an appropriate position is available.

Section 6 - Administrative Leave with Pay

The City Manager is authorized to allow an employee to engage in the following activity without loss of pay during that employee's normal working hours:

- a. Voting: A reasonable opportunity to vote in local, state, or national elections;
- b. Jury Duty: To serve on jury duty, provided the employee provides proof of a court summons or other official proof of jury duty for the time period during which an employee is required to be on jury duty during that employee's work schedule.

Section 7 - Authorized Leave without Pay

In circumstances not falling within other provisions of these rules, the City Manager may authorize an employee to take leave without pay for a period not to exceed thirty (30) calendar days if doing so serves a legitimate need and interest of the City and the employee.

An employee authorized by the City Manager to remain employed on a leave without pay status will not accrue paid leave benefits while the employee is on a leave without pay status. Also, employees taking leave without pay shall not lose or gain seniority.

It is the employee's responsibility to make arrangement for payment of any other City provided benefits that the employee would otherwise pay through a payroll deduction.

Section 8 - Funeral (Bereavement) Leave

An employee shall, upon written request, have up to three (3) working days of bereavement leave for the death of an immediate family member as such is defined in this Manual.

If additional leave for bereavement purposes is required, the employee may request to use annual leave or, if approved by the City Manager, leave without pay.

Under no circumstances shall sick leave be allowed for bereavement leave purposes.

Temporary employees and part-time employees are not eligible for bereavement leave.

Section 9 - Absence without Leave

An employee failing to report for duty or remain at work as scheduled, without proper notification, authorization, or excuse, shall be considered absent without leave and shall not be paid for the period involved.

Absence without leave for sixteen (16) consecutive hours in an employee's schedule constitutes abandonment of duties, and will be treated as an automatic resignation from employment.

An employee who walks off the job or who does not show up for work will be treated as having resigned his or her position.

Section 10 - Family and Medical Leave Act (FMLA)

An employee is eligible for leave under the Family and Medical Leave Act of 1993 (FMLA) if he or she has been employed by the City for at least 12 months, and has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of leave.

An eligible employee's FMLA leave entitlement is limited to a total of 12 weeks of paid and/or unpaid leave during any 12-month period for any one, or more, of the following reasons:

1. To care for your child after birth, or placement for adoption or foster care;
2. To care for your spouse, son, daughter, or parent, who has a serious health condition;
3. For a serious health condition that makes an employee unable to perform his or her job; or
4. Any other condition specified by FMLA, as amended.

For purposes of FMLA leave, a "rolling" 12-month period, measured backward from the date an employee uses any FMLA leave, shall be used. Under this method each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks, which has not been used during the immediately preceding 12 months.

- a. If an employee takes leave for an on-the-job injury, and is one that meets the criteria for a serious health condition, the City may unilaterally designate the leave as FMLA leave. The employee's FMLA 12-week leave entitlement will run concurrently with a workers' compensation absence.

- b. Since the workers' compensation absence is not unpaid leave, the provision for required substitution of the employee's accrued paid leave is not applicable. As a result, the employee may lose workers' compensation payments, but is entitled to remain on unpaid FMLA leave until the 12-week entitlement is exhausted. As of the date the workers' compensation benefits cease, the required substitutions provision for the use of accrued paid leave becomes applicable.
- c. If an employee uses paid leave under circumstances which do not qualify as FMLA leave, the leave will not count against the 12 weeks of FMLA leave to which the employee is entitled. For example, paid sick leave used for a medical condition, which is not a serious health condition does not count against the 12 weeks of FMLA leave entitlement.
- d. The City reserves the right to unilaterally designate leave time as FMLA qualifying leave if the employee's circumstances or condition would otherwise qualify for such leave if requested by the employee.
- e. FMLA qualifying time shall be applied concurrently with any other applicable paid time off, such as sick leave or vacation leave, to the fullest extent allowed by law. An employee will be placed on notice of any paid time off that is also being charged as FMLA qualifying time.

Section II - Maximum Leave

An employee on leave from employment who is not able to return to his or her job duties after having exhausted all paid time off or other forms of available leave for which the employee is eligible will be separated from his or her position as a non-disciplinary termination.

CHAPTER VII EMPLOYEE CONDUCT

Section 1 - Attendance

All employees are expected to report to work as scheduled and to work their scheduled hours and overtime, if necessary. Employees shall be at their place of work in accordance with City and departmental policies and regulations. Department heads shall establish work schedules and maintain annual employee attendance records.

Section 2 - Work Standards

It shall be the duty of each employee to maintain high standards of cooperation, proficiency, and economy in his/her work for the City. Department heads shall organize and direct the work of their departments to achieve these objectives. If work habits,

attitude, production, and/or personal conduct of an employee become a problem, supervisors should point out the deficiencies at the time they are observed and take appropriate action.

Counseling and warning the employee in sufficient time for improvement should ordinarily precede formal disciplinary action, but nothing herein shall prevent immediate formal action as provided elsewhere on these policies whenever the interest of the City requires it.

Section 3 - Political Activities

Except as may be otherwise provided by law the following restrictions on political activity shall apply to City employees:

- a. It is the policy of the City to allow all employees the freedom to participate in governmental activities including political activities provided that such participation is done outside of employment hours and does not result in a conflict of interest.
- b. No employee shall use their position or influence in any way for or against a candidate for public office.
- c. Employees shall not circulate petitions or campaign literature on behalf of candidates for elective office or be in any way involved in soliciting and subscription, contribution or political service on behalf of any such candidate during working hours.
- d. Employees shall not in any manner contribute money, labor, time or other valuable things to any person for election purposes during working hours.

Section 4 - Solicitation Prohibited

Solicitation of contributions or anything of value for any purpose whatsoever shall be permitted of or by City employees on the job only with the expressed approval of the City Manager. No employee may be required to make a contribution or may be penalized or rewarded in any way in connection with his/her employment according to his/her response to the solicitation.

Section 5 - Other Employment

An employee shall not engage in outside employment where such employment would create a conflict of interest, or would adversely affect the employee's performance, or the interest of the City or the public.

Outside employment must be reported in writing to, and approved by, the department head and the Manager.

Section 6 - Physical Fitness Requirements

It shall be the responsibility of each employee to maintain the standards of physical fitness required for performing the essential functions of his or her job.

If a department head suspects that the physical fitness of an employee constitutes a hazard to the employee or to other persons or property, the department head may, with the approval of the City Manager, require the employee to submit to a medical examination by an approved physician to determine fitness for duty.

Section 7 - Dress Code Standards

All employees, regardless of work location and degree of public contact are expected to maintain a good appearance and an acceptable standard of cleanliness and personal hygiene at all times.

- a. Employees are required to be appropriately attired for the performance of their duties. This includes not only dress but appropriate personnel hygiene.
- b. Since most office employees have contact with the public and therefore represent the City in their appearance, casual attire used such as faded jeans, shorts, tee shirts, tight fitting pants, low cut dresses, mini-skirts, tennis shoes or other inappropriate footwear, etc. is not permitted as such attire does not present a businesslike appearance.
- c. The dress of non-office personnel should be appropriate to their working situation, keeping in mind that all personnel represent the City before the public. Personnel who are assigned uniforms must wear them during working hours.
- d. The determination of appropriate attire shall be made by the department head, taking into account the functions and needs of each specific department.
- e. Employees who are not appropriately attired may be counseled and requested by a supervisor to return home and change into appropriate attire. Violation of this dress code policy can serve as grounds for disciplinary action.

General Criteria:

Employee dress or grooming shall be neat, clean, properly fitting, decent, in good taste, and shall not include grotesque extremes or fads that may create interruption of the work process or the orderly administration of City-related activities or create a safety hazard for employees or other persons.

In order to facilitate uniform understanding and administration of the dress code, it is necessary to adhere to the following guidelines:

Employees shall not wear:

1. See-through shirts or blouses.
2. Vests, cut-off shirts that expose the midriff, tank tops, muscle shirts, or similar garments.
3. Low-cut, shoulder less, string-tie, halter-type shirts, blouses, dresses, or similar garments.
4. Garments, pins, belts, patches, or similar items marked, printed, stamped, or decorated with obscene, vulgar, suggestive language or advertisements, or satanic emblems, signs, symbols, or the like.
5. Garments, pins, belts, patches, or similar items that advertise, decorate, or display tobacco, alcohol, drugs, or other substance-abuse items.

The City Manager may, by executive directive, authorize a "Casual Friday" dress code within guidelines that are consistent with the spirit of the foregoing dress code policy.

Section 8 - Conflict of Interest Policy

It is the general policy of the City that no employee shall engage in any activity or practice that creates an actual, or a perceived, conflict of interest with their position as a City employee.

For purposes of this policy, a conflict of interest is defined as follows:

- A. **Outside interest causing a conflict of interest.** To hold, directly or indirectly, a position or a material financial interest in any outside concern from which the individual has reason to believe the City secures goods or that provides services competitive with the City. To compete, directly or indirectly, with the City in the purchase or sale of property or property rights, interests, or services.
- B. **Outside activities causing a conflict of interest.** To render directive, managerial, or consultative services to any outside concern that does business with, or competes with the services of the City, or to render other services in competition with the City.
- C. **Acceptance of gifts, gratuities, and entertainment causing a conflict of interest.** To accept gifts, excessive entertainment, or other favors from any outside concern that does, or is seeking to do, business with, or is a competitor, of the City, under circumstances from which it might be inferred that such action was intended to influence, or possibly would influence, the

individual in the performance of their duties. This does not include the acceptance of items of nominal or minor value that are clearly tokens of respect or friendship and not related to any particular transaction or activity of the City.

D. Disclosure of inside information which causes a conflict of interest.

To disclose or use information relating to the City's business for the personal profit or advantage of the individual or their immediate family. Disclosure of inside information will not be made by the employee.

An employee may not use his position with the City for any personal gain other than allowable compensation and benefits received from the City. This prohibition includes financial gain, political gain, or other favors, benefits, or gifts sought or bestowed because of a person's position with the City.

An employee may not engage in any other business or commercial activity or be employed in private enterprises if such activities interfere with the performance of their duties with the City.

An employee seeking outside employment shall submit a request to their supervisor who will forward the request with a recommendation for approval or disapproval to the Department Head. Such request shall not be approved unless employment will not adversely affect the employee's job performance with the City, will not result in a conflict of interest, and will not adversely reflect on the City. The Department Head shall return the request to the employee indicating whether the request has been approved or disapproved. The employee may appeal the Department Head's decision by filing a grievance with the City Manager. The action of the City Manager is final.

An employee will not borrow money from or otherwise exploit or take advantage of other City employees. Included in this prohibition are such activities as selling items to City employees or accepting gifts from fellow employees other than items of nominal value that are clearly tokens of respect or friendship.

An employee shall not purchase goods, supplies, services or equipment for the City without following the City's purchasing procedures policy. An employee will not accept any personal benefit, remuneration, gifts or favors from outside vendors.

An employee shall not use City personnel, equipment or supplies for personal gain nor shall an employee do personal work on City time.

An employee will not accept gifts from any person or firm that is doing or seeking to do business with the City under circumstances from which it might reasonably be inferred that the purpose of the gift is to influence the employee in the conduct of the City business with the donor. Such gifts should be returned with a note of explanation.

However, employees are not prohibited from accepting advertising novelties such as pens, pencils, and calendars, or other gifts of nominal value when the circumstances clearly show that the gifts are offered for reasons of personal esteem and affection and are not related to any particular transaction or activity of the City.

An employee shall not raise funds for other organizations or activities by soliciting donations or selling items to City employees during working hours.

Neither an employee nor anyone related to the employee within the first degree by affinity or consanguinity may purchase or acquire or submit a bid or offer for the purchase or acquisition of any surplus property offered for sale by the City to the general public.

It is difficult to describe all of the situations which may arise involving a conflict of interest. If any employee has a question concerning a possible conflict of interest, the employee should advise their supervisor of the situation. Questionable situations should be brought to the attention of the Personnel Officer or designee.

Section 9 - General Department Expectations

The attitude and deportment of a City employee, whether in public or private, should at all time be such as to promote the good will and favorable attitude of the public toward the City administration and its programs and policies.

Section 10 - Criminal Charges against Employees

An employee who is charged with a criminal offense, other than a traffic or parking citation, is required to report that charge to his or her immediate supervisor so that the City can determine whether the charge could affect that employee's performance of duties and the City's potential liability.

While a criminal charge is pending, the City may take appropriate personnel action as it deems necessary, taking into account the nature and seriousness of the criminal charges, that employee's job duties, and other relevant information.

CHAPTER VIII

DISCIPLINE, GRIEVANCES & COMPLAINTS

Section 1 - Work Ethic and Disciplinary Policy

The City expects its employees to accept reasonable and appropriate work assignments willingly and to perform them in a satisfactory manner.

Employees are also expected to comply with all rules, regulations, and policies pertaining to performance standards and personal conduct on the job. If any employee fails to perform satisfactory or if his/her personal conduct is unacceptable, disciplinary action may

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

Section 2 - Reasons Leading to Disciplinary Action

By way of illustration and not for limitation, and for the purpose of helping employees to be aware of the kinds of misconduct that would likely result in disciplinary action or termination, the following list of categories is provided. The City Manager or department head may take disciplinary action against any employee for the following types of conduct:

1. Illegal, unethical, abusive, or unsafe acts
2. Violation of City rules, regulations, policies and procedures
3. Insubordination
4. Leave under false pretenses
5. Incompetence
6. Neglect of duties
7. Theft
8. Any on-duty political activity
9. Unauthorized soliciting while on duty
10. Excessive or unauthorized absenteeism and tardiness
11. Failure to conduct him/her self in a courteous and proper manner while on duty
12. Falsification of official documents or records
13. Unauthorized use or disclosure of official authority
14. Unauthorized or improper use of official authority
15. Possession, use, or being under the influence of, alcoholic beverages or of drugs not prescribed by a physician while on duty, or of prescribed medication that otherwise impairs the employee from safely performing the functions of the job
16. Willfully or negligently damaging City equipment, tools, machines, and/or property
17. Wasting materials and supplies
18. Carelessness, recklessness, and/or engaging in horseplay

19. Abuse of illness, injury, disability leave, or other benefits
20. Any threat or physical attack on any supervisor or co-worker
21. Failure to properly document time and attendance records
22. Conduct or behaviors that are hostile or anti-social or are otherwise disruptive of the work environment for other co-workers and City employees.
23. Any off-duty conduct that is unbecoming of a City employee or which reflects negatively on the employee and the City.

This list is intended to be illustrative and not strictly limited to the categories outlined above.

Section 3 - Types of Disciplinary Actions

Even though City employees are at will, the City will generally adhere to a progressive discipline model in an effort to first seek correction for misconduct or poor performance. The types of progressive discipline include, but are not limited to the following procedures and protocols:

- a. Verbal warnings including a meeting with the employee to discuss the matter, inform the employee of the nature of the problem and the action necessary to correct it. A verbal warning may be documented in writing by supervisory personnel without notice of such documentation to the employee.
- b. Written reprimand to the employee describing the deficiency or infraction and the action necessary to correct it, warning the employee that a subsequent incident will result in more severe disciplinary action. A written warning or counseling shall be documented in the employee's personnel file and notice of this shall be given to the employee.
- c. Suspensions, with or without pay, including the issuance of a written reprimand and Notice of Suspension describing the deficiency or infraction and the action necessary to correct it, warning the employee that a subsequent incident will result in more severe disciplinary action up to and including termination.
- d. Demotion in salary, position or both, including the issuance of a demotion notice describing the reasons for such action.
- e. Dismissal or termination.

Disciplinary actions for civil service employees shall be in accordance with civil service law.

Nothing herein is intended to negate the authority and responsibility of a supervisor to take the disciplinary action believed appropriate based upon the relevant circumstances

nor prohibits the supervisor from immediately discharging an employee for the first instance of misconduct, depending upon the severity of the circumstances.

Section 4 - Grievances and Complaints

An employee who has suffered an adverse personnel action and who has a reason to believe that the adverse personnel action is not lawful must first bring any such complaint to the attention of the City in writing by following the reporting chain of supervision. Any such grievance must be submitted in writing within three (3) business days from the incident or event that is the subject of the complaint using the appropriate chain of command.

All other grievances, complaints or issues shall be handled on as informal basis as possible. A supervisor may, but need not, investigate the complaint and, if warranted, may take appropriate action, including referring the grievance to a department head, to the personnel officer, or to the City Manager.

Department heads are given reasonable discretion in the management of personnel within their department, and are encouraged to use informal grievances and complaints brought in good faith as a source of information to better manage and administer their department. Any suspensions without pay or separations from employment must be approved by the City Manager.

CHAPTER IX NON-DISCIPLINARY TERMINATION

Section 1 - Resignation

An employee may leave the City in “good standing” by giving two (2) weeks’ notice to the appropriate official. The City Manager may waive any portion of the notice period. The personnel records of any employee who resigned by giving proper notice shall show that the employee resigned of his/her own accord.

Section 2 - Retirement

Regular employees are afforded retirement under the Texas Municipal Retirement System.

The conditions under which an employee becomes eligible for retirement is determined by the rules established under the Texas Municipal Retirement System (TMRS) and not by this policy manual.

Section 3 - Lay-Offs

While rare, the City may, due to budgetary constraints, lay-off or terminate employees to accomplish a force reduction.

Force reductions are not disciplinary actions and are therefore not subject to administrative appeal review.

Section 4 - Inability to Fulfill Job Duties

Subject only to appropriate accommodations required by law, employees who are unable to carry out the duties of their position are subject to a separation from that position based on the employee's inability to fulfill the functions of the job.

A non-disciplinary separation is based on assessment by supervisory personnel that an employee, though willing, is simply not qualified to carry out the duties of any particular position, because of a lack of physical ability, or a lack of other minimally required competencies for the position.

Section 5 - Employee Separation Briefing

The department head of each separating employee shall forward the Personnel Director a copy of the employee's resignation letter or a written statement advising of termination or separation.

Upon termination of a City employee by voluntary resignation, involuntary termination, layoff, or for any other reason, the employee may be required to participate in an exit interview with the Personnel Director to identify or resolve any outstanding administrative issues with the employee, as well as for improvement of personnel management practices generally.

The Personnel Director shall, upon receipt of such termination notice, forthwith conduct a briefing with such separating employee to:

- a. Evaluate the conditions and reasons for the termination;
- b. Review the procedures for such employees receiving final paycheck;
- c. Determine the disposition of employee retirement contributions and/or additional benefits, as applicable.

CHAPTER X PERSONNEL RECORDS

Section 1 - Personnel Files and Records

An employee's personnel records belong to the City of San Benito and not to the employee. An employee may request copies of his/her records, subject to customary copy charges.

An employee has the privilege of inspecting his or her official personnel file upon written request made to the department head or other designated personnel officer. Review and inspection of an employee's personnel file shall be under the supervision of the department head or personnel officer or designee.

An employee must have on file a signed and executed Personnel Manual Acknowledgment Form, which may be obtained from the Personnel Department.

An employee who wishes to have wages deducted from his/her paycheck must have on file an appropriate Wage Deduction Authorization Form, which may be obtained from the Personnel Department.

Section 2 - Change of Personnel Status or New Hiring

Department heads shall submit in writing to the City Manager recommended changes in the personnel status of their employees or request to hire new employees prior to making any commitments to either existing employees or prospective new hires, provided the budget allows for such changes.

CHAPTER XI EMPLOYEE BENEFITS

Section 1 - Salary, Wages, Benefits

The final determination of an appropriate budget for the purpose of applicable salary, wages, and benefits, shall be approved by the City Commission as part of its budget adoption process and authority.

Section 2 - Staffing Levels & Authorized Positions

Similarly, the final determination of the staffing levels and/or number of positions to be authorized shall be made by the City Commission as part of its authority to manage the City's fiscal budget.

Section 3 - Compensation Package

The City Commission shall determine the form and nature of the compensation package for authorized positions, including but not limited to categories of pay such as salary, wages, seniority pay, education pay, certification pay, and any and all other categories of pay that the City Commission authorizes by separate action.

Section 4 - Benefits

The City Commission shall determine the form and nature of the benefits package for City employees, including but not limited to health insurance, workers' compensation insurance, various categories of paid time off such as holidays, vacation days, sick leave, retirement, and other such benefits that may be authorized by separate City Commission action.

The terms, conditions, and details of the foregoing pay and benefits package shall be set by separate action as may be taken from time to time by the City Commission.

CHAPTER XII TRAVEL POLICY

Section 1 - Applicability of Travel Policy

This policy applies to all City of San Benito elected officials, employees, board members, volunteers and others when traveling on official City business and/or traveling at City expense, subject to budget limitations and authenticated expenses.

In the normal course of conducting City business, appointed officials and employees may be required to travel for purposes of work-related meetings, training opportunities, professional conferences, or other business purposes.

As part of the annual budget process, departments request funding for travel purposes for the coming year. Department heads have full authority to approve travel for their employees within limits of the department's approved travel budget with the City Manager's approval. Travel that is significantly beyond the parameters of the department's travel budget must be approved by the City Manager together with a corresponding budget adjustment if required before it is authorized for the employee travel.

The City expects honest and ethical behavior from its employees in handling travel expense matters. Travel expenses that are partially or fully paid by outside parties (such as federal agencies) are not to also be submitted for reimbursement from the City. Any employee found to be deliberately misreporting travel expenses will be subject to disciplinary action as well as potential prosecution.

Expenditure reports and/or reimbursement requests shall be submitted on appropriate forms provided by the Finance Department, as approved by the City Manager.

Traveling with Spouse – There is no objection to employees inviting their spouse to travel along on City business; provided, however, that restrictions on non-City employees traveling in City vehicles continue to apply. The City will pay for none of the spouse's travel expenses and the employee must maintain separate records of the employee's reimbursable travel costs.

Section 2 - Authorization Required

The City Manager may authorize travel leave and expenses for City business outside the City. All travel requests must be approved by the department head and City Manager prior to its occurrence. Any employee traveling on official City business shall leave word with their supervisor as to where they can be reached while out of the City. All travel requests must be submitted on forms provided for that purpose as required by the City Manager.

Section 3 - Transportation Expenses

Normally when travel is required for City business a City or personal vehicle may be used when such travel is within the Rio Grande Valley. For travel beyond the RGV, air transportation or the use of a City or personal vehicle may be authorized by the City Manager.

All approved transportation expenses will be reimbursed as follows:

1. When employees use their personal vehicles, all travel mileage shall be paid at the rate approved by the City Commission. A mileage report and receipts for parking fees shall be required as a condition for reimbursement.
2. When City vehicles are used, all expenses incidental to the use of such vehicle (parking, gasoline, oil, repairs, etc.) shall be reimbursed. Receipts shall be required.
3. When air travel is permitted, the costs of such airfare shall be reimbursed or paid by the City in advance. Additionally, reimbursements will be made for the use of rental cars, taxi or bus fares, provided such expenses are necessary and reasonable. Receipts shall be required.

Alternate routes which are desirable because of personal affairs of the traveler can be used, but only on the traveler's time and with the traveler bearing the additional costs of the alternate route. Mileage and related expenses incurred on alternate routes must be reflected in the mileage report.

Section 4 - Food and Lodging

Whenever authorized by the City Manager, food and lodging expenses associated with official City business travel shall be on a per diem basis when overnight stay is required. The allocation may be paid in advance, subject to amounts authorized by the City Commission for such expenses.

Lodging will be reimbursed at single rates unless two or more employees occupy a single room, or otherwise approved by the City Manager. It shall be the policy of the City to reimburse for only lodging that is economical and practical. Exceptions to this may be granted when less costly hotel rooms are unavailable or where conferences are held in or nearby the hotel.

When authorized by the City Manager, food expenses associated with official City business or continuing education not requiring overnight stay, but which is out of town, may be paid in advance and will not exceed authorized amounts.

In addition, eligibility for said per diem when overnight stay is not required is conditional in that the employee must have successfully completed the required probationary period as prescribed in this Manual.

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

Section 5 - Travel Advances and Reports

Reimbursement for travel expenses will be limited to travel that is business-related and authorized in advance.

All travel requiring an overnight stay will be authorized in writing in advance of the trip. This authorization will be evidenced by a completed Travel Authorization form.

The City will reimburse employee travel expenses pursuant to the employee's department budget.

All employees traveling on official business must submit a Travel Expense Claim Report, with all required original receipts, within five working days following the completion of travel. All travel expenses not properly documented will not be reimbursed.

Travel Status: An employee is considered to be on travel status from the time that he/she departs from the City offices (or from their residence, if not reporting to work that day) directly to their temporary duty station, until the time that he/she returns directly to the City offices (or to their residence, if not reporting back to work that day).

Travel Within the Local Area: Travel that does not require an overnight stay.

A. Procedure:

1. Travel within the local area must be authorized in advance by an employee's immediate supervisor and documented in writing.

B. Vehicle Usage:

1. When a City vehicle is available for use, the employee must use that vehicle. No mileage reimbursement will be provided for travel in City vehicles.

2. In the absence of a City vehicle, the employee may use their own vehicle, subject to the approval of their immediate supervisor; provided that the employee has appropriate insurance coverage on his/her vehicle.

3. Employees who operate a vehicle for City business must have a valid driver's license. Failure to observe this condition for operation of a vehicle used on City business may result in disciplinary action.

C. Reimbursable Expenses:

1. Mileage is reimbursed from the point of origin of the trip to its destination, and back to the point of termination. The points of origin and termination will be the City of San Benito offices, unless the employee embarks directly from, or returns directly to, his residence. Only business-related mileage will be reimbursed.

2. Mileage reimbursement for the use of an employee's private vehicle will be provided at a rate approved by the City.

3. Mileage reimbursement will be limited to a maximum of 500 miles per trip, unless the employee can demonstrate that this was the most cost effective mode of transportation, or unless there is good reason to waive this requirement, as determined by the City Manager.

4. If more than one employee is traveling in the same vehicle, only one employee can claim mileage.

5. Parking violations and traffic fines are the responsibility of the employee and will not be reimbursed.

D. Travel Reimbursements:

1. Per Diem will be established at the rates approved by the City Commission.

2. Mileage calculations will be determined using internet based mileage tables or other guideline sanctioned by applicable state or federal regulations.
3. Meals and incidentals, when allowable, will be reimbursed at standard rates approved by the City Commission by Ordinance or Resolution.

Travel Verification:

1. The finality, accuracy, propriety, reasonableness, authorization, and documentation of all expenses being claimed will be verified.
2. Appropriate adjustments will be made in accordance with verification.

The Department Head shall be responsible for the following, within 24 hours of cancellation:

1. Submission of a Travel Expense Claim Report to the Finance Department indicating that the travel was canceled.
2. Cancellation of all arrangements relating to the travel, such as lodging, rental cars, conference registration, and meeting room rental to prevent the incurrence of unnecessary and unallowable expenses.
3. Return of any advances issued.
4. Return of any airline tickets issued.
5. If travel is canceled for the personal convenience of the employee, the employee shall be responsible for any additional expenses incurred, including, but not limited to charges such as changed airline reservations, or any amount not refunded from a conference registration.

Travel Interruption

1. When an employee discontinues travel before its completion because of an unforeseen or emergency situation, expenses of appropriate transportation and per diem while on route may be allowed, if authorized by the City Manager.

Responsibility for Making Travel Arrangements

The employee is responsible for making his or her own arrangements for the following, as needed:

1. Airline tickets
2. Hotel
3. Rental Car
4. Conference registration
5. Preparation of the Travel Authorization form
6. Any other arrangements necessary to completing the purpose of the trip.

Rental care insurance: Charges for collision damage waiver or collision damage insurance offered by a rental car company are not allowed. The City of San Benito can pay for damage to a rental vehicle up to the deductible specified in the commercial policy, and will do so provided that the damage was not caused by reckless conduct or the personal use of the vehicle.

Courtesy shuttles will be taken between the place of lodging and the common carrier terminal when available.

Cab fare will be reimbursed only for official business. Excess costs resulting from circuitous routes, delays, or luxury accommodations or services unnecessary or unjustified in the performance of official business are the responsibility for the employee.

When cabs are taken, tips will be limited to 15% of the fare.

Travel advances shall be released to employees no more than two working days prior to departure. Exceptions to this rule shall be made only for valid, business-related reasons, and require the authorization of the City Manager.

Travel Costs

Lodging – Lodging costs shall be reasonable and appropriate to the travel location, and within the authorization approved by the City Commission.

Meals – Meal costs shall be reasonable and appropriate to the travel location, and within the authorization approved by the City Commission.

Other Costs - Any other travel related costs must be approved by the City Manager and must fall within the authorization for such expenditures approved by the City Commission.

CHAPTER XIII CITY VEHICLE POLICY

Section 1 - General Policy

It is the policy of the City that all employees required to operate motor vehicles in performance of City duties do so in a safe and lawful manner.

Section 2 - Required Licenses and Certificates

All employees required to operate motor vehicles or heavy equipment (whether employee owned or City owned) in performance of City business must possess the appropriate driver's license and insurance as a condition of their employment.

Employees operating their own vehicles must possess the appropriate driver's license and carry the minimum amount of vehicle insurance required by law.

Any City employee required to operate a motor vehicle who is charged with or convicted of any of the following violations may be subject to appropriate disciplinary action:

1. Driving while intoxicated or under the influence of drugs or alcohol;
2. Hit and run/failure to stop and render aid;
3. Manslaughter with a motor vehicle; or
4. No license, improper or invalid driver's license.

An employee whose duties require the operation of a motor vehicle and who develops a record of moving violations or motor vehicle accidents may be subject to appropriate disciplinary action.

Any employee who receives a traffic citation or who is involved in a motor vehicular collision, regardless of how minor, while operating a motor vehicle on City business, shall if physically able, file a report of such incident with their immediate supervisor within twenty-four (24) hours of the occurrence. Employees will be subject to immediate substance abuse and drug testing in accordance with this Manual.

Unauthorized use of the City's motor vehicles is prohibited and is a ground for disciplinary action including termination of employment. City vehicles shall not be used for personal errands or for personal travel. Employees who are provided City motor vehicles for their use will use such vehicles only for City related business.

City vehicles shall not be used to transport employees, clients, or others to political activities, to voting precincts or to any other activities outside of normal City requirements.

Section 3 - Operation and Ridership

Except for maintenance, service and repair, only City officials and employees may operate City vehicles. Ridership will be limited to employees or persons on official City business.

Due to the nature of certain employees being required to be on call and take a vehicle home, the City Manager may exercise limited discretion in situations where the ridership policy might cause transportation difficulties to an employee required to be on standby and use a City vehicle. Employees allowed to operate City vehicles between their places of residence and work shall be required to reside within a fifteen (15) minute drive to the City, except as otherwise authorized by the City Manager.

Section 4 - Safety, Maintenance and Care

Personnel assigned the use of a vehicle or piece of equipment will be responsible for the maintenance and care of said vehicle/equipment. Damage arising from misuse or neglect attributable to operator negligence is subject to review by the City Manager or designee with subsequent required repair possibly at the expense of the employee found responsible for the damage.

No one shall operate a City vehicle or piece of equipment that is unsafe; the operator will be responsible for exercising good judgment and performing a cursory inspection prior to operating any City vehicle or equipment.

All operators and passengers will be individually accountable for abiding with all the laws pertaining to vehicles and their operation. No one may operate a City vehicle or piece of equipment while under the influence of alcohol, medication or drugs that may alter judgment or reflex. No person with corrective lenses or devices shall be allowed to operate City equipment or vehicles without said corrective lenses or devices being in use and in good repair.

Section 5 - Vehicle Logs

It will be the responsibility of each operator of a City vehicle or piece of equipment to properly fill out any paperwork associated with the use, mileage, gas/lubricant applications or any other documentation which may be required from time to time.

CHAPTER XIV SUBSTANCE ABUSE & DRUG TESTING

Section 1 - Definitions Under this Chapter

“Illegal drug” includes heroin, cocaine, crack cocaine, cannabinoids (marijuana, hashish, THC), and PCP (Phencyclidine), LSD (lysergic acid diethylamide) or any other controlled substance not validly prescribed by a physician.

“Controlled substance” includes all of the above illegal drugs plus any other substances covered by Schedules I through V of the Federal Controlled Substances Act (21 U.S.C. 801 at seq.) Or the Texas Controlled Substances Act (Chapter 481, Texas Health and Safety Code), as amended. Controlled substances include amphetamines, barbiturates, methadone, benzodiazepines, methaqualone, morphine, codeine, and anabolic steroids, and any other substance so designated by state and/or federal law.

“Unauthorized controlled substance” means a controlled substance for which the employee does not have a valid prescription at the time of its use or possession.

“City premises or worksites” include all property, buildings, structures, job sites (where an employee is working), parking lots, and means of transportation owned, leased, or otherwise used for City business including motor vehicles, equipment, or machinery.

“Failing a drug test” is defined as a confirmation of initial test results which shows positive evidence of the presence of a prohibited substance in the body.

“Passing a drug test” is defined as initial or confirmation test results which do not show evidence of the presence of an illegal drug or unauthorized controlled substance in the body.

An employee who has a blood alcohol content of .05% while on duty will be presumed to be “under the influence of alcohol” and in violation of this policy.

Section 2 - General Policy

It is the policy of the City of San Benito to maintain a drug-free workplace. The manufacture, distribution, dispensation, possession, concealment, use, sale or transfer of alcoholic beverages, inhalants, drugs or controlled substances, and the possession of drug-related paraphernalia or literature promoting the use of illegal drugs, while at work, on City premises (including parking lots) or worksites, in City vehicles, or while involved in City business, is strictly prohibited, except as may otherwise be authorized for a legitimate law enforcement purpose. The City has a zero tolerance policy with respect to substance abuse of any type.

Prescription drugs prescribed by a licensed medical practitioner for the person using or possessing them and over-the-counter medications are not prohibited by this policy, provided that they were lawfully obtained and are not consumed at a frequency or quantity greater than the dosage prescribed or otherwise recommended on the medication's label.

- a. Any employee whose duties include operation of motor vehicles or machinery, taking any prescription or over-the-counter drug or medication, regardless of whether it was lawfully obtained and properly consumed, which drug or medication is known or advertised as possibly affecting or impairing judgment, coordination, or other senses, or which may adversely affect ability to perform work in a safe and productive manner, must notify his or her supervisor or the Personnel Officer prior to starting work or entering City premises or worksites. The supervisor or Personnel Officer will decide if the employee may remain at work or on City Premises or worksites and what work restrictions, if any, are deemed necessary. If the employee is determined unable to work, the absence will be considered as sick leave.

Section 3 - Discipline

Any detectible level of a controlled substance in a positive drug test shall subject an employee to disciplinary action, up to and including discharge.

Section 4 - Substance Abuse Testing

Employees are subject to substance abuse testing to the full limits allowed by state and federal law. Generally, the testing shall be under the following circumstances:

1. Pre-employment: During pre-employment screening, applicants will be advised that they are subject to testing for illegal drugs. Any job offer will be contingent on passing a drug test (negative results). Applicants will be required to sign a consent form acknowledging this policy as a condition of employment and granting consent for such testing.
2. Note: Applicants who fail the test (confirmed positive results) will not be allowed to reapply until twelve (12) months after the date of the test and only then if they present evidence of their completion of a physician-approved rehabilitation program and consent to random testing for twelve (12) months after the effective date of their appointment.
3. Probable Cause: If probable cause exists to believe that any employee has used, possessed or is under the influence of alcohol, any drug, or any controlled substance, in violation of this policy, the employee shall be required to submit to urine and/or blood testing.
4. Post-accident: Whenever a City employee is involved in an accident resulting in any personal injury or resulting in property damage estimated to

exceed \$500, the employee is subject to a urine, breathalyzer and/or blood testing as soon after the accident as possible, particularly if the accident has resulted in damage to property or injury to persons. The provisions of the Police Department's Standard Operating Procedures applicable to its law enforcement officers supersede this provision to the extent of any conflict.

5. Random testing. Under the direction of the City Manager, random tests may be conducted on selected groups of employees, particularly those involved in law enforcement, fire suppression, or in other recognized safety sensitive positions. Any random test program that may be implemented by the City Manager shall be mandatory.

Section 5 - Testing Procedures

When probable cause exists to believe that an employee has used unauthorized controlled substances at any time or is under the influence of drugs or alcohol while on duty, the employee shall be required to submit to testing to the limits allowed by state or federal law. This includes, but is not necessarily limited to, the following types of testing, as appropriate to the circumstances:

1. Urine testing;
2. Blood testing;
3. Hair follicle testing;
4. Other available testing technically available and otherwise authorized by law.

The City Manager is authorized to designate one or more qualified substance abuse testing facilities to perform testing for drugs, alcohol and controlled substances; provided that the testing facility shall also have as a component of testing a Medical Review Officer (MRO) and qualified procedures for MRO review as a component of these services to the extent required by law.

The MRO procedure would provide the employee who has a positive drug test result a reasonable opportunity to have a MRO review the positive test results so that the MRO can evaluate whether there exists a legitimate medical explanation for the positive test result, in accordance with legally defined guidelines.

If an employee declines to use the MRO procedure, or if the MRO determines that there exists no legitimate medical explanation for the positive test result, the positive test result shall be treated as conclusive by the City for purpose of administration and enforcement of its substance abuse policy.

Section 6 - Treatment Opportunities

Employees who believe they have a substance abuse problem are encouraged to seek treatment and counseling by any means possible, including through any available health plan benefits that may be available through the City. Due consideration will be given to an employee who recognizes that he/she has a substance abuse problem and who takes steps to secure appropriate treatment before the condition interferes with the employee's ability to perform the functions of their job. However, the City reserves its right to terminate any employee found to be in violation of its substance abuse policy.

Section 7 - Acknowledgment of Compliance

Compliance with the City of San Benito's Alcohol and Drugs Policy is a condition of employment for all employees hired prior to and after the effective date of this policy. Current employees will be required to sign an acknowledgment of understanding which will become part of each employee's personnel file (Attached Form).

Section 8 - Additional Violations Related to Controlled or Prescribed Substances

Any of the following actions constitutes a violation of this policy and may subject an employee to disciplinary action to include immediate termination:

- a) Using, selling, purchasing, transferring, possessing, manufacturing, or storing an illegal drug or drug paraphernalia, or attempting or assisting another to do so, while in the course of employment or engaged in a City sponsored activity, on City premises, in City owned, leased or rented vehicles, or on City business.
- b) Working or reporting to work, conducting City business or being on City premises or in a City-owned, leased or rented vehicle while under the influence of an illegal drug, alcohol or in a mentally impaired condition.
- c) Switching, adulterating or attempting to tamper with any sample submitted for medical testing, or otherwise interfering or attempting to interfere with the testing process.

Section 9 - Preventive Acts

Employees taking drugs prescribed by an attending physician must advise their immediate supervisor in writing of the possible effects of such medication regarding their job performance and physical/mental capabilities. This written information must be kept confidential, with communication to the immediate supervisor required prior to the employee commencing work. All medical information will be kept confidential in this regard. All prescription drugs must be kept in their original container(s).

Section 10 - Applicant Testing

Refusal to give written consent for a drug screening test will disqualify the candidate for consideration for employment.

Objective: To maintain the high professional standards of the City's workforce, it is imperative that individuals who use illegal drugs be screened out during the initial employment process and not placed on the employment rolls of the City. This procedure will have a positive effect eliminating or minimizing the use of illegal drugs by employees working for the City, and will provide for a safer work environment. For these reasons, drug testing shall be required of all prospective employees.

Section 11 - When Testing Is Required

Testing Requirements:

1. Testing may be required during routine physical examinations such as annual physical or return-to-work physical to the fullest extent allowed by law.
2. Any employee suspected of having caused or contributed to an on-the-job accident resulting in any personal injury or resulting in any property damage estimated to exceed \$500 will be tested.
3. Individual testing shall be required when there is reasonable suspicion that drugs or alcohol is affecting job performance and conduct in the work place.
4. Random testing may be implemented in accordance with random testing protocols that are in compliance with applicable legal standards for such testing.

Immediate Fitness Examination – When, as determined by the immediate supervisor and the next higher level of management, reasonable grounds exist to believe that an employee is impaired or an employee's unsatisfactory behavior or job performance reasonably suggest to management that substance abuse may be a contributing factor, the City reserves the right to require an immediate fitness-for-duty examination such as a medical evaluation, which may include drug and/or alcohol testing.

Refusal to participate in such evaluation shall be considered equivalent to a positive result and shall result in immediate dismissal.

Section 12 - Coordination with Law Enforcement Agencies

The City will cooperate with any law enforcement agency that is involved in the enforcement or investigation of violation of state and federal laws related to controlled substances.

CHAPTER XV MISCELLANEOUS PROVISIONS

Section 1 - Safety

Each employee is required to adhere to all safety procedures set forth by the City, the state, and federal agencies. It is the obligation of all employees to report any unsafe conditions to the appropriate department heads and to inform their supervisor of an on-the-job accident.

Section 2 - Coffee Breaks

It is the policy of the City to allow one (1) fifteen (15) minute coffee break at the discretion of the department head and the City Manager for every four (4) hours shift of work. It shall be understood that coffee breaks are a privilege, not a right. As such, the abuse of said privilege may lead to the revocation of said privilege. At no time will coffee breaks accumulate for later use or take precedence over the work situation on any given day. All breaks shall be taken in a designated break area away from the work area.

Section 3 - News Releases

All news releases regarding extraordinary events that may attract media attention must be approved by the City Manager prior to their release.

Section 4 - Lunch Periods

The scheduling of employee lunch periods will be determined by the department head and/or City Manager to facilitate serving the public and permitting efficient department operations. Lunch periods shall not exceed one (1) hour in length except for business lunches in which case the employee shall return to work within a reasonable time upon completion of the business lunch.

Section 5 - Unauthorized Use of Official Badge or Uniform

No official or employees whose duties involve the use of a badge, card, uniform or clothing insignia as evidence of authority or for identification purposes shall permit such badge, card uniform or insignia to be used or worn by another person who is not authorized to use or wear of same, nor permit same to be out of his/her possession without good cause or approval of the City Manager.

Such badge, card, uniform or insignia shall be used only in the performance of the official duties of the position to which they relate or as may be otherwise approved by the City Manager.

Section 6 - Smoking in the Workplace

Smoking is not permitted in City buildings or facilities including specifically offices, restrooms, hallways, reception areas, garages, sheds, and motor vehicles.

Smoking Restrictions:

1. Employees may smoke outside while on designated breaks.
2. Non-employee visitors will be directed to comply with the City's no smoking policy.
3. Work breaks may be scheduled by supervisors to accommodate smokers in compliance with these policies and procedures covering such breaks.
4. Smoking in City motor vehicles is prohibited.
5. The success of this policy will depend upon the thoughtfulness, consideration and cooperation of smokers and non-smokers.

All employees share in the responsibility for adhering to and enforcing the policy, but management will ensure adherence to this policy. Conflicts should be brought to the attention of the immediate supervisor and, if necessary, the Department Head.

In all cases, the right of a non-smoker to protect their health and comfort will take precedence over another employee's desire to smoke.

This policy, and any violations thereof, shall be enforced through appropriate counseling and appropriate disciplinary action.

Section 7 - City Equipment and Property

Because all City equipment, of whatever nature, is acquired with public money, the care and use of all City equipment must be restricted for legitimate City business.

A. **Telephone and Facsimile** - It is the policy of the City that telephone, mail, and facsimile transmission facilities shall be available during working hours for effective communication involving City business. Accordingly, City facilities should not be used for personal telephone calls or personal mail except in cases of necessity.

1. Use of the City's telephone lines should be confined to business calls. Personal telephone calls should be limited to those which are absolutely necessary and should be as brief as possible. This restriction on the use of telephones also applies to personal calls to fellow employees.
2. When necessity requires that an employee make a personal long distance telephone call, the call should be placed throughout the telephone

company operator and charged to the individual's home number, or placed collect.

B. Mail and City Stationery - In order to avoid adding to the increasing volume of mail, employees should not use the City's address to receive personal mail. City's stationery shall not be used for personal correspondence since any communication sent out on such stationery might be considered an official communication from the City.

C. Internet Use - Employees may use computers and Internet connections to conduct City business only. Because of the risk of computer equipment being infected with viruses, worms and other malicious software, employees are expected to exercise diligence and care in the utilization of the Internet.

1. Employees should be aware that they have no privacy right to the content of their computers, and the City has the right to monitor, restrict, seize, and evaluate any and all communications and downloads that pass through its facilities.

2. Improper use of the Internet, particularly misuse involving surfing or viewing of non-work related sites, and in particular pornographic sites, shall serve as grounds for disciplinary action.

D. Email - Email relating to City business should be treated as any other correspondence involving City business. As such it should be processed like any other written communication involving City business.

E. All Other Equipment - All other City equipment of whatever nature, whether heavy equipment, tools, or office furniture, should be cared for and maintained in a reasonable manner. Loss of or damage to any City equipment must be reported to supervisory staff. An employee may be held responsible for the cost of replacing or repairing City equipment that is lost or damaged.

Section 8 - Workplace Monitoring

Workplace monitoring may be conducted by the City to ensure quality control, employee safety, security, and customer satisfaction.

Employees who regularly communicate with customers may have their telephone conversations monitored or recorded.

Telephone monitoring is used to identify and correct performance problems through targeted training. Improved job performance enhances our customers' image of the City as well as their satisfaction with our service.

Computers furnished to employees are the property of the City. As such, computer usage and files may be monitored or accessed. Employees of the City should recognize that most City files and records are of public domain.

The City may conduct video or computer surveillance of non-private workplace areas. Monitoring is used to identify safety concerns, maintain quality control, detect theft and misconduct, and discourage or prevent acts of harassment and workplace violence.

Because the City is sensitive to the legitimate privacy rights of employees, every effort will be made to guarantee that workplace monitoring, if such be necessary, is done in a lawful and legal manner.

Section 9 - Cell Phone Policy

The City provides cellular telephones to some employees as a business tool. They are provided to assist employees in communication with management and other employees, their clients, associates, and others with whom they may conduct business.

Cell phone use is primarily intended for business-related calls. However, occasional, brief personal use is permitted within a reasonable limit. Further limitations will be issued by the Information Technology Department. Abuse of cell phone usage can result in restrictions imposed, monetary restitution or removal of cell phone privileges, depending on the circumstances presented.

Cell phone invoices are regularly monitored.

Employees may have access to a cell phone while in their cars and should remember that their primary responsibility is driving safely and obeying the rules of the road. Employees are prohibited from using cell phones to conduct business while driving and should safely pull off the road and come to a complete stop before dialing or talking on the phone.

As a representative of the City, cell phone users are reminded that the regular business etiquette employed when speaking from office phones or in meetings applies to conversations conducted over a cell phone.

Section 10 - Personal Electronic Recording Equipment Policy

With the exception of recordings made during meetings subject to the Texas Open Meetings Act, the City prohibits the use in the workplace of any type of smart phone, cell phone camera, digital camera, video camera, electronic audio recording device or other form of image- or voice-recording device for recording purposes without the express permission of the City by policy or by a Department Head. This provision does not apply to designated City personnel who must use such devices in connection with their positions of employment, when recording is being done as part of employment duties. This provision also does not apply to permanently installed cameras and recording equipment

in use in city buildings and facilities and authorized by the City Manager. Violation of this policy, or failure to permit an inspection of any device covered by this policy, shall result in disciplinary action, up to and possibly including immediate termination of employment, depending upon the severity and nature of the offense.

-END-

EXHIBIT "A"
RECEIPT AND ACKNOWLEDGEMENT FORM

I acknowledge receipt of a copy of the Personnel Policy Manual of the City of San Benito, Texas. I understand and agree:

- A. That this Manual is the property of the City of San Benito, Texas and must be returned to the City upon the termination of my employment with the City.
- B. That it is my obligation to understand all of the provisions of the Manual. It is my obligation to ask my Supervisor, my Department Director, or the Personnel Office about any questions I may have about this Manual and how it applies to me.
- C. The manual is not a contract and the information provided is subject to change by the City as the need arises.
- D. By my signature below, I am representing that I understand the provisions of the Manual and that I will exercise my good faith judgment and discretion to comply with these policies.

_____ Employee's
Printed Name

_____ Employee's
Signature

_____ Date
Received

Policy Manual No. _____

EXHIBIT "B"
TEXAS GOVERNMENT CODE
Section 552.024 Public Access Option Form

The Public Information Act allows employee, public officials, and former employees and officials to elect whether to keep certain information about them confidential. Unless you choose to keep it confidential, the following information about you may be subject to public release if requested under the Texas Public Information Act. Therefore, please indicate whether you wish to allow public release of the following information by checking off or initialing in the appropriate box:

Public Access Election	"Yes"	"No"
Home Address		
Home Telephone Number		
Social Security Number		
Information that reveals whether you have family members		

Printed Name

Dated

Signature

EXHIBIT "C"
WAGE DEDUCTION AUTHORIZATION FORM

I recognize that during my employment or upon termination of my employment, I may owe the **CITY OF SAN BENITO** money for a variety of reasons, including without limitations an erroneous overpayment of wages or other benefits and also property damages. Therefore, I, the undersigned employee of **CITY OF SAN BENITO**, acknowledge that in the event I owe any such moneys to the **CITY OF SAN BENITO**, I hereby authorize the **CITY OF SAN BENITO** to deduct such amounts from my wages during my employment or from my final wages due and owing upon termination or separation from employment.

I also understand and agree that if I fail or refuse to pay any such amount, **CITY OF SAN BENITO** retains the right to pursue any applicable legal remedies, and may recover reasonable attorney fees and costs of litigation.

By signing this document, I certify I have carefully read and understand all of the authorizations and acknowledgements and voluntarily agree to be bound thereby.

Printed Name

Signature

Date