



City of San Angelo

Employee Policy Manual

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INTRODUCTION

The objectives of these policies are to facilitate efficient and economical services to the public, to provide for a fair and equitable system of employee management for the City of San Angelo, and to provide for the City's compliance with State and Federal Statutes involving employee management. Considerable latitude shall be given to the City Manager and the Director of Human Resources for the administration of these policies keeping within the boundaries established by Federal and State Statutes.

It is the policy of the City of San Angelo to develop and maintain an Employee Policy Manual intended to serve as a primary medium of communication to inform management staff and all city employees of:

- A. Approved employee policies, procedures and practices;
- B. Employee benefit plans in effect;
- C. Responsibilities under Federal, State and Municipal personnel laws.

The objectives of the Employee Policy Manual are:

- To provide an established point of reference for use in auditing and determining the need for improving existing policies, procedures and practices;
- To provide for a fair and equitable system of employee management for city employees;
- To provide an employee management process which will facilitate efficient and economical service to the public;
- To promote and increase productivity, efficiency, responsiveness to the public, and economy in City service;
- To provide fair and equal opportunity for qualified persons to enter and progress in City service in a manner based upon merit and fitness as ascertained through fair and practical personnel management methods;
- To maintain a program of recruitment, advancement, and longevity that will make City service an attractive career, and to encourage employees to give their best effort to the job and to the public;
- To establish and maintain a uniform plan of evaluation and compensation based upon the duties and responsibilities of the position in the City;
- To establish and promote high morale among City employees by fostering good working relationships, providing uniform personnel policies, providing opportunities for advancement, and consideration of employee needs and desires.

The contents of the Employee Policy Manual are not to be considered a part of any employment agreement with an employee. Additionally, the policies and

practices described herein are subject to change as deemed advisable and/or necessary.

It is the policy of the City, pursuant to the City Charter, that the general and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to City Council by State Law or the City Charter.

The issuance of these policies and procedures does not constitute a contract between the City and its employees for any duration of employment.

The City Manager and the Director of Human Resources reserve the right to change, revise, and eliminate any of the policies, procedures or benefits outlined in this manual keeping within the boundaries established by the City Council and Federal and State Statutes.

City Council

The City Council is the elected Municipal Government of the City comprised of a Mayor and six Council Members. The City Council appoints a City Manager to administer the day-to-day operations of the City government.

City Manager

The City Manager advises the City Council on personnel matters and recommends to them changes in personnel policies, changes in personnel rules and regulations, and compensation rates of appointed officers and other City employees, and any other changes which may deem necessary or expedient with the advice of the Director of Human Resources.

Director of Human Resources

The Director of Human Resources is responsible for the administration of all personnel programs for the City of San Angelo. The Director of Human Resources is under the direction of the City Manager and shall serve as an advisor to the City Manager and City Council when deliberating personnel matters. The Director of Human Resources also serves as the Civil Service Director and ADA Coordinator for the City.

Department Director

The Department Directors are under the direction of the City Manager or an Assistant City Manager. Department Directors oversee multiple divisions within an assigned department and are responsible for supervising the budgets for their respective divisions. They are expected to effectively supervise their employees and to maintain proper working relationships.

Employee Policy Manual was approved by the City Manager on 1/27/2012.

SECTION I ADMINISTRATION OF POLICY

The employee policies established herein are intended to cover all employees of the City of San Angelo except where otherwise provided by the Charter of the City of San Angelo. The Director of Human Resources, under the direction of the City Manager, shall administer the employee policies. Questions about employee policies should be directed to the division manager/supervisor, Department Director or the Human Resources Department. The Director of Human Resources shall monitor these policies and shall make every good faith effort to insure compliance not only with the letter but also with the spirit of the objectives set forth in these policies.

1.01 Management Authority

Includes but is not limited to the following:

- Discipline or discharge;
- Hiring, promotion, assignment, or transfer of employees;
- Determination of the mission, goals, and objectives of City departments;
- Determination of the method, means, and allocation/assignments of personnel needed to carry out the City's mission;
- Introduction of new or improved methods or facilities and changes of such;
- Determination of reasonable schedules of work and establishment of methods and processes by which such work is performed;
- Requiring the performance of duties as stated and intended in the job description, with the understanding that every duty connected with the City's operation and enumerated in a job description is not always specifically described; and
- Determination of position availability.

1.02 Guidelines for Administration of Policy

- Individual City departments may develop policies and procedures that are consistent with City policies and procedures. These policies must be approved in writing by a Department Director and City Management prior to implementation.
- Policies and procedures apply to all employees of the City, both on and off duty where applicable, and unless otherwise indicated, restricted by proper authority, or prohibited by State and/or Federal law.
- Only the City Manager or his designee through expressed delegation has the authority to enter into any employment agreements, promises, or commitments contrary to these policies and procedures, and all such agreements, promises, and/or commitments entered into by the City Manager

or his designee shall not be enforceable unless in writing and approved by the City Council.

- Any statement in a policy and procedure found to be illegal, incorrect, and/or inapplicable shall not affect the validity and intent of the remaining content of said policy and procedure.
- Titles utilized shall not govern, limit, modify, or affect the scope of meaning or intent of any provision.

1.03 Responsibility

It is the responsibility of the Human Resources Department and the Department Director to ensure that each affected employee receives a copy of the policies and procedures upon implementation of said document at their initial employment orientation.

- It is the responsibility of each Department Director and/or immediate manager/supervisor to ensure the policies and procedures are fairly administered and equitably enforced.
- It is the responsibility of each affected employee to read, retain, understand, and update their policies and procedures when provided applicable revisions and additions.

It shall be the responsibility of each employee to read, understand, and comply with all policies, procedures, rules, regulations and practices, both those of the City and those of their respective departments. Failure to comply may result in disciplinary action up to and including termination of employment.

1.04 At-Will Positions

All positions are considered at-will positions. This means that an employee is free to resign their employment at any time, just as the City is free to terminate employment, for any or no reason, with or without cause or the use of progressive discipline, at any time.

SECTION II CODE OF ETHICS

- Recognize that the chief function of local government at all times is to serve the best interests of all of the people;
- Keep the public informed through compliance with the spirit and intent of the Public Information Act and the Open Meetings Act of the Texas Government Code;
- Refrain from entering into any activity that may be in conflict with or give the appearance of conflict with the interests of the citizens of the City of San Angelo or that would prejudice their ability to carry out their duties and responsibilities objectively;
- Act impartially and not give preferential treatment to any private organization or individual or use their position for private gain;
- Disclose, as a matter of record, any substantial direct or indirect financial interest in any matter requiring official action, and shall not participate in any vote or decision on a matter requiring official action, and shall not participate in any vote or decision on a matter in which they have a direct or indirect financial interest;
- Ensure the accuracy and reliability of records and reports essential for the City's reputation and ability to meet its obligations and comply with the law;
- Disclose waste, fraud, abuse, and corruption to appropriate authorities;
- Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant;
- Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public;
- Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials;
- Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body;
- Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service;

- Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice;
- Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions pertaining to appointments, pay adjustments, promotions, and discipline;
- Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest;
- Never ask or direct any other official or employee to violate any provision of this code of ethics by action or omission.

SECTION III GENERAL PROVISIONS

3.01 Categories of Employment

There are various categories used to identify classifications of employees and employee status within the City.

A. Regular Fulltime Employees

A fulltime employee is defined as an employee who works a minimum of 40 hours a week or 2,080 hours annually in a fulltime budgeted position. Such employees are eligible for all City benefits. Fulltime employees are further classified in one of the following categories:

- **Exempt:** an employee who is not subject to the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) or on-call/call back pay provisions included in this policy. Exempt employees primarily include those individuals occupying a bona fide executive, administrative, and/or professional position under the FLSA.
- **Non-Exempt:** an employee covered by the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA). Non-exempt employees include hourly employees (where pay is directly related to the number of hours worked) and some non-exempt salaried workers (clerical, supervisory, and paraprofessional job categories).

B. Regular Part Time Employees

A part time employee is defined as an employee who works less than 999 hours per calendar year on a continuous basis. A part time employee must be designated as such by the Department Director and approved by the Director of Human Resources. A part time employee is eligible for annual performance evaluations but is not eligible for any City benefits except those required by law.

C. Temporary Seasonal Employees

A temporary seasonal employee is defined as an employee who, regardless of the number of hours worked per week, will not exceed 999 hours in a calendar year and may only work periodically for a specific season or time period. Employees hired for intern positions are included in this category. Temporary seasonal employees are not eligible for any City benefits, except those required by law, and are required to re-apply each successive year for continued employment consideration.

D. Contractual Employees

A contractual employee is defined as a person working on City projects through a third party agency under contract with the City. These employees are assigned to specific projects for finite periods of time under the provisions of an approved contract. Contractual employees are not compensated for hours worked through the City payroll system, and therefore are not employees of the City.

E. Civil Service Employees

Civil Service employees operate under Civil Service rules. The Civil Service system is delegated to a board of Civil Service Commissioners who have the authority to make rules consistent with existing laws to exercise any and all administrative measures, necessary and proper, to achieve the objectives and purposes of Civil Service laws.

The provisions of these policies also pertain to Civil Service employees to the extent that they are not superseded by state law or Civil Service rules.

There are two groups of civil service employees in the City: certified firefighters and sworn police officers.

Salary administration for Civil Service positions are subject to Civil Service policy.

F. Probationary Employees

All employees hired by the City of San Angelo shall serve an employment probationary period of twelve (12) months. This probationary period allows time for supervisors to closely observe and evaluate the work of a probationary employee and to aid and encourage them in adjusting to the job.

There are three (3) categories of a probationary status:

- **Employment Probation** – For the purpose of becoming a regular employee (defined in these rules as an employee who has successfully completed a probationary period) and thus having access to the employee grievance process set forth in Section IX, the employee must successfully complete a minimum of one year of continuous City service (unless extended) in any one or more classifications. An employee shall meet this requirement, provided that the employee is not demoted to any lower classification during that probationary period, which shall commence at the time of initial probationary appointment.
- **Classification Probation** (i.e., Promotion and Demotion, Transfer, Reassignment) – For the purpose of attaining status to a particular class, a minimum probationary period of one year from the date of appointment to that particular class is required. It is intended that an employee will be required to satisfactorily complete a probationary period in any class to which they are appointed, notwithstanding the fact that they may have attained regular employee status with the City as described in 3.01A.
- **Performance Probation** – An employee will be placed on performance probation if their annual performance evaluation yields an overall score of Below Expectations.

Under extraordinary circumstances a probationary period may be extended in increments of 90 days not to exceed six (6) months. Extensions for a probationary period must be requested and approved prior to the end of a twelve (12) month probationary period through the Director of Human Resources.

The Human Resources Department will notify the Division Manager/Supervisor of the end of employment probationary periods for assigned employees.

1. Promotions for Employment Probationary Employees – Employment probationary employees are not able to promote into another position during the first six (6) months of their employment.

2. Effect of Employment Probationary Period – The successful completion of the employment probationary period, and the existence of and access to the appeal procedure shall not constitute any limitation on the rights of the City to manage its affairs. All employees hold their positions at the will and pleasure of the City and such positions may be terminated with or without cause, when in the

opinion of the Department Director, Director of Human Resources and City Manager, such action is in the best interest of the City.

3.02 Equal Employment Opportunity

The City of San Angelo is committed to an effective equal employment opportunity program in which all applicants will be afforded equal opportunities to be employed and all employees will receive fair and equitable consideration in all aspects of personnel administration. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline, or in any other aspect of personnel administration is prohibited because of race, color, sex, national origin, religious opinions or affiliations, age, sexual orientation, disability and/or political affiliation or belief. Age, sex, or physical requirements must have been demonstrated to be bona fide occupational qualification prior to use as selection criteria. Any employee who feels discriminated against may file a complaint in accordance with procedures in this Employee Policy Manual.

- Designation – The Director of Human Resources is designated as the EEO/Affirmative Action and ADA Coordinator, with the authority and responsibility to develop and implement strategies to assure the achievement of the intent of the policy. All levels of management in every department, division, and work unit of the City shall uniformly apply this policy.
- Responsibility – Each Department Director, division manager and supervisor is responsible for the application of this policy within their work area. This includes all supporting programs and practices developed in accordance with this policy. All employees of the City are responsible for cooperating with any reviews, investigations, and other activities initiated within the framework of this policy. To achieve ultimate effectiveness in the application of this policy, the cooperation, support, and commitment of every employee is essential.
- Enforcement Information – Employees who believe that they have been unlawfully discriminated against, harassed, or persecuted for filing a complaint in regard to alleged unlawful acts, may file a complaint through the City, the Equal Employment Opportunity Commission (EEOC) and/or other appropriate state agencies. The City will thoroughly investigate complaints and take appropriate disciplinary action to correct any wrongdoing, up to and including termination. Various state agencies also have the authority to investigate and prosecute complaints of unlawful harassment in employment.

The Director of Human Resources, in conjunction with the affected Department Director, shall investigate the complaint to determine if the City is in compliance with this policy and shall respond to the complainant within ten (10) working days of the date the complaint was received.

3.03 Americans with Disabilities Act of 1990 (ADA)

The City of San Angelo will make every reasonable effort to remove barriers within City government which prevent qualified individuals with disabilities from receiving the same services, facilities, opportunities and activities that are available to persons without disabilities. The overall goal for the City of San Angelo is to fully comply with the ADA and create a positive atmosphere which integrates individuals with disabilities into the economic and social mainstream of this community.

As mandated by the Americans with Disabilities Act (ADA), the City does not discriminate against individuals with disabilities in the areas of employment, public services, and public accommodations. The ADA Coordinator is responsible to coordinate compliance with the non-discrimination requirements as set forth in the Act and in Section 35.107 of the Department of Justice regulations as well as any other applicable regulations. Information concerning the Act is available from the Human Resources Department.

The City does not discriminate against individuals with "qualifying disabilities" (as defined in the Act) who are otherwise qualified to perform the essential functions of a job, with or without reasonable accommodations.

- Essential functions as defined in the Act are the basic job duties an employee must be able to perform, with or without reasonable accommodations.
- Reasonable accommodations will be defined as any accommodation for an individual with a disability that can be made without causing the City undue hardship as defined in the Act.
- Undue hardship is defined as an accommodation that would cause significant difficulty or expense in relation to the size of the employer, the resources available, and the nature of the operation. It is always to be determined on a case-by-case basis by considering whether the accommodation would be unduly costly, extensive, substantial, disruptive, or would fundamentally alter the nature or operation of the business.

Employees with qualifying disabilities who are requesting reasonable accommodations to perform essential job functions must complete a Request for Accommodation form that can be obtained from the Human Resources Department. It is the employee's responsibility to submit the completed form to their Department Director for consideration. If a mutually agreeable accommodation cannot be reached within ten (10) working days after the submission of the completed form, either the employee or the Department Director may appeal to the ADA Coordinator. The decision of the ADA Coordinator is final. Employees with complaints of alleged violations of the Act must submit their concerns in writing to the ADA Coordinator.

In order to ensure the prompt resolution of problems or complaints, reports of alleged violations must be filed, in writing, as soon as possible after the complainant becomes aware of the alleged violations. Under the provisions of the Act, all complaints must be received no later than 180 days after the occurrence of the alleged violations. Appeals by employees or job applicants for review must be made within five (5) working days of the written response directly to the ADA Coordinator.

Compliance with the Act may require verification of the qualifying physical or mental disability requiring the requested accommodation in certain circumstances. In those instances, an Authorization for Release of Medical Information must be completed by the individual with the disability and submitted to the ADA Coordinator. The release form must be completed before any contact is made with an individual's physician and prior to the dissemination of any information regarding the applicant's medical condition or history.

Although the City Attorney may also be present or consulted as an advisor for any request for accommodation, no written authorization for dissemination of medical information to the City Attorney need be obtained from the applicant. All medical information will be treated as confidential medical records as provided for in the Act.

The ADA Coordinator shall respond in writing to any requests for accommodations within ten (10) working days of the receipt of the written request. By mutual consent, in writing by the parties involved in the matter, the above mentioned time frames may be extended any time during the review process.

The ADA Coordinator recognizes that, as provided for in the Act, where appropriate, the use of alternative means of dispute resolution including, but not limited to, settlement negotiations, conciliation, fact-finding, and mediation is encouraged to resolve disputes. However, the ADA Coordinator is free to resolve a request for accommodation solely on the submission of written documents, unless the individual submitting the request objects, in writing, to such a procedure. Should an individual take exception to the offered solution, the individual has the right to appeal the decision to the U.S. Equal Employment Opportunity Commission (EEOC).

3.04 Confidentiality of Information

During the course of employment with the City of San Angelo, employees may have access to personal information about current and former employees, San Angelo citizens, businesses, job applicants, persons applying for permits or processed through Courts, addresses, telephone numbers, and other information that is to be considered confidential. No information related to City business or other employees should be divulged to anyone, including media, without approval of the Department Director, who shall confer with the City Manager or City Attorney to ensure compliance with the Texas Open Records Act, or other applicable laws. Any employee who is found to have divulged confidential information will be terminated.

Requests for employee information, job references, job questionnaires, etc. must be referred to the Human Resources Department.

3.05 Whistleblower

The City complies with the Texas Government Code, section 554.002, whereby the City may not suspend or terminate the employment of, or take other adverse personnel action against a public employee, who in good faith, reports a violation of the law by the employing governmental entity or another public employee to an appropriate law enforcement authority.

In this section, a report is made to an appropriate law enforcement authority if the authority is part of a state or local governmental entity or if the federal government that the employee in good faith believes is authorized to investigate or prosecute a violation of criminal law.

SECTION IV EMPLOYMENT

4.01 Applications

The Human Resources Department will advertise as may be necessary to recruit prospective applicants for vacant or newly created positions, communicate with appropriate agencies, contact possible sources for applicants, and maintain applicant files.

Applications for employment and internal movement will only be accepted in the Human Resources Department during the specified open period of posting. Applications that have not been processed and routed by the Human Resources Department during the posting period are not eligible for consideration. Applications sent through the US Postal Service and are postmarked by the application deadline shall be considered as having met the deadline for submission.

Resumes submitted without a completed City of San Angelo application and completion of required testing will not be considered for employment with the exception of specific executive positions.

4.02 Position Announcements & Job Postings

The Human Resources Department will post all announcements for vacant positions. All position postings will have an opening and closing date in which applications can be submitted for hiring consideration. Some difficult to fill positions may be designated as "open until filled". These positions have no fixed deadline for the receipt of applications.

Positions designated for "City Only" employees will be posted internally for five (5) business days and not advertised to the public. If there are no qualified internal applicants, the position will be made available for general public applicants for a minimum of ten (10) days. City employees may submit an application for hiring consideration under City only or general public position postings.

4.03 Skills Testing

The Human Resources Department is responsible for conducting any skill testing in relationship to pre-employment screening. Skills, such as but not limited to: typing accuracy and speed, Microsoft programs, 10-Key, data entry, and personality assessments may be conducted.

4.04 Fitness for Duty

After a conditional offer of employment has been made and accepted by the selected applicant, they will be subject to a pre-employment drug screen and physical. Extensive physical examinations will be required for those applicants that are being considered to fill a position that is highly physical in nature requiring heavy lifting and/or physical stamina or where there will be frequent exposure to extreme weather conditions. A formal job offer shall not be made to any applicant who fails the pre-employment drug screen. Applicants who fail a pre-employment physical after allowing reasonable accommodations shall not be made a formal job offer.

Current City employees that are being considered for a promotion or transfer will be subject to the same testing. Employees who fail a pre-employment drug screen will

be subject to the Drug Free Workplace policy (Section 6.17). Employees who fail the required physical examination will be allowed to maintain their current position if they are physically capable of meeting the minimum requirements of their current position.

4.05 Background Investigations

Background investigations will be done in accordance with the requirements for filling the vacant position.

- **Criminal History Check** – The criminal history information will be used to determine an applicant’s truthful response on their application as well as ensure that the City does not place an applicant in a position that may create liability for the City. An applicant will not be disqualified from hire merely by having a criminal conviction. The nature of the offense and the job the applicant has applied for will be taken into consideration. Due to the confidentiality of this information, the Human Resources Department will be responsible for receiving and evaluating all applicant criminal history information.
- A thorough background investigation is completed on each police and fire applicant. The police background investigation is completed by a qualified and trained internal police officer. Background investigations for firefighters are completed by an independent City approved background investigator.
- **Registered Sex Offender** – The registered sex offender information will be used to determine an applicant’s truthful response on their application as well as ensure that the City does not place an applicant in a position that may create liability for the City. An applicant will not be disqualified from hire for being a registered sex offender. The nature of the offense and the job the applicant has applied for will be taken into consideration. Due to the confidentiality of this information, the Human Resources Department will be responsible for receiving and evaluating all registered sex offender information.

4.06 Driver’s License Verification and History Check (MVR)

Driving records will be checked before any applicant is hired or promoted. Driving record reviews will be conducted on an annual basis. This is to ensure that no persons with unsafe driving records will be operating City-owned vehicles or driving any vehicle while on City business.

Employees who have a revoked or suspended driver’s license must notify their manager/supervisor immediately so that all City-related driving responsibilities can be terminated. The City requires all of our drivers, including those who drive their own vehicles while on City business, to maintain a current motor vehicle operator’s license, liability auto insurance, and a good driving record due to potential for liability to the City and high cost of insurance.

4.07 Credit History Check

The Fair Credit Reporting Act (FCRA) requires employers utilizing consumer reports for employment purposes to notify applicants, in writing, that a consumer report may be obtained and obtain the written authorization of the applicant or employee prior to requesting the report. The employer is also required to notify the applicants or

employee of any adverse action that is taken based on the consumer report. Contact the Human Resources Department for additional information on the FCRA.

4.08 Immigration Reform and Control Act

The Immigration Reform and Control Act of 1986 makes it unlawful to “knowingly” hire, recruit, refer for a fee, or continue to employ any alien not authorized to work in the United States. The Act also prohibits an employer’s use of contract, day labor, or subcontracting arrangements designed to circumvent the law and hence, the technical act of “knowingly” obtaining the services of an unauthorized alien. Criminal and civil sanctions may be imposed on the employer for non-compliance of the Act. Any employees violating this section may be subject to disciplinary action up to and including termination.

4.09 Nepotism

No member of the immediate family of a City elected official will be hired by the City on a regular or temporary basis within the City except in circumstances in which the City is benefited by such employment and no supervisory or other conflict is possible because of employment status or location and such employment is approved by the City Manager with justification documented in writing.

For purposes of this section, immediate family is defined as the employee’s spouse, domestic partner, father, mother, son, daughter, brother, sister, father-in-law, mother-in-law, grandparent, great grandparent, grandchild, grandparent of spouse, son-in-law, daughter-in-law, sister-in-law, brother-in-law, step-parent, step-child, uncle, aunt, niece, nephew, first cousin, step-brother, step-sister, half-brother, and half-sister.

Employees who marry one another or become domestic partners will not be permitted to work together nor have supervisory authority over one another. In the event this occurs, one employee will be transferred to another shift or department. If the classification does not exist on another shift or in another department, division, or section, the City will accept the resignation of either employee or retain the employee with greater seniority or as deemed to be in the best interest of the City.

Those employees with immediate family members employed with the City as of the date of this policy are deemed to be grandfathered into the system and are not in violation of this policy provided they follow the same requirements of not working together or having supervisory authority over one another.

4.10 Minimum Age Requirements

Age limits are indicated in some specifications for various classes of position on the basis of a bona fide occupational qualification of statutory requirement. The City will comply with all specific State laws or any federally imposed age requirements.

No person under 18 years of age will be employed in any regular position, or any temporary or Part Time position requiring the operation of a motorized vehicle owned by the City.

4.11 Employment of Temporary Agency Personnel

Occasionally it is to the benefit of the City to use individuals employed by temporary employment agencies. Temporary employment agencies may be used to bridge

staffing needs until a permanent recruiting process or a special project is completed.

The department requesting the use of an agency will contact the Human Resources Department to make the request. A written request for temporary personnel must be completed and signed by the Department Director.

The use of a temporary agency will be granted for the length of a project or for a maximum of 90 days. Additional time will be considered and approved on a case-by-case basis by the Department Director and the Director of Human Resources.

The Supervisor will notify the Human Resources Department should performance issues necessitate a replacement of the temporary employee and/or early assignment end date.

4.12 Internship Program

When structured and managed effectively, internships benefit students, the City of San Angelo, and the community. An internship program is a meaningful tool for attracting and preparing students with strong leadership potential.

Internships are not substitutes for long term part time or temporary seasonal help. Department Directors shall consider broader organizational priorities, along with needs of their department, when requesting and utilizing this resource. Priority projects and clearly defined duties and responsibilities must be identified. Individuals selected for internship must complete an Intern/Volunteer Agreement including Release and Indemnification form which may be obtained in the Human Resources Department.

SECTION V WORK ENVIRONMENT

5.01 Bulletin Boards

Bulletin boards contain department, division, and citywide information. Employees are encouraged to read the bulletin board at their work-site in order to keep abreast of new information.

Bulletin boards are an official means of communication. Only authorized personnel may put up, take down, or alter items on bulletin boards.

Management is responsible for monitoring items posted. Questionable items should be discussed with the Human Resources Department.

5.02 Tobacco-Free Workplace

Smoking, chewing, and dipping of any tobacco products in any City-owned or leased building, facility, garage, or motor vehicle and equipment by employees are prohibited except in any designated tobacco use area. The "use of tobacco products" is defined as inhaling, exhaling, burning or carrying of any lighted cigar, cigarette, or other combustible tobacco product in any manner, including cigarettes and cigars; the chewing of tobacco; and the use of snuff.

5.03 Safety Issues for Cellular Phone Use

For the safety of City of San Angelo employees and the public, personal and city issued cellular phones shall not be used while driving city vehicles or personal vehicles while on city business. Employees whose job responsibilities include regular or occasional driving and who are issued a cellular phone for business use, or who use a personal cellular phone for business use are expected to pull off to the side of the road and safely stop the vehicle before accepting or placing a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options if available, refrain from discussions of complicated or emotional matters and keep eyes on the road. Under no circumstances should texting or emailing occur while driving.

5.04 Occupational Health & Safety

Each building that houses City employees shall have emergency evacuation plans in case of fire or bomb threats. These plans for various facilities are to be posted where each employee can see them. Each new employee should be advised of these emergency procedures on his first day of employment. All employees should be instructed on emergency procedures at least annually thereafter.

All employees are expected to be safety conscious and to assist the city in finding conditions which might cause an accident. Employees have a responsibility to take reasonable care for the health and safety of themselves and others in the workplace, to recognize that injuries are preventable and to take reasonable care to prevent them. All employees are expected to:

- Maintain a safe work environment. All employees are expected to follow the guidelines of the Safety Policy; as well as comply with all signs, instructions and safety standards.

- Report all work-related illnesses and injuries, no matter how slight, immediately to management.
- Avoid interfering with, misusing or failing to use equipment provided for employees' health, safety or welfare.
- Comply with a reasonable request to assist in giving aid or preventing a risk to health and safety. In addition, employees shall not obstruct attempts to give aid or attempts to prevent a risk to health and safety of an employee in the workplace.
- Act in a professional manner at all times: horseplay and practical joking of any kind will not be tolerated. It can result in serious injury or death. Anyone engaging in horseplay or practical joking will be subject to discipline.
- Observe good housekeeping practices.
- Be properly trained and receive authorization before operating any machines or equipment.
- Keep all aisles and exits clear and accessible.
- Report any defects or malfunctions in machines or equipment immediately to management.
- Follow proper lifting methods at all times. When moving very heavy or awkward equipment or materials, employees should ask for assistance or use power equipment.
- Be alert to any unsafe condition that could result in injury to employees. All unsafe conditions are to be reported immediately to management.

A. Accidents

The management of the City recognizes the fact that accidents will occur from time to time. However, each City employee is responsible for maintaining their own safe working practices as prescribed in the City of San Angelo Employee Safety Handbook. If and when a City employee has an on-the-job accident, regardless of the type, they are to complete the City's accident form within 24 hours after the accident happens, submitting it to Risk Management for processing. When a City employee's accident happens in the line of duty, the injuries will be administered under the City's Workers' Compensation policies. All injury related bills, doctor's reports, days off, date returned to work, etc. are to be submitted to the Risk Management Division.

B. Negligence

City employees should take reasonable and prudent care of the equipment assigned to them. Negligence is not tolerated and can become a disciplinary matter. Employees shall use all published safety regulations in their duties so as to protect themselves and the public.

C. Vehicles

Some City employees drive city vehicles to and from their residence during work hours. These city employees are responsible to see that:

1. Proper maintenance is performed;
2. No one other than a licensed City employee drives the vehicle;
3. The vehicle is operated for the City's benefit and this shall not be abused.

If an employee has an accident in a City vehicle, they should follow the procedures listed below:

1. Notify the Police Department at 657-4498;
2. Remain at the scene until the police arrive.
3. Obtain data on the other vehicle (driver's name and address, license number, license plate number of vehicle, make and model of vehicle, etc.);
4. Get names and address of all witnesses;
5. Report accident to their Department Director;
6. Make no statements concerning the accident to anyone until the City Attorney has been informed of the situation.

D. Parking

The City of San Angelo provides parking in the immediate vicinity of City Hall for the convenience of employees and visitors. The City assumes no liability for damage to persons or property, by theft or otherwise, when using the parking lot. Employees should be encouraged to lock their vehicles for security purposes. Employees using the parking lots must have a parking permit affixed to their vehicles. Parking permits are secured from the Human Resources Department and must be located on the front window above the inspection sticker. If a person parks in these designated lots without a permit, they will receive a parking citation from Municipal Court. Employees may select their own parking on a first-come, first served basis. Employees should be encouraged to be courteous while driving in the City parking lot, which means using safe speed limits and observing safety procedures.

E. Threats

Whenever a call is received at the City about a bomb threat, leave the telephone line open, call 911 from another phone and pull the fire alarm. The procedures for fire should be followed by evacuating the building immediately. Leaving the telephone lines open allows the call to be traced.

SECTION VI STANDARDS OF CONDUCT

6.01 Individual Department Policies

It shall be the prerogative of each Department Director to develop and implement department policies, procedures, rules, regulations, and/or practices that are separate from or in addition to the policies, procedures, and regulations listed in the Employee Policy Manual. However, department policies and procedures, rules and regulations shall not be less restrictive, or inconsistent with the Employee Policy Manual. The following process will apply to all individual department policies.

1. Each drafted policy will be submitted in writing;
2. Approval by signature must be obtained in the following order:
 - a. Department Director
 - b. Director of Human Resources
 - c. City Manager;
3. The individual department will be contacted once the policy has been approved.

A copy of all department policies must be on file in the Human Resources Department.

6.02 Attendance

The City is entitled to reliable attendance by its employees. Employees often believe that an excused absence offers immunity from discipline. Excessive excused or unexcused absences place an unfair burden on other employees and staff. Unsatisfactory attendance may result in disciplinary action up to and including termination.

Employees are required to be at their places of work or performing their assigned duties in accordance with the work schedules established for their department or division, unless officially excused by their supervisor. Failure to observe working hours reduces productivity and places an unfair burden on fellow employees.

Whenever an employee is unable to report to work because of illness or emergency, the employee must call their supervisor as far in advance as possible and no later than fifteen (15) minutes prior to their scheduled start time, or in the event of an emergency, as soon as practical. Such notification should include an indication of when the employee can be expected to report to work. Leave time is subject to the approval of the supervisor. The absent employee is responsible for ensuring that proper advance notice of absence or late arrival is given to the employee's supervisor, in accordance with the employee's departmental rules and regulations. Chronic absenteeism or unauthorized absences will require disciplinary action up to and including termination. **There are five (5) basic types of leave granted to city employees: Sick Leave, Vacation Leave, Emergency Leave, Leave of Absence, and Military Leave (see Section VIII).**

It is the responsibility of the employee to ensure that proper notification of absence is given. Asking a friend, another employee or relative to give notification is not considered proper notification except under an emergency situation.

If an employee is absent for two (2) consecutive days without notifying the supervisor, they will be considered to have voluntarily resigned from their position at the end of the second day unless the City determines that the employee has sufficient reasons for not giving notice (i.e. physically incapable, etc.)

A. Requirement of Physician Statements

A written physician's statement regarding an employee's absences may be required at the supervisor's discretion when:

1. The employee's absences continue for a continuous period longer than three (3) consecutive days at which point the Human Resources Department should be notified for possible implementation of FMLA (see FMLA policy, Section VIII);
2. The employee calls in sick on a work day preceding a holiday or on a work day following a holiday.

When an employee fails to provide a written physician's statement required by the supervisor:

1. The employee will not be paid for the holiday or will not accrue such holiday, whichever is applicable.
2. Disciplinary action may be taken in addition to suspension of pay or loss of a holiday.

Each department will maintain individual attendance records.

6.03 Meal and Break Periods

Meal periods are not compensable if the employee is relieved of regular duties while eating. Supervisors shall implement work schedules, including work hours and lunch schedules, to meet the general requirements of their departments and divisions. Meal and break periods may be temporarily discontinued or delayed in order to maintain production or services. Rest breaks are not required by law, but if offered will be counted as time worked.

6.04 Inclement Weather

City Manager or a designated representative will authorize late arrivals or closures for inclement weather. Notification from the City Manager's Office will be made to the appropriate sources as it becomes available.

If the City Manager authorizes late arrival, the employees shall receive their regular salary for a full day. If an employee fails to report to work at the authorized late arrival time, they will not be compensated for the hours missed.

Part time employees with a start time not affected by an authorized late arrival time will be subject to a normal working day.

6.05 Dress Code

The City of San Angelo is a public service organization; most employees are in constant contact with the public, citizens, out-of-town guests, potential new residents, the business and professional community, etc. Employees are expected to dress in a manner that is appropriate to a business environment and their specific positions that will represent pride in the City of San Angelo and the citizens they serve. In accordance with department standards, or work environment, employees shall maintain a neat, clean and well-groomed appearance, including clothing that fits properly.

This policy applies to all employees of the City of San Angelo including fulltime, part time, temporary seasonal, uniformed, and non-uniformed personnel. This policy is not designed to conflict with established uniform or safety codes of individual departments. Supervisors shall administer guidelines that are appropriate for their work units and counsel their employees when necessary.

The following chart is a guideline for appropriate business attire:

Acceptable Attire for Men:	Acceptable Attire for Women
<ul style="list-style-type: none">• Suits• Dress Slacks or Khakis• Neckties• Sweaters• Button down shirts• Polo style shirts w/collar• Blazers/Sports coats• Dress shoes/loafers/boots	<ul style="list-style-type: none">• Suits• Dresses (including denim)• Dress slacks• Skirts (including denim)• Sweaters• Blouses• Blazers• Polo style shirts w/collar• Heels/flats/loafers/dress shoes/boots/dressy sandals

The dress code guidelines will govern normal work situation; however, there may be instances where exceptions may be made based on temporary work assignments. Management is responsible for ensuring their employees are not abusing the dress code or casual day policy in order for the City to maintain a professional and appropriate working environment and appearance. Casual dress, as defined by this policy, shall be acceptable on Fridays or the last working day of the week.

Casual Fridays are permitted, which includes the wearing of jeans. In all cases, employee's attire is expected to be appropriate for daily activities, meetings, or public functions.

- Skirts and dresses must be no more than two inches above the knee.
- All attire must be clean and in good condition.
- All clothing items must be gender appropriate.

The following chart is a guideline for unacceptable attire:

Unacceptable Attire:	
<ul style="list-style-type: none"> • Visible body piercing other than ears • Sweat pants • Work-out clothing including jogging suits • Sports clothing • Sports uniforms • Spandex clothing • Leggings • T-shirts • Jerseys • Muscle shirts • Mesh tops • Tube, tank, spaghetti straps, halter tops or strapless tops • Exposed midriff (shirt top must at minimum meet the top of pants or skirts when standing or sitting). 	<ul style="list-style-type: none"> • Flip-flops or beach shoes • Leather/vinyl skirts or pants • Shiny nylon/acrylic pants • Baggy pants or clothing • Logos on clothing (i.e. alcohol, tobacco, cartoon characters, etc.) • Frayed/torn/patched old clothing • Loud, distracting clothing • Low-cut or revealing clothing • High, revealing slits in dresses or skirts • Shorts • Clothing containing offensive material

Any attire that is considered offensive or unprofessional by management will not be allowed.

Employees may be required to return home to change clothing on their own time if policy is violated. Further disciplinary action will result if violations continue.

A. Personal Hygiene

All employees should be aware that it is necessary to include daily bathing, the use of deodorant, and the practice of good dental hygiene in their personal hygiene habits in order to maintain a good professional appearance and non-offensive work environment.

B. Uniforms

City employees may be required to wear uniforms in the performance of their duties as determined by management. This may include pants, shirts, caps, rain gear, all weather jackets, and steel-toed boots. Special equipment as provided by the Police and Fire Departments will be issued according to department policy. Employees should consult departmental policies for any specifics regarding uniform requirements.

If steel-toed boots or prescription safety glasses are required as part of the uniform, employees will be allowed to purchase these through payroll deduction. If an employee resigns or is terminated before fulfilling this debt, the employee shall reimburse the City.

Uniforms are the property of the City and all employees are responsible for proper care and use. No part of the City issued uniform shall be worn for "off-duty" attire. A terminating employee will return all City issued articles before receiving their final paycheck. Supervisors are required to keep an inventory of all issued uniforms. Any employee who willfully damages, destroys, or alters any part of a City issued uniform must reimburse the City for those items. Employees are required to keep uniform articles clean and in good condition.

C. Tattoos

In order to preserve a professional appearance and promote trust from the public, the City of San Angelo requires that visible tattoos must not promote racism, discrimination, indecency, violence, or sexually explicit materials.

6.06 Political Activities

An employee may not engage in political activities while on duty or in uniform during scheduled working hours unless the employee's job responsibilities call for such involvement. An employee may not hold an elected office of the City of San Angelo.

An employee may not use their authority, influence, or official position as a City of San Angelo employee to influence the result of an election or nomination for elective office. An employee may not directly or indirectly coerce, command, or advise any public officer or employee to pay, lend, or contribute anything of value to any person or organization for political purposes. City-owned facilities, personnel, equipment, supplies, vehicles, e-mail, or other resources shall not be used in or for any campaign or other political activities.

6.07 Gift Policy

Per the Texas Penal Code, a public employee is prohibited from soliciting, accepting or agreeing to accept any gift or benefit with a value of more than \$50.00 from any person, firm, corporation, partnership, or association that transacts or solicits or has the potential to transact or solicit business of any type with the City, or has any matter pending with the City. Unsolicited gifts valued at greater than \$50.00 that are delivered or arrive by mail must be donated to a recognized tax-exempt charitable organization. Unsolicited gifts valued at less than \$50.00 that are delivered or arrive by mail must be placed in a common area of the department and shared by all.

6.08 Dual Employment

A municipal employee's first duty is to their City employment. While employed by the City, regular fulltime employees must notify their manager/supervisor before accepting additional employment and are subject to certain restrictions outlined as follows:

A. All fulltime employees must obtain prior written approval from their manager/supervisor before any outside employment is accepted. Employee requests for approval to accept outside employment, including self-employment, must be submitted in writing to the employee's manager/supervisor by completing the Dual Employment Request form which can be obtained from the Human Resources Department. The request form requires listing any pertinent information about the outside employer, the nature of the job, and the hours of employment.

B. The City requires that employees' activities and conduct away from the job must not compete or conflict with or compromise the City's interest, or adversely affect job performance and the ability to fulfill all responsibilities to the City. This requirement prohibits employees from performing any services for customers on nonworking time that are normally performed by City personnel. This prohibition also extends to the unauthorized use of any City tools or equipment. In addition, employees are not to solicit or conduct any outside business during paid working time, except for those exempt employees who, with permission of the City Manager,

are able to structure their City employment so that outside employment is not an interference with the City job requirements.

Employees are cautioned to consider carefully the demands that additional work activity will create before requesting approval to seek or accept outside employment. Outside employment will not be considered an excuse for the following:

- Poor job performance;
- Absenteeism;
- Tardiness;
- Leaving early;
- Refusal to travel;
- Refusal to work overtime;
- Refusal to accept a change in schedule.

If outside work activity does cause or contribute to job related problems, it must be discontinued, and if necessary, disciplinary procedures will apply.

Employees may not engage in dual employment while on City sick leave, FMLA leave or while receiving workers' compensation benefits without the written consent of the Director of Human Resources.

6.09 Harassment

The City of San Angelo is committed to offering employment opportunity based on ability and performance in a productive climate, free of discrimination. Accordingly, harassment of any kind will not be tolerated.

In general, harassment can be defined as: ethnic or racial slurs, jokes and other verbal or physical conduct relating to a person's race, color, age, sex, national origin, religion, disability, sexual orientation, veteran status or any other protected basis under applicable federal, state or local law. These would constitute harassment when they unreasonably interfere with the person's work performance or create an intimidating work environment.

- A.** Harassment will not be tolerated or condoned under any circumstances.
- B.** All harassment complaints will be treated seriously, empathetically, quickly and privately to the extent possible. All complaints will be investigated fairly and impartially.
- C.** The determination of whether harassment has occurred will be made after considering all the facts involved. Any employee who is found to have violated this policy will be subject to appropriate disciplinary action up to and including termination.
- D.** Employees will not be subjected to any retaliation as a consequence of bringing a complaint to the attention of management or for acting as a witness in an investigation. Any employee found of such actions will

face disciplinary action. This does not mean that an alleged harasser who participates in the investigation will not be disciplined up to or including termination if the investigation substantiates the complaint.

A component of this policy is sexual harassment. Sexual harassment has been defined by federal and state regulations as a form of sex discrimination. It can consist of unwelcome sexual advances, requests for sexual favors or other physical and verbal conduct of a sexual nature by management personnel or others in the workplace. Sexual harassment may also exist when employees and visitors engage in such conduct, when the conduct unreasonably interferes with an employee's work performance or creates an intimidating, hostile or offensive work environment.

All harassment that is sexual or sex-based, racial or relates to a person's disability, age, color, national origin, religion, sexual orientation, veteran status, or any other protected basis under applicable federal, state or local law is discriminatory and will not be tolerated in the workplace.

Harassment in the workplace can take many forms. It can be overt or subtle, direct or indirect (e.g. where a hostile feeling/environment is created without any direct attacks being made on a person). Harassment can be verbal, non-verbal and/or physical.

It is important to note that sexual harassment does not have to involve conduct of a sexual nature in order to constitute unlawful behavior. For example, abusive, offensive or demeaning behavior that is directed to members of one gender only (whether male or female) may be deemed a form of sexual harassment, even though the conduct was not motivated by sexual desire or gratification. In addition, harassment of a male by another male, or female by another female, may also constitute an unlawful form of sex discrimination.

Some forms of verbal harassment include, but are not limited to:

- Sexual or suggestive remarks
- Making fun of someone
- Imitating someone's accent
- Propositions (sexual invitations)
- Spreading rumors
- Obscene telephone calls/unsolicited letters, faxes or e-mail messages
- Repeated unwelcome invitations
- Offensive jokes
- Suggestive jokes or leers
- Repeated questions about personal life
- Threats or insults
- The use of language that is not suitable in the workplace
- Name-calling

Some forms of non-verbal harassment include, but are not limited to:

- Putting sexually suggestive, offensive or degrading/insulting material on walls, computer screen savers, e-mail, etc.
- Unwelcome practical jokes
- Displaying or circulating racist, sexist cartoons or literature
- Mimicking someone with a disability
- Following someone home from work without their consent

- Offensive hand or body gestures
- Unnecessarily leaning over someone
- Sending material that could be regarded as offensive through computer, fax or e-mail
- Wolf whistling

Some forms of physical harassment include, but are not limited to:

- Unwelcome physical contact (pinching, patting, brushing up against a person, touching, kissing, hugging, etc.)
- Indecent exposure, sexual assault or attempted assault
- Invading someone's space
- Blocking someone's ability to enter and exit
- Pushing, shoving or jostling
- Putting an object into someone's pocket.

6.10 Handguns

Unless otherwise prohibited or posted (Municipal Court, Secured Areas of Mathis Field Terminal building and City Council Meetings), Texas Penal Code 30.06 and 30.07 permits employees licensed to carry a handgun under Texas law to carry a handgun into a City facility, in a City vehicle, or on the employee's person while on duty as a City employee. Under Texas Government Code §411.203 the City of San Angelo can prohibit the carrying of handguns by employees while on duty on City property and in City vehicles.

Pursuant to Texas Government Code §411.203, employees of the City of San Angelo are prohibited from the open carry of any handgun while on duty or in City vehicles. Concealed carry by employees who are handgun license holders will be permitted pursuant to this policy. In order to comply with this policy, employees who have their handgun license and wish to carry their concealed handgun to work must self-identify themselves in writing as handgun license holders to their immediate Supervisor and the Director of Human Resources. This information will be kept strictly confidential in the office of the Director of Human Resources.

6.11 Violence Prevention

The City of San Angelo has zero tolerance for violence. If any employee displays any act of violence or makes threats of violence in the workplace, the employee is subject to immediate termination. In addition, talk of violence or jokes about violence will not be tolerated. Violence is defined as actions to include physically harming another, shoving, pushing, harassment, intimidation, coercion, brandishing weapons, and threats or talk of violence.

Weapons include guns, knives, explosives and other items that could be used as weapons. The City of San Angelo reserves the right to enter or inspect employee work areas including, but not limited to: desks, credenzas, filing cabinets, employee storage lockers, and other items such as purses, briefcases, backpacks, etc.

6.12 Complaint Procedures

The City is committed to a workplace free of discrimination and harassment. Any employee that is subject to, is a witness to, or becomes aware of any conduct that might be considered discrimination or harassment of any employee must immediately report the incident to the Human Resources Department and/or the

employee's immediate supervisor provided the supervisor is not the person engaging in the alleged conduct. The following steps should be followed:

1. The Human Resources Department will conduct an investigation when necessary. When appropriate, local law enforcement officials will be involved to ensure the safety of employees.
2. If it is determined that discrimination or harassment did occur, the City will take prompt corrective action to end the harassment or discrimination, return lost benefits or opportunities to the employee, restore a proper workplace environment, and discipline the harasser. The discipline will reflect the seriousness of the incident.

Complaints made in good faith will in no way be held against the employee. The City will not tolerate retaliation of any kind or in any manner. This protection extends not only to individuals who make complaints about unlawful harassment and/or activities, but also to those who serve as witnesses in investigations.

Confidentiality will be maintained as much as legally possible regarding complaints of unlawful harassment. However, absolute confidentiality cannot be promised as complaints may be disclosed during the course of the investigation, but only to those who need information to conduct an investigation and/or take corrective action.

6.13 Romantic Relationships

Romantic relationships outside of work between employees and direct or indirect managers/employees sometimes create conflict or the appearance of impropriety in the workplace. For that reason, we ask employees and managers to assist by avoiding these types of problems before they occur.

If a romantic relationship develops outside of work between an employee/manager and any employee, the employee/manager must promptly disclose the relationship in writing to the Director of Human Resources. To further avoid the appearance of impropriety, employees/managers are not allowed to supervise dating partners, relatives or cohabitants. The employee/manager must promptly disclose any conflicts with this policy in writing to the Director of Human Resources.

In all cases, the City of San Angelo reserves the right to take unilateral action, including refusal to hire, to eliminate any actual or potential conflicts with this policy. An employee/manager's failure to satisfy these notification requirements, or a failure to assist efforts to avoid these types of problems before they occur, may cause an involuntary separation, especially when the romantic relationship results in workplace problems.

6.14 Use of City Property/Equipment

City facilities, equipment, supplies, and other City resources are made available to help the employees perform their job duties and not for personal use. The City, however, recognizes that under certain circumstances the employee's occasional use of the City telephones, computers, facsimile, e-mail, copiers, Internet, and similar resources for personal use may be necessary. However downloading of non-work related applications (such as ringtones, songs, videos, etc.) that are billed to the City phone number is prohibited and is subject to discipline. For further details please refer to the Information Technology and Software Use Policy. The City may establish separate policies governing the use of specific equipment.

All desks, lockers, City vehicles, computers, City issued phones, portable drives and any other equipment assigned to employees throughout employment remain the property of the City and may be inspected by a Department Director without notice. There is no expectation of personal privacy in any desk, locker, vehicle and/or equipment owned by or belonging to the City. The City assumes no responsibility for loss of employees' personal belongings stored on City property.

Abuse of City equipment/property will not be tolerated. Abuse includes, but is not limited to the following:

- Negligent or willful damage or destruction of City equipment or property;
- Waste of materials or negligent loss of tools or materials;
- Improper maintenance of equipment; and
- Damage caused by the use of tools or equipment for purposes other than that for which the tool or equipment was intended.

Unauthorized removal of City property from its assigned location or its conversion to personal use will be considered cause for disciplinary action up to and including termination. City property issued to an employee must be returned to the City at the time employment with the City ends. Failure to return such property will result in a deduction from the employee's paycheck for the value of the property.

6.15 Use of City Owned Vehicles

The City provides vehicles to employees only as it relates to job related business. The vehicle may not be used for personal business. Any employee who drives a City vehicle or their own vehicle on City business will be subject to this policy.

No employee is permitted to operate a City vehicle without a proper and valid Texas driver's license. Employees must maintain good driving records and are required to report the following within three (3) business days:

- A charge/conviction for DWI;
- Any moving violations where a law enforcement citation is given to the driver;
- Any preventable vehicle accident, with or without citation.

Failure to report any of these incidents within the required timeframe will result in disciplinary action up to and including termination. If an employee reports any of the above incidents, the employee may be suspended from driving pending an investigation. Confirmation of incidents through an investigation may result in termination of employment if the employee can no longer meet the minimum requirements of the job.

Employees shall not operate a City vehicle while under the influence of alcohol or controlled substances. Alcoholic beverages or controlled substances shall not be allowed or permitted inside any City vehicle at any time.

Smoking and/or the use of tobacco products (i.e. chewing tobacco, snuff, dip, etc.) of any kind are prohibited inside all City vehicles.

Any employee who drives a City vehicle or their own vehicle on City business will be subject to the following:

- Annual driving record checks to determine insurability by the City's liability insurance;
- Defensive Driving Course within six months after beginning to drive a City vehicle or their own vehicle on City business. The Defensive Driving Course will be maintained throughout employment.

6.16 Personal Cellular Phone Usage

The use of a personal cellular phone of any kind will be determined by the Department Director. Employees should limit their use of a personal cellular phone to breaks, lunches, and before or after working hours. Usage includes, but is not limited to, voice calls, text messaging, internet use, and games. Personal cellular phones should be placed on vibrate mode or be turned off during working hours. The Department Director reserves the right to amend this policy based on business and department need.

A personal call is any phone call made or received by an employee which does not pertain to conducting official City business in direct support of their assigned duties and responsibilities.

6.17 Drug Free Workplace

Drug Free Workplace Act of 1988 is in response to society's concerns over the effects of drug use in the workplace. Companies and organizations are required to comply with this law if they are awarded any federal contracts or grant monies amounting to \$25,000 or more per year. The City recognizes the problems that alcohol and drug abuse can cause in the workplace and intends to comply with the Drug-Free Workplace Act.

To comply with this Act, each organization must publish a policy prohibiting the unlawful manufacture, distribution, dispensing, possession, sale, or use of controlled substances in the workplace, provide for penalties for employees who are convicted of drug-related violations on the job, have employees attend a drug awareness program, and make employees aware of resources for drug rehabilitation and counseling.

The Drug Free Workplace Act is very specific about which substances are covered. Employees can obtain a copy of this Act in the Human Resources Department and a detailed list of specific controlled substances and its affects on users.

All "street" drugs are controlled substances; these drugs include but are not limited to: cannabis substances such as marijuana and hashish, cocaine, heroin, phencyclidine (PCP), and so-called designer drugs and look-alike drugs.

Some controlled substances may be prescription drugs that can be used legally under the direction of a physician; however, the use of prescription drugs without a prescription is illegal and a violation of the Act.

As a condition of continued employment, the Drug Free Workplace Act mandates employees to report any convictions of drug usage on City premises or while conducting City business within five (5) business days of the conviction of drug use.

A. Alcohol and Drug Testing

While at work, each City employee has a responsibility to the public to deliver services in a safe, efficient, and conscientious manner. In order to perform a job in the safest manner possible, City employees must be able to work in a drug free environment and themselves be free from the affects of alcohol and other job impairing substances while on the job. Accordingly, while on the job or in a City vehicle, the use, sale, distribution, possession, or being under the influence of an intoxicating liquor, controlled substance, drug not medically authorized, or any other substance that impairs job performance or poses a hazard to the safety and welfare of the employee, the public, or other employees, is strictly prohibited and may result in suspension or termination.

Furthermore, the City is obligated to comply with the Department of Transportation (DOT) regulations relating to controlled substances and alcohol use. The City will ensure that the controlled substances and alcohol testing conducted conforms to DOT workplace testing requirements.

The City's position is that the sale, purchase, transfer, concealment, transportation, use or possession of contraband by any employee of the City represents a threat to the health, safety and well-being of its employees, citizens and property, as well as the traveling public and therefore strictly prohibited.

This policy applies to ALL CITY EMPLOYEES including fulltime, part time, and temporary seasonal.

B. Testing

1. Pre-Employment Testing

As a condition of employment, all applicants will be subject to drug and alcohol testing. If evidence of the use of illegal drugs by an applicant is discovered either through testing or other means, the employment process will be terminated. If an applicant refuses to take either the drug test or the alcohol test, the employment process will be terminated. If an applicant attempts to substitute or contaminate their drug screen specimen or attempts to subvert the breath alcohol test procedure, the employment process will be terminated. Employment consideration with the City will be denied for one year unless specifically authorized otherwise by the City Manager.

2. Reasonable Suspicion *(approved by City Council 3/6/12)*

An employee's consent to submit to drug and/or alcohol testing is required as a condition of employment and the employee's refusal to consent may result in disciplinary action up to and including termination, even for a first refusal or any subsequent refusal.

The City will require an employee to be tested upon reasonable suspicion. The decision to test will be based on a reasonable and indisputable belief that the employee is using a prohibited drug or alcohol on the basis of specific contemporaneous physical, behavioral, or performance indicators of probable drug or alcohol use.

An employee will submit to testing for reasonable suspicion when requested to do so by the City.

The conduct that forms the basis for reasonable suspicion should be witnessed by at least one employee. When a reasonable suspicion exists that an employee is

suspected of being impaired or under the influence of drugs or alcohol, they will be required to undergo a controlled substance and/or alcohol test at the City's expense. The exam shall consist of a urine and/or breath and/or blood test and may include a physical examination by a physician. Reasonable suspicion shall include, but not be limited to, the following:

- Vehicle accidents in which the employee was involved during working hours, or while conducting City business;
- Abuse of City property;
- Personal injury suffered by the employee, injuries caused to others, damage to other's property;
- Employee behavior problems such as fighting, declining work performance, argumentative, uncooperative, or other disruptive behavior;
- Receipt of written or oral statements by employees or others concerning use of drugs or alcohol by employees or being under the influence;
- Possession of any drug or alcoholic beverage, any drug or alcoholic beverage container, or any drug paraphernalia during working hours, in a City vehicle or on City property;
- Indications of possession, impairment or intoxication that include, but are not limited to, the following:
 1. Slurred speech
 2. Disorientation
 3. Job impairment (inability to perform employee's job in a routine manner)
 4. Odor of alcohol
 5. Odor of other substances
 6. Unsteady gait or balance
 7. Glassy eyes
 8. Drowsiness
 9. Euphoria
 10. Inattentiveness
 11. Mood Swings
 12. Excitement or confusion
 13. Irritability
 14. Aggressiveness
 15. Other erratic behavior

The City will ensure that the employee is transported immediately to a collection site for the collection of a urine sample and alcohol test. The documentation of the employee's conduct under reasonable suspicion will be signed and prepared by the witness within 24-hours of the observed behavior or before the results of the tests are released, whichever is earlier.

The employee will be required to show positive picture identification at the testing facility. Consequently, employees are required to carry their City identification card and/or their valid driver's license with them while at work.

The employee who is tested as the result of involvement in a reasonable suspicion situation may be suspended without pay pending completion of any inquiries, which may be required.

An employee working after 5:00 p.m. and prior to 8:00 a.m. may be tested on duty premises, in the privacy of city facilities. The supervisor shall call the emergency healthcare agency and request a "Rapid Drug Test". A healthcare provider shall be dispatched to the City to conduct a drug test on site.

3. Random Drug Testing

The City may perform testing of an employee on a periodic basis in conjunction with their Commercial Driver's License (CDL) physical renewals. The City also reserves the right to test an employee at the time that the employee is enrolled in a drug rehabilitation program and at any time during or for a period not to exceed 60 months after rehabilitation.

The City may perform testing of an employee for drug or alcohol use, upon return to work following probation, suspension, layoff, or extended leave of absence or any other time in order to comply with State or Federal regulations.

C. Prescription Drugs

The City reserves the right at all times to judge the effect that a legal drug may have upon an employee's work performance and to restrict the employee's work activity or presence at the workplace accordingly. It also reserves the right to have a physician of its own choice determine if the medication at the prescribed dosage produces hazardous effects, and may restrict the employee's work activity.

D. Prohibited Activities

The use, sale, offer to sell, purchase, transfer, distribution, or possession of drug paraphernalia or any detectable amount of an illegal drug or alcohol by any employee while on City premises or while performing City business is strictly prohibited.

No employee shall be allowed to stay on duty if the employee uses any controlled substances or alcohol while on duty or tests positive for the use of controlled substances or alcohol, except in the case of legally prescribed medications.

A person who tests positive for the use of controlled substance or alcohol is considered medically unqualified to work.

A person who refuses to be tested for any controlled substances or alcohol will not be permitted to work. Such a refusal will be treated as a positive test and cause the employee to be considered medically unqualified to work.

E. Related Discipline

Disciplinary action up to and including termination will be applied to any employee who:

- Uses, possesses, distributes, transfers, conceals, sells, offers to sell, purchases or offers to purchase illegal drugs, drug paraphernalia, or alcohol during the assigned shift, on City premises or while on City business;
- Substitutes, contaminates, tampers or attempts to substitute, contaminate or tamper with their specimen to be presented for testing;

- Any employee who tests positive to a drug or alcohol test will be terminated immediately;
- Refuses to submit to a drug or alcohol test when requested to do so;
- Is found to be in possession of contraband;
- Refuses to submit to a search or inspection under the provisions of this policy;
- Refuses to cooperate with the Medical Review Officer (MRO) as required under this policy;
- Refuses to cooperate with the rehabilitation procedures.

The City may apply suspension with pay for the duration of the investigation to any employee who is the subject of a drug-related inquiry.

F. Responsibilities

Each individual required to submit to testing should, as soon as practical, provide the required biological specimens for testing. Failure to meet this responsibility may result in termination.

Individuals in supervisory positions shall, as soon as practical following an incident that requires drug or alcohol testing, contact the Human Resources Department to arrange for the collection and testing of specimens for drugs and/or alcohol and drive the employee to the testing facility. Failure to meet this responsibility may result in termination.

G. Procedures

The supervisor who makes a determination that reasonable suspicion exists to conduct a drug or alcohol test will prepare a written record of the observations leading to the test within twenty-four (24) hours of the observation.

At the conclusion of the exam, the supervisor shall bring the results of an alcohol test conducted by the testing facility to the Director of Human Resources. A copy of the results will be provided to the employee along with further instructions, depending on the outcome of the test.

When a drug test is conducted, the employee may be placed in an off-duty status with pay, or be required to return to work in a non-driving or heavy machinery operating capacity, pending the results of the exam.

In no instance shall an employee be allowed to drive their personal vehicle or a City vehicle following a reasonable suspicion drug or alcohol test.

H. Confidentiality

All employee information relating to drug or alcohol testing will be protected by the City as confidential unless otherwise required by law or authorized in writing by the employee. There may be some instances where overriding public health or safety concerns may require the release of information otherwise considered confidential.

I. Drug Testing Results

Results, which are positive for an illegal drug or controlled substance in a test conducted under the provisions of this policy, will result in termination of employment.

J. Alcohol Testing Results

While waiting for test results and depending on the results of the tests, employees may be:

1. Taken home under the provisions of this policy and will not be allowed to return to duty for 24-hours after the conclusion of the initial alcohol test;
2. Placed on leave without pay and will not be allowed to perform any work on behalf of the City for the 24-hour period immediately following the alcohol test;
3. Required to submit to unannounced alcohol testing at least six (6) times during the twelve (12) months immediately following the initial test. The employee's supervisor or designee will determine when the unannounced tests will be conducted, and will contact the Human Resources Department to initiate the test.

K. Negative Exam Results

Upon the receipt of a negative drug or alcohol test, the employee will be placed back in their current position.

L. Record Keeping

Information regarding an individual's drug or alcohol test results or rehabilitation may be released only upon the written consent of the individual, unless such information must be released regardless of consent to a State or Federal agency upon request as part of an accident investigation. Statistical data related to drug or alcohol testing and rehabilitation that is not name-specific and training records must be made available to appropriate State or Federal agency upon request.

The City will produce upon demand and will permit authorized representatives of the DOT to examine all records related to the administration and results of the drug testing program.

M. Employee Assistance Program

The Employee Assistance Program (EAP) is available to all City employees. This program may be utilized to obtain information concerning local resources that are available for the treatment of drug and alcohol related problems. The City reserves the right to implement an Employer Mandatory Referral as a condition of employment due to a positive drug or alcohol test.

SECTION VII SALARY ADMINISTRATION

7.01 Employee Performance Evaluations

The Director of Human Resources, in cooperation with Department Directors, shall prepare a system of evaluating the work performance of all employees. The purpose of the employee performance evaluation shall be primarily to inform employees on how well they are doing in their work, the expectations of the manager/supervisor and how they can improve their work performance. The performance evaluation will also be considered in determining salary increases, as a basis for training, and a factor in determining promotions.

Evaluations shall be written by one or more supervisors of the employee as determined in the performance evaluation guidelines. All employees shall be formally evaluated annually. Performance evaluation scores will determine eligibility for an annual salary increase designated by City Council.

7.02 Annual Salary Increases

The performance evaluation system has been established to allow a means to recognize performance of employees, rewarding an employee for merit, to encourage careers within the City, and to provide employee incentives. Other than in the Civil Service positions, increases within the salary schedule are not automatic. Under no circumstances may an employee exceed the maximum of their pay range except as specifically provided by the City Manager.

Salary increases will be subject to funds budgeted for such purpose by the City Council and normally will be distributed at the beginning of the fiscal year. Employees who are on employment probation and are hired between October and March will be entitled to a salary increase in October. Employees who are on employment probation and are hired between April and September will not be entitled to a salary increase until October of the following calendar year.

7.03 Hiring Rates *(approved by City Council 3/6/12)*

All new employees of the City of San Angelo should be hired at the minimum rate of the pay grade for which the applicant is being considered. Employees may be hired at a higher starting salary based on years of directly related and documented work experience.

Related work experience shall be credited at 3% for each year of relevant experience up to five (5) years (or 15%) of the minimum of the assigned pay grade. All exceptions must be at least above or in addition to the minimum qualifications listed in the job description for the position.

Any exception to a new employee's minimum rate of the pay grade must be based on the:

- Availability of qualified individuals with the required level of skill, knowledge, experience and competence;
- Documented competitive market pay required to attract and retain a person under exceptional circumstances.

All requests to hire a new employee above the minimum rate of the pay grade must be reviewed and approved by the Director of Human Resources. Only the City Manager has the authority to authorize a job offer that exceeds 15% above the minimum of the range.

7.04 Promotion

A. A promotion occurs when an employee is moved from a position in one pay grade to another position in a different pay grade which has a higher maximum salary.

B. The promoted employee shall receive a salary increase to the minimum of the new pay grade or 5%, whichever is greater, at the time of promotion. The City Manager may authorize a promotional increase exceeding 5% depending on the individual situation at the time, and after considering the recommendation of the Department Director and Director of Human Resources.

C. A minimum of one year is to be used by the supervisor, in accordance with the performance evaluation guidelines, to evaluate the performance of the promoted employee and to assure that the employee can satisfactorily perform the duties of the new position.

7.05 Demotion – Involuntary

If an employee is demoted for just and reasonable cause, the demotion shall carry with it a reduction in pay. A demoted employee shall not be paid more than the maximum rate established for the new pay grade and will be placed into a salary assigned by the Director of Human Resources after consulting with the City Manager and Department Director of the demoted employee.

7.06 Demotion – Voluntary

Employees who voluntarily demote may be adjusted to a lower job classification with the approval of the appropriate Department Director, Director of Human Resources and the City Manager. The Director of Human Resources shall determine whether the employee is qualified to perform the duties and responsibilities of the lower class position. The demoted employee's new salary shall be determined by consultation between the City Manager, the Department Director and the Director of Human Resources.

7.07 Lateral Transfer

When an employee transfers to another position in the same pay grade, the employee shall receive no change in pay.

7.08 Special Compensation

When the Human Resources Department determines that an employee or classification of employees are inappropriately compensated, due to marketability factors or inequities within the system, the City Manager can approve additional compensation to rectify the situation(s).

An employee may be temporarily assigned to work in a classification having a higher pay grade. If the assignment exceeds eighty (80) working hours, the employee shall

receive a temporary salary increase (out-of-class pay) of at least 5% for the entire period of the assignment only based on the recommendation of the employee's Department Director, the Director of Human Resources and the approval of the City Manager. This provision shall not affect the annual salary increase eligibility, promotional eligibility or training assignments.

7.09 On-Call

Due to the nature of the work performed, some positions within the City have been identified as on-call positions. Employees who are on-call are still subject to all employee policies including adherence to the drug-free workplace portion of this manual. In determining the pay ranges for these positions, consideration was given to the requirement to be on-call. Therefore, no additional pay will be paid for on-call status without approval of the Director of Human Resources and the City Manager.

7.10 Call-Back *(approved by City Council 3/6/12)*

Employees designated as eligible for overtime are subject to call-back pay if they are called to return to work after the end of their designated shift. Call-back shall not include scheduled or pre-planned overtime. Employees who are called back to duty are still subject to all employee policies including adherence to the drug-free workplace portion of this manual. When an employee is called back to work, the first hour will be made whole. Any incident exceeding one hour will be paid according to the length of time requiring the employee's attention, rounded to the nearest quarter hour. Compensable time begins when the employee arrives at the applicable city facility or emergency site. Hours worked in a call-back situation will be paid at straight time or overtime, depending on the number of hours in the work week that the employee has already worked at the time of the call-back.

Exempt employees are not eligible for call-back pay.

7.11 Position Classification Plan

A. Purpose

The position classification plan provides a complete inventory of all positions and is a systematic and standardized grouping of positions into classes of work. The classification plan establishes guidelines for qualifications for employment to the City. By describing and relating the various types and levels of work throughout the City, the classification plan provides guidelines for establishing pay relationships.

B. Composition

The classification plan comprises written position descriptions for each position in the City. They are used as a guide in recruiting and examining candidates for employment, in determining the lines of promotion and developing training programs, as guidelines in determining salary relationships and in providing uniform job terminology to convey the same meaning to all concerned. Position descriptions shall be a listing of illustrative tasks and shall not limit the work or duties to which an employee may be assigned. Minimum requirements for the position may be waived or expanded by the City Manager upon the recommendation of the Department Director and the Director of Human Resources based on the needs of the City and shall not act in any manner as a limitation on supervisory or hiring practices.

C. Position Audit Procedure

The Director of Human Resources is charged with the responsibility of initiating

position audits of any or all positions at any time. Other position audits may be initiated by written request to the Director of Human Resources from:

- The City Manager,
- The Department Director in which the specific position is located,
- The incumbent of the position to be audited; submitted through their manager/supervisor.

Position information may be gained through completion of a position classification questionnaire by the incumbent or by the manager/supervisor of the position if the position is vacant, and through a study of the position, which may include an interview with the incumbent by the Director of Human Resources or designee. The appropriate Department Director will review and make recommendations to the Director of Human Resources on all proposed new positions, changes and position descriptions.

7.12 Pay Procedures

A. Hours of Work

The City Manager shall establish the hours of work in accordance with the needs of the City and which shall take into account the reasonable needs of the public who may be required to do business with various City departments.

B. Work Week

For the purpose of counting hours for payroll, the work week starts on Sunday and ends on Saturday each week.

7.13 Overtime

In accordance with the Fair Labor Standards Act (FLSA) overtime will only be extended to non-exempt employees who work over 40 hours in a work week. This means, for example, that if an employee takes sick or vacation and works additional hours during that same work week, only the hours over 40 hours *worked* will be paid as overtime. For the purposes of calculating overtime, hours worked will consist of regular hours, holiday hours, and comp time taken.

7.14 Comp Time

Comp time is earned in lieu of paying overtime, and therefore it is only extended to non-exempt employees. A maximum balance of 40 hours of comp time is allowed at any given time. Comp time is calculated at the end of the pay week, not on a daily basis. Therefore there are two examples to keep in mind:

A. If an employee works extra hours on one day, and takes the same amount of time off on another day within the same pay week (Sunday through Saturday), this is not comp time. It is considered as though the employee flexed their schedule. Therefore all hours in this example would be entered as regular hours. This example can only be done with the advanced permission of the Manager/Supervisor.

B. If an employee works extra hours on one day and has no lost time for the entire pay week, this would result in either overtime or comp time. Both overtime

and comp time are calculated at time and one-half.

7.15 Travel Time

For non-exempt employees, time spent traveling out of town for business purposes during normal work hours is considered compensable work time. If a non-exempt employee must travel out of town for business purposes, and departs or returns to the City on the day before or after the scheduled out of town event, the time spent traveling is compensable, even if the travel is on a non-scheduled work day. For further information on travel, please refer to the Employee Travel Expense Policy.

7.16 Light Duty Assignment

If an employee suffers a workers' compensation injury or is injured away from work and the treating physician releases the employee to return to work on a light duty or restricted basis, the City will make every effort to locate tasks that can be performed with the restrictions. A note from the treating physician will be required, and must list the exact restrictions. A copy of the job description can be made available for the physician, if necessary. If no work is available in the employee's department/division, the Human Resources Department will attempt to locate a light duty accommodation elsewhere in the City. Upon being released by the physician from light duty or restricted duty, the employee will return to their assigned position.

7.17 Disaster Preparedness

All fulltime employees are required to complete the National Incident Management System (NIMS) ICS-100 training which is conducted through the Emergency Operations Center. Training is conducted at various times throughout the year, and Managers/Supervisors should schedule employees for this required training.

When a state of local emergency is declared by the Mayor, City Council or Tom Green County official, the Emergency Operations Center (EOC) will be activated. The Department Directors will determine what staff is needed and will inform the various Managers/Supervisors. All employees are required to report for their normal working hours unless directed otherwise by their Department Director.

All City employees (exempt and non-exempt) are considered essential personnel. An employee absent on a pre-approved leave during an emergency/disaster may be required to return to work. During an emergency/disaster situation, when an employee reports to work, they may be assigned to another area in the City as work requires. Employees who fail to report for duty will be charged leave without pay and discipline may be issued. Once an employee has reported to work and the Manager/Supervisor has contacted the EOC, the employee may be sent home and placed on stand-by.

All hours worked during an employee's normally scheduled hours will be paid as regular work hours.

Employees who are sent home by their Manager/Supervisor prior to completing their normal shift will be paid administrative leave for the remaining hours of their shift.

A. Non-exempt employees who work outside of their normal scheduled hours or who return to work during their normal day(s) off will be paid according to the compensation for overtime guidelines (Section 7.13). When returning, start time begins when the employee arrives at a City facility. However, if the employee

responds directly to the emergency/disaster, time of arrival at the site will be considered their start time. Travel time to and from the assignment is not compensable time nor is mileage reimbursable. Hours worked should be tracked by the Manager/Supervisor in an emergency/disaster. For overtime calculating purposes, non disciplinary related administrative leave is considered as hours worked.

B. Exempt employees who work outside of their normal scheduled hours or days off will not be compensated for working during an emergency/disaster, unless those hours are compensable under and approved by FEMA.

During declared emergencies/disasters, paycheck distribution will occur on the normal schedule unless instructed otherwise. If the emergency/disaster necessitates a change in the payroll processing schedule, Managers/Supervisors will be notified.

SECTION VIII EMPLOYEE BENEFITS

8.01 Vacation Leave

A. Use of Accrued Vacation Leave

The purpose of granting vacation leave is to provide employees with periods of rest and relaxation in recognition of services performed.

B. Eligibility

Regular fulltime and regular part time employees are eligible to earn vacation leave. New employees must successfully complete their twelve (12) month probation period prior to being eligible to use accrued vacation leave.

C. Vacation Leave Accrual

From the date of hire through four (4) years of employment, non-civil service employees earn 6.67 hours of vacation leave per month (civil service employees earn 10.00 hours of vacation leave per month). At the completion of five (5) years of employment, the accrual rate for non-civil service becomes 10.00 hours per month. These accrual rates are pro-rated for regular part time employees. Employees are limited to a maximum carry-over of 240 hours from one calendar year to the next. Once accrued hours are deposited into an employee's usable balance, employees are eligible to schedule vacation leave.

If an employee uses leave without pay during a pay period, there will be no accrual of vacation leave for that pay period.

D. Scheduling Vacation Leave Usage

Requests for vacation leave should be submitted to the employee's manager/supervisor with as much advanced notice as possible. The scheduling of vacation time and reassignment of work loads are up to the employee's manager/supervisor, and therefore vacation requests are not approved automatically. Calling in and requesting a vacation on the same day is not considered proper notification and the time may be denied due to operational requirements.

E. Charging Vacation Leave

For the purpose of defining use:

1. Leave shall be charged to the employee for the actual time the employee is away from work.
2. The minimum amount to be charged to vacation leave will be charged in one quarter hour increments.
3. Charging vacation leave for exempt employees, who are designated as such in the City's payroll system, will be handled in accordance with the Fair Labor Standards Act (FLSA).

F. Holidays within Vacation Period

If a holiday falls during an employee's scheduled vacation, the employee is charged holiday pay for that day and does not use vacation for that day.

G. Reimbursement for Unused Vacation Leave

Employees who separate from City service shall be paid in a lump sum for all unused

vacation leave up to a maximum of 240 hours, except when the employee fails to give proper notice of resignation as provided in Section X of these rules. Leave will be paid at the employee's normal base rate of pay. Employees terminated for cause are not eligible to receive any payment for accrued vacation leave. Probationary employees are not eligible for any leave payment should their employment terminate during the first twelve (12) months of service.

8.02 Sick Leave

A. Use of Accrued Sick Leave

Sick leave may be granted for the following purposes:

1. Employee's personal injury or illness.
2. Necessary personal appointments with physicians or dentists.
3. Exposure to a contagious disease which would endanger others.
4. Illness of a member of the employee's immediate family which requires the personal attention of the employee. For the purposes of this section, immediate family is defined as spouse, children, mother, father, any individual for whom the employee is the legal guardian, and anyone who is a member of the employee's household.

B. Eligibility

Regular fulltime and regular part time employees are eligible to earn sick leave.

C. Sick Leave Accrual

Sick leave starts to accrue on the first day of employment and may be used once the accrual is present in the employee's leave balance. Sick leave is accrued at the rate of 10.00 hours per month (pro-rated for regular part time employees). There is no limit to the maximum number of sick leave hours an employee can accumulate in their balance. At the end of each calendar year, accrued sick leave is carried over to the next calendar year. If an employee is charged with leave without pay during a pay period, there will be no accrual of sick leave for that pay period.

D. Scheduling Sick Leave Usage

To receive compensation while absent on sick leave, the employee shall notify their immediate manager/supervisor prior to the start of their shift unless an emergency situation precludes such notice. Emergency situations can be addressed on an individual basis by each manager/supervisor. This standard shall not be interpreted to waive a stricter standard established by a department/division. A Department Director has the right to hold an employee to a stricter standard if necessary to the effective operations of the department.

When scheduling appointments with physicians, every attempt should be made to schedule appointments outside of working hours. When that is not an option, appointments should be scheduled near the beginning or end of their work shift.

E. Charging Sick Leave

For the purpose of defining use:

1. Leave shall be charged to the employee for the actual time the employee is away from work.
2. The minimum amount to be charged to sick leave will be charged in one quarter hour increments.
3. Charging sick leave for those employees, who are designated as exempt in the City's payroll system, will be handled in accordance with the Fair Labor Standards Act (FLSA).

F. Holidays within Sick Leave

If a holiday falls during an employee's absence due to illness, the employee is charged holiday pay for that day and does not use sick leave for that day. However, if an employee calls in sick the day before or after a holiday, they may be required to provide a physician's statement verifying the illness in order to be paid for the holiday.

G. Work Related Injury

Loss of work due to an accident or injury received while at work is not charged against sick leave. For on the job injuries, refer to Section V of the Employee Policy Manual.

H. Reimbursement for Unused Sick Leave

Employees who have been employed with the City for a minimum of three (3) years will be eligible for payment of unused sick leave upon separation from the City. Employees who separate from City service shall be paid in a lump sum for unused sick leave up to a maximum of 720 hours, except when the employee fails to give proper notice of resignation as provided in Section X of these rules. Leave will be paid at the employee's normal base rate of pay. Employees terminated for cause are not eligible to receive any payment for accrued sick leave.

8.03 Donation of Leave

Under special circumstances, employees may request donated sick or vacation leave. For major illnesses or absences and upon the request of the employee, other employees may donate accrued sick or vacation hours to that employee. A maximum of 40 hours may be donated per employee request. The usage of the donated hours is limited to the employee's illness, illnesses of their spouse, children or step-children living in the same household. Received donations are limited to a total of forty-five (45) days, and requests for donated hours may only be made twice in the employee's City career. Unused donated hours are returned to the donors on a pro-rated basis based upon the amount of hours donated.

8.04 Holidays

The City of San Angelo observes eleven (11) holidays per year. These holidays are as follows:

- | | |
|------------------------------|--------------------------------------|
| -New Year's Day | -Labor Day |
| -Martin Luther King, Jr. Day | -Veteran's Day |
| -Good Friday | -Thanksgiving Day plus the day after |
| -Memorial Day | -Christmas Day plus one other |
| -Independence Day | |

Holidays falling on a weekend will be taken on the closest regular workday – Friday if on Saturday and Monday if on Sunday.

If an employee calls in sick the day before or after a holiday, they may be required to provide a physician's statement verifying the illness in order to be paid for the holiday.

8.05 Citizenship Leave

All fulltime employees shall be granted leave with pay when it is necessary to be absent in order to fulfill citizenship obligations, in accordance with State Law, Texas Labor Code Sec. 52.051, Fair Labor Standards Act (FLSA), and the Jury System Improvement Act of 1978. Part time and temporary seasonal employees shall be granted leave without pay in order to fulfill citizenship obligations. Employees are required to give advanced notice of an absence for citizenship obligations.

Employees that must be absent from work to fulfill citizenship obligations are required to notify their supervisor at least three (3) days prior to the leave or at the earliest opportunity. The employee must provide a copy of the court order or jury summons.

A. Jury Duty

The City shall grant jury duty leave for an employee summoned to serve on a grand, petit or municipal court jury. The City shall not terminate an employee from employment because of the nature or length of the employee's jury service. When an employee is on jury leave, they shall continue to receive their regular rate of pay in addition to any per diem received by the employee from the state or the court for jury service. Pay shall not exceed the number of hours in the employee's regular work week. The time spent on jury duty that coincides with the employee's regular work time is counted as straight time for overtime calculation purposes.

If an employee is chosen as a juror, they must notify their manager/supervisor immediately and fulfill their citizenship obligation. If the employee is not selected as a juror, the employee is required to report back to work upon being released from service. If more than 50% of the employee's shift remains at the time the employee is released from service, the employee is expected to report back to work during that shift. If less than 50% of the employee's shift is left at the time the employee is released from service, the employee is expected to report to work on their next scheduled shift.

Shift employees may be given time off with pay from duty, if in the judgment of their manager/supervisor, the period of time spent on jury duty or as a witness on behalf of the City may impact job safety.

All employees must provide proof of attendance from the presiding court to their manager/supervisor upon their return to work.

B. Court Appearances

Employees who are subpoenaed to appear in court or before any other judicial or administrative body on behalf of official City business will be compensated in accordance with the City pay policy.

Employees that request time off to appear in court in a matter personal to the employee (divorce, liability suit, etc.) either as a defendant, plaintiff or witness shall

be required to use vacation leave in accordance with the vacation leave portion of the Employee Policy Manual.

All employees must provide proof of required attendance and participation from the presiding court to their manager/supervisor upon their return to work.

C. Voting

On the day of an election, an employee who does not have at least two consecutive hours outside the employee's work hours to vote, shall upon the employee's request, be given time off to vote during the employee's work hours. The authorized time off to vote is counted as time worked under the FLSA.

8.06 Emergency Leave

An emergency is defined as an "unforeseen situation that calls for immediate action". From time to time employees may need a day for personal emergencies which does not normally fall in the designated leave categories. The City provides for a maximum of three (3) days per calendar year of emergency leave at the discretion of the Supervisor or Department Director.

8.07 Family Medical Leave Act (FMLA)

The City of San Angelo complies with the federally mandated provisions of the Family and Medical Leave Act of 1993 (FMLA). Under this Act, the city provides up to twelve (12) weeks/480 hours of unpaid, job-protected leave to eligible employees for certain family and medical reasons. The City observes a "rolling" calendar year for the purpose of FMLA.

A. Eligibility

To be eligible for FMLA benefits, an employee must:

- Have worked for the City for a total of twelve (12) months; and
- Have worked at least 1,250 hours over the previous twelve (12) months immediately preceding the commencement of the leave.

B. Reasons for Requesting FMLA

Unpaid leave will be granted for any of the following reasons:

- For the birth of a child and to care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, child or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

The City of San Angelo requests employees provide thirty (30) days advance notice when the leave is foreseeable. Notice should be provided as soon as practical in the case of leave that is not foreseeable.

C. Medical Certifications

Employees must provide medical certification to support a request for leave prior to the commencement of the leave. Failure to provide medical certification within the

requested time frame may result in the leave being denied or delayed. If leave has already begun, failure to provide medical certification within the requested time frame may result in the absences being considered unexcused under the City's attendance policy. Second or third opinions (at the city's expense) may be required. Employees must obtain a physician's release to return to work following leaves for their own serious health condition.

D. Certification Requirements For Military Leave

The City may require that an employee's request for military family leave be supported by an appropriate certification. An employer may require that:

- Leave for a qualifying exigency be supported by a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party;
- Leave to care for a covered service member with a serious injury or illness be supported by a certification completed by an authorized health care provider **or** by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family.

Second and third opinions and recertification are not permitted for certification of a covered service member's serious injury or illness or of a qualifying exigency. The City may use a health care provider, a human resource professional, a leave administrator, or a management official – but not the employee's direct supervisor – to authenticate or clarify a medical certification of a serious injury or illness, or an ITO or ITA. Additionally, the City may contact the individual or entity named in a certification of leave for a qualifying exigency for purposes of verifying the existence and nature of the meeting.

8.08 Intermittent FMLA

In some cases, employees may need leave on only an intermittent basis. In those cases, employees may be assigned to an alternative position that better accommodates their intermittent absences. The qualifying employee will be eligible for 480 hours (the equivalent of twelve (12) weeks) of intermittent leave to utilize for the medically approved absences.

8.09 Military Leave Entitlements

The City of San Angelo complies with the National Defense Authorization Act and Public Law 110-181 amendment to FMLA to allow eligible employees to take up to twelve (12) weeks of job-protected leave in the applicable 12-month period for any qualifying exigency arising out of the active duty or call to active duty status of a spouse, son, daughter, or parent. This also allows eligible employees to take up to twenty-six (26) weeks of job-protected leave in a single 12-month period to care for a covered service member with a serious injury or illness.

To be eligible for FMLA benefits, an employee must:

- Have worked for the City for a total of twelve (12) months; and
- Have worked at least 1,250 hours over the previous twelve (12) months immediately preceding the commencement of the leave.

8.10 Military Caregiver Leave

A covered employer must grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness up to a total of twenty-six (26) work weeks of unpaid leave during a single 12-month period to care for the service member. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A serious injury or illness is one that was incurred by a service member in the line of duty or active duty that may render the service member medically unfit to perform the duties of their office, grade, rank, or rating. The single 12-month period for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the twelve (12) month period established by the City for other types of FMLA leave. An eligible employee is limited to a combined total of twenty-six (26) work weeks of leave for any FMLA-qualifying reason during the single 12-month period. (Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member).

Spouses employed by the same employer are limited to a combined total of twenty-six (26) work weeks in a single 12-month period if the leave is to care for a covered service member with a serious injury or illness, and for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for a parent who has a serious health condition.

FMLA leave may be taken intermittently whenever medically necessary to care for a covered service member with a serious injury or illness. FMLA leave also may be taken intermittently for a qualifying exigency arising out of the active duty status or call to active duty of a covered military member. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the City's operation.

A. Notice Requirements

Employees seeking to use military caregiver leave must provide thirty (30) days advance notice of the need to take FMLA leave for planned medical treatment for a serious injury or illness of a covered service member. If leave is foreseeable but thirty (30) days advance notice is not practical, the employee must provide notice as soon as practical – generally, either the same or next business day. An employee must provide notice of the need for foreseeable leave due to a qualifying exigency as soon as practical. When the need for military family leave is not foreseeable, the employee must provide notice to the City as soon as practical under the facts and circumstances of the particular case. Generally, it should be practical to provide notice for unforeseeable leave within the time prescribed by the City's usual and customary notice requirement.

8.11 Qualifying Exigency Leave

The City must grant an eligible employee up to a total of twelve (12) work weeks of unpaid leave during the normal 12-month period established by the City for FMLA leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. Qualifying exigency leave is available to a family member of a military member in the National Guard or

Reserves; it does not extend to family members of military members in the regular armed forces.

Qualifying Exigencies Include:

- Issues arising from a covered military member's short notice deployment (i.e., deployment in seven (7) or less days of notice) for a period of seven (7) days from the date of notification;
- Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member;
- Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
- Making or updating financial and legal arrangements to address a covered military member's absences;
- Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;
- Taking up to five (5) days of leave to spend time with a covered military member who is on short term temporary, rest and recuperation leave during deployment;
- Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member;
- Any other event that the employee and the City agree is a qualifying exigency.

An employee does not need to specifically assert their rights under FMLA, or even mention FMLA, when providing notice. The employee must provide "sufficient information" to make the City aware of the need for FMLA leave and the anticipated timing and duration of the leave. Depending on the situation, such information may include, as applicable:

- that the requested leave is for a particular qualifying exigency related to the active duty or called to active duty status of a covered military member and the anticipated duration of the leave;

- that the leave is for a qualifying family member who is a covered service member with a serious injury or illness and the anticipated duration of the leave.

When an employee seeks leave due to a FMLA-qualifying reason for which the City has previously provided the employee FMLA-protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.

8.12 FMLA Process

The FMLA request and medical certification will be reviewed by the Human Resources Department. The employee will be notified in writing if the leave will be granted or denied.

8.13 Utilization of Paid Time Off While on FMLA

Eligible employees may elect to use any available vacation and sick time as part of the twelve (12) weeks available. If the employee elects to use paid leave, this will run concurrently with the FMLA Leave. An employee's ability to substitute accrued paid leave as determined by the terms and conditions of the City's normal leave policy. Employees utilizing available vacation and sick time as part of FMLA time must submit the time off request form to the Human Resources Department indicating FMLA.

Exempt employees who are taking FMLA leave on an intermittent or reduced work schedule basis will have deductions made from their salaries accordingly.

8.14 Accruals and Insurance Coverage During FMLA

Sick, vacation and/or holiday hours will not continue to accrue during the period of the employee's unpaid leave. However, any group insurance employees had prior to leave will continue during the term of the employees' leave on the same basis as if they were not absent from work. The employees will be responsible for paying their portion of the benefit premiums while on leave. Failure to pay the premiums will result in termination of coverage. Please note that if employees do not return from their leave for reasons other than their own serious health condition, the City may recover from the employees the cost of all premiums paid by the City on their behalf to continue insurance coverage.

8.15 Returning From FMLA

Upon return from FMLA leave, employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms in accordance with applicable law. However, certain highly paid employees may not be reinstated. In that event, those employees will be notified of the City's decision to deny reinstatement. If the leave has already begun at the time notice is given, the employee will be given the option of deciding whether or not to return to work at the time of notice. The use of FMLA leave will not result in the loss of any employment benefits that accrued prior to the start of a leave.

If an employee does not return to work following an approved FMLA leave of absence, the employee will be considered to have voluntarily terminated employment unless the employee has notified the City in advance and the

employee's continued absence has been approved. The date the employee was scheduled to return to work will be used as the termination date.

8.16 Applicable Definitions

The following definitions apply for the FMLA policy:

Child – A biological, adopted, foster child, stepchild, a legal ward, or child of a person legally standing in the place of a parent, who is:

- Under 18 years of age; or
- 18 years of age or older and incapable of self-care because of a mental or physical disability.

Emergency – An unforeseen situation that calls for immediate action.

Immediate Family – Spouse, son, daughter, parent.

Serious Health Condition – An illness, injury, impairment, or physical or mental condition that involves:

- Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with the inpatient care; or
- Continuing treatment by or under the supervision, orders or referral of a health care provider, including:
 1. A period of incapacity requiring absence from work, school, or other regular daily activities, or more than three (3) consecutive calendar days or any subsequent treatment or period of incapacity relating to the same condition;
 2. any period of incapacity due to pregnancy or for parental care;
 3. any period of incapacity or treatment for such incapacity due to a chronic serious health condition, which continues over a period of time and may be episodic in nature;
 4. a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective;
 5. any period of absence due to multiple treatments (or recovery from such treatments), for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment.

8.17 Leave Without Pay (LWOP)

Employees with zero hours in their vacation or sick leave balances, may request leave without pay (LWOP). Granting LWOP is at the discretion of the Manager/Supervisor. For pay periods that contain LWOP, employees will not earn vacation or sick leave hours.

SECTION IX DISCIPLINE/GRIEVANCE

9.01 Progressive Discipline

This Progressive Discipline Policy does not apply to the following:

- Contractual employees;
- Civil Service employees;
- Probationary employees.

A. Purpose

Employees of the City of San Angelo are members of a team working together to provide quality service to its customers. It is expected that all employees demonstrate a commitment to the City's mission, vision and values in service to its customers. Employees who do not demonstrate this commitment or who violate the City's rules, regulations and/or standards of performance set forth by the City, will be provided guidance and developmental assistance through a system of progressive discipline.

Management personnel are key players in this process. Managers/Supervisors are responsible for making employees aware of the City's standards for attendance, work performance and conduct. When an employee fails to meet these standards, the manager/supervisor will implement the appropriate steps of progressive discipline. Managers/Supervisors should pursue a philosophy of "progressive discipline" by administering gradually increasing disciplinary actions for each successive instance of employee misconduct. However, an employee may enter the progressive disciplinary process at any step, including termination, depending on the seriousness of the occurrence. Each level of progressive discipline from verbal notice through termination shall be fully documented in the employee's official personnel file.

B. Policy

Coaching and counseling is the expected method for the manager/supervisor to use to discuss with an employee a problem in the areas of attendance, work performance, or conduct. The objective of such counseling is to help the employee recognize that a problem exists, to develop effective solutions to the problem, while at the same time, to promote proper employee conduct. If appropriate, coaching and counseling may be used prior to issuing a form of progressive discipline.

Although internal consistency in administering discipline is desirable, numerous factors should be considered in determining the appropriate level of discipline to be assessed at each successive step. Some of the factors involved include, but are not limited to, the employee's length of service, time intervals between offenses, effectiveness of prior disciplinary actions, willingness to improve, overall work performance, job attitude, and disciplinary actions previously administered to other comparable employees for similar offenses. A repetition of the same offense or other offenses indicates that more severe disciplinary measures should be administered. This disciplinary action should reflect the totality of violations in considering the appropriate extent or degree of disciplinary action. When imposing disciplinary measures on a current charge, managers/supervisors will not take into consideration prior infractions of the City or departmental rules and regulations that are inactive, except in the cases of termination. In those situations where termination is being considered, it is appropriate to review and consider an employee's entire work history.

Recognizing that each instance of misconduct differs in many respects from somewhat similar actions, the City retains the right to treat each occurrence on an individual basis without creating a precedent for other cases which may arise in the future. Examples given in any rules do not limit the generality of the rules. The following rules and regulations are not to be construed as a limitation upon the retained rights of the City, but are to be used as a guide. The rules and regulations provide recommended progressive penalties to apply for specific offenses; however, the recommended penalties may be modified by management including a lesser or more severe penalty when extenuating circumstances are found.

Employment probationary employees, temporary seasonal employees and Department Directors may be counseled, suspended, demoted, or terminated by the City, at any time with or without cause. Managers/Supervisors may, but are not required to, counsel this group of employees in an attempt to correct behavior through guidance. Such counseling, suspension, demotion, termination or failure to successfully complete a probationary period shall not be subject to any grievance, except as specifically provided herein. Similarly, newly promoted, demoted, transferred or reassigned employees who have failed to successfully complete a probationary period for performance reasons are not eligible for any grievance procedure.

C. Disciplinary Steps

When coaching/counseling is not appropriate or has failed to correct a problem, the following steps will be followed. An employee who reports to work unfit or unprepared for work or whose conduct is detrimental to the service of the City may be disciplined. Reasons which might be causes for disciplinary action follow, but disciplinary action is not limited to the offenses listed. In instances where more than one rule has been violated, it is the responsibility of the manager/supervisor to determine and charge the employee with the rule or rules most applicable to the offense.

<u>Disciplinary Action</u>	<u>Number of Occurrences</u>	<u>Activation Time</u>
	<u>Active</u>	<u>Frames</u>
Verbal Notice	2	12 months
Written Warning	1	24 months
Written Reprimand w/1-3 Day Suspension*	1	30 months
Written Reprimand w/4-5 Day Suspension*	1	30 months
Termination		

*1-3 Day Suspension is without pay.

*4-5 Day Suspension is without pay.

D. Verbal Notice

The purpose of a verbal notice is to encourage employees to improve their performance, work habits, attitude, or behavior. Discussions of this nature are commonly used when an employee disregards work rules of a relatively minor nature. Once the manager/supervisor has completed an investigation, the manager/supervisor shall meet with the individual, within seven (7) calendar days of the incident, to clarify expectations and obtain confirmation of the employee's understanding and commitment to achieving and maintaining satisfactory work performance. This conference is also used as a constructive, developmental problem-solving session, emphasizing the employee's willingness to assume responsibility for correcting their own behavior. The manager/supervisor will document the meeting by completing the Documentation of Discipline Form – Verbal Notice. The employee, manager/supervisor and Department Director must sign the form. A copy of the form is given to the employee and the original with any attachments, is forwarded to the Human Resources Department. The employee will be given the opportunity, within five calendar days of the action, to submit to their Department Director, a written response to the action if the employee chooses to do so. The supervisor shall monitor the employee's progress and establish times for follow-up conversations to discuss with the employee their progress.

The verbal notice shall be active for twelve (12) months. If the employee has met their commitment to satisfactory performance, the manager/supervisor shall meet with the employee to advise them of the inactive status of the verbal notice, to commend them on their improvement, and to encourage continued commitment. If the employee has not met their commitment, the manager/supervisor shall proceed to the next progressive disciplinary step.

Verbal Notice Violations:

1. Mistake, accident or violation of a safety rule where the violation has the potential to endanger the life of other persons, property or equipment.
2. Taking more time than specified for meals or break periods; stopping work or making preparations to leave before specified quitting time or other time approved by management.
3. Tardiness. As a guideline, a maximum of three (3) times (30 minutes or less) per twelve (12) month period may be allowable before a verbal notice is issued. Department rules may require stricter standards.
4. Creating or contributing to unsanitary conditions or poor housekeeping. (Such as failure to pick up scraps, leaving tools and/or equipment in pedestrian or vehicular areas, etc.)
5. Engaging in minor types of horseplay, scuffling, malicious mischief, throwing things, distracting the attention of others, catcalls or similar types of disorderly conduct.
6. Posting or removing any materials on official bulletin boards or on City property (unless authorized) or the defacing of such materials.
7. Distribution of written or printed material of a personal nature or description or unrelated to City business, on City premises, during work time or in work areas or at any time through the City department mail or via computer unless authorized by management personnel.

8. Failure to properly care for issued equipment including City uniforms, vehicles, tools and supplies.
9. Failure to follow appropriate leave request procedures.
10. Discourtesy to a City employee or other persons whom an employee comes in contact with.
11. Failure of an employee to have a valid Texas driver's license on their person while operating a City vehicle or motorized equipment.
12. Smoking in any area not clearly designated as a Designated Smoking Area.
13. Lack of personal hygiene when it becomes offensive and adversely affects the ability to interact with other employees and the public while in the performance of duty.
14. Failure to meet prescribed standards of work (i.e. productivity, workmanship, efficiency).
15. Wasting time, loitering or leaving the worksite during working hours without permission.
16. Failure to wear proper safety equipment, where provided, when failure to do so has the potential to endanger the life of other persons, property or equipment.
17. Use of minor offensive language or inappropriate conduct.
18. Other offenses that are similar in nature but not listed above.

E. Written Warning

A written warning is a more formal discussion between a manager/supervisor and an employee when a serious performance problem occurs or a problem is made serious by reoccurrence. Once the manager/supervisor has completed an investigation, the manager/supervisor will meet with the employee, within seven (7) calendar days of the incident, to clarify the expectations and reaffirm the employee's commitment to achieving and maintaining satisfactory work performance. During this discussion the supervisor will review the Documentation of Discipline Form – Written Warning. This is then signed by the employee, the manager/supervisor and the Department Director. A copy is given to the employee and the original, with any attachments, is forwarded to the Human Resources Department. The employee will be given the opportunity, within five calendar days of the action, to submit to their Department Director, a written response to the action if the employee chooses to do so. The manager/supervisor shall monitor the employee's progress and establish times for follow-up conversations to discuss with the employee their progress.

The written warning shall be active for twenty-four (24) months. If the employee has met their commitment to satisfactory performance, the supervisor shall meet with the employee to advise them of the inactive status of the written warning, to commend them on their improvement, and to encourage continued commitment. If the employee has not met their commitment, the manager/supervisor shall proceed to the next progressive disciplinary step.

Written Warning Violations:

1. Escalation of a previous offense.
2. Frequent absenteeism and/or patterned misuse of leave privileges.
3. Mistakes or accidents (preventable) due to "carelessness" which do or may contribute to personal injury to City personnel, the public, and/or damage to equipment, tools or property.
4. Failure to report an accident, damage to equipment or personal injury in which the employee was involved while on duty, on the day the accident or injury occurred or as soon as reasonably possible.
5. Violation of a traffic regulation(s), whether or not charged by a law enforcement officer, while operating a City vehicle.
6. Conducting or participating in any political activity while on duty except as described in Employee Policy Manual Section 6.06 or State law.
7. Failure to report or request approval to obtain dual employment as required by City policy.
8. Incompetency or minor negligence in the performance of duty.
9. Violation of City ordinances, administrative regulations, department/division rules, including safety rules.
10. Failure to wear proper safety equipment, where provided, when failure to do so does or may contribute to personal injury to City employees, the public, and/or damage to equipment, tools or property.

11. Instances of offensive language or conduct which has the potential to impair the efficiency or morale of the department.
12. Minor misuse of City telephones, radios, computers, internet, copier or fax machines for personal use.
13. Other offenses that are similar in nature but not listed above.

F. Written Reprimand with a 1 – 3 Day Suspension Without Pay

In situations where previous discipline has not resulted in the expected improvement or when an employee commits a single incident, this level of discipline may be implemented. Once the manager/supervisor has completed an investigation, the supervisor may recommend suspending the employee without pay, for one (1) to three (3) working days. Paid leave may not be used for this suspension, except in accordance with the Fair Labor Standards Act. The length of the suspension may vary according to the severity of the incident or the number of occurrences and is recommended by the manager/supervisor. The manager/supervisor must consult the Human Resources Department during the beginning of this process.

After signatures of approval have been obtained from the Director of Human Resources, the Department Director and City Manager, the manager/supervisor will meet with the employee, within seven (7) calendar days of the incident, to discuss the incident(s), followed by the employee being suspended. The manager/ supervisor will document the meeting by completing the Documentation of Discipline Form – Written Reprimand with a 1-3 Day Suspension. This is signed by the employee at the time of the meeting. A copy is given to the employee and the original, with any attachments, is forwarded to the Human Resources Department.

The written reprimand shall be active for thirty (30) months. If at the end of the activation period the employee has met their commitment to satisfactory performance, the manager/supervisor shall meet with the employee to advise them of the inactive status of the suspension, to commend them on their improved performance, and to encourage their continued commitment. If the employee has not met their commitment, the manager/supervisor shall proceed to the next progressive disciplinary step.

Written Reprimand with a 1-3 Day Suspension Violations:

1. Escalation of a previous offense.
2. Failure to report lack of a valid Texas driver's license to a manager/supervisor or Department Director by City employees who operate City vehicles, personal vehicles or motorized equipment while conducting City business.
3. Acceptance of gifts and/or gratuities except as described in the Employee Policy Manual, Section 6.07.
4. Unauthorized sleeping during working hours.
5. Unauthorized or unexcused absence without the proper leave available to cover each occurrence (absence is subject to leave without pay in addition to the suspension).
6. Unauthorized foraging through City records, personnel files, co-worker's desks, departmental files, computer files, etc.
7. Unauthorized intentional discarding or destroying of City property, records or files.
8. Violation of copyright laws pertaining to, but not limited to, computer software and printed materials.

9. Failure to work overtime, special hours or special shifts after being scheduled in accordance with overtime or call-back policies under the Employee Policy Manual or with the Fair Labor Standards Act.
10. Unauthorized use of any City tools, equipment or materials for personal benefit at any time, including removal of such from the work area.
11. Engaged in dual employment while on sick leave, workers' compensation, FMLA, funeral leave or emergency leave. If using vacation leave for an uncovered portion of an absence due to illness/injury, outside employment is not permitted.
12. Knowingly and willfully making false statements relative to City business.
13. Leaving work during regular work shift, at the end of the shift, or during assigned overtime before relieved by manager/supervisor, or relieving employee.
14. Incompetency or negligence in the performance of duty which does or may contribute to personal injury to City employees, the public, and/or damage to equipment, tools or property.
15. Repeated occurrences of offensive language or conduct which has the potential to impair, or a single occurrence which actually impairs the efficiency or morale of the department.
16. Mistakes or accidents due to "negligence" which do or may contribute to personal injury to City employees, the public, and/or damage to equipment, tools or property.
17. Other offenses that are similar in nature but not listed above.

G. Written Reprimand with a 4-5 Day Suspension Without Pay

In situations where previous discipline has not resulted in the expected improvement or when an employee commits a single incident, this level of discipline may be implemented. Once the manager/supervisor has completed an investigation, the manager/supervisor may recommend suspending the employee without pay, for four (4) or five (5) working days. Paid leave may not be used for this suspension, except in accordance with the Fair Labor Standards Act. The length of the suspension may vary according to the severity of the incident or the number of occurrences and will be recommended by the manager/supervisor. The manager/supervisor must consult the Human Resources Department at the beginning of the process.

After signatures of approval have been obtained from the Director of Human Resources, the Department Director and City Manager, the manager/supervisor will meet with the employee, within seven (7) calendar days of the incident, to discuss the incident(s), followed by the employee being suspended. The manager/ supervisor will document the meeting by completing the Documentation of Discipline Form – Written Reprimand with a 4-5 Day Suspension. This is signed by the employee at the time of the meeting. A copy is given to the employee and the original, with any attachments, is forwarded to the Human Resources Department.

The written reprimand shall be active for thirty (30) months. If at the end of the activation period the employee has met their commitment to satisfactory performance, the manager/supervisor shall meet with the employee to advise them of the inactive status of the suspension, to commend them on their improved performance, and to encourage their continued commitment. If the employee has not met their commitment, the manager/supervisor shall proceed to the next progressive disciplinary step.

Written Reprimand with a 4-5 Day Suspension Violations:

1. Escalation of a previous offense.
2. Operating a City vehicle or motorized equipment without a valid Texas driver's license. (i.e. a license which has been suspended, revoked or is expired.)
3. Insubordination by refusal to perform work assigned or by failure to comply with written or verbal instructions of a manager/supervisor.
4. Mistakes or accidents due to "gross negligence" which do or may contribute to personal injury to City employees, the public, and/or damage to equipment, tools or property.
5. Gross negligence, which does or may contribute to personal injury to City employees, the public, and/or damage to equipment, tools or property.
6. Smoking in any work area where smoking is prohibited for safety reasons.
7. Unauthorized possession of knives other than pocket knives of common length, or other related weapons.
8. Threatening, intimidating, coercing, use of abusive or profane language or conduct to include the use of racial, gender or ethnic slurs, or interfering with fellow employees, supervisors or citizens at any time while on duty, reporting for duty, leaving duty, on City premises or while representing the City in any capacity.

9. Making false, vicious or malicious statements about any employee, the City or its citizens.
10. Any illegal or unethical conduct on the job or off the job which reflects unfavorably on the City as an employer, including behavior while in City uniform.
11. Refusal to be examined by a City authorized physician when so directed by a manager/supervisor or Department Director for the purpose of workers' compensation, fit for duty verification, or any other valid reason as stated in the Employee Policy Manual.
12. Engaging in, or contributing to, inappropriate conduct which may create a hostile work environment.
13. Violation of the City's Drug Free Workplace Policy or Commercial Driver's License (CDL) Policy.
14. Other offenses that are similar in nature but not listed above.

H. Termination of Employment

Employees who fail to comply with the objectives set forth in a previous disciplinary action or when a single offense of such major consequence is committed that the employee forfeits their right in the progressive discipline process, the employee may be subject to immediate termination.

After signatures of approval have been obtained from the Director Human Resources, the Department Director and City Manager, the manager/supervisor will meet with the employee, within seven (7) calendar days of the incident, to discuss the incident(s), followed by the employee being terminated. The manager/ supervisor will document the meeting by completing the Documentation of Discipline Form – Termination. This is signed by the employee at the time of the meeting. A copy is given to the employee and the original, with any attachments, is forwarded to the Human Resources Department.

Termination Violations:

1. Escalation of a previous offense.
2. Provoking, instigating or actively participating in a fight with an employee or citizen while on duty, reporting for duty, leaving duty, on City property or while representing the City in any capacity.
3. Knowingly falsifying personnel/payroll records, City records, or employment application; including accident, insurance or medical records or reports, purchase orders, or any other reports, records or applications.
4. Divulging personal, confidential information about current and former employees, San Angelo citizens, businesses, job applicants, persons applying for permits or processed through Courts, addresses, telephone numbers, and other information that is considered confidential.
5. Knowingly making false claims or misrepresentations in an attempt to obtain health benefits, workers' compensation, unemployment compensation benefits, or any other such benefits.
6. Inability to perform work assignments by virtue of incarceration, except where management approves the employee's use of available leave time.
7. Unlawful possession, placement or concealment of weapons or explosives on City property or in City vehicles.
8. Concerted curtailment or restriction of production or interference with work in or about the City's work areas, including but not limited to, instigating, leading or participating in any walkout, strike, sit down, stand-in or refusal to return at the scheduled time for the scheduled shift.
9. Theft of any property while on duty, in City uniform, using a City vehicle or representing the City in any capacity.
10. Theft of City property under any circumstances.
11. Failure or refusal to follow written or verbal instructions of the manager/supervisor during emergency situations that affect public safety or health.

12. Failure to notify a manager/supervisor of an absence for two consecutive work days as stated in the Employee Policy Manual, Section 6.02.
13. Failure to obtain, or renew, or loss of, licenses or certifications necessary to fulfill job requirements within the specified timeframe.
14. Conviction or probable cause to believe that a crime was committed, if the crime was a felony, a first degree misdemeanor, or any crime which directly relates to the employee's position or otherwise adversely reflects on the City.
15. Membership in an organization which advocates the overthrow of the government of the United States of America by force or violence and where such advocacy is directed toward inciting or producing such action.
16. Failure to maintain satisfactory work performance.
17. Engaging in behavior which exhibits a wanton and willful disregard of human rights, safety, or property.
18. Engaging in, or contributing to, any illegal or inappropriate conduct that has the effect of creating a hostile work environment or reflects negatively upon the City.
19. Violation of the City's Drug Free Workplace Policy or Commercial Driver's License (CDL) Policy.
20. Other offenses that are similar in nature but not listed above.

I. Crisis Leave

When a manager/supervisor decides that an employee's behavior has become insubordinate to the extreme, or to insure the safety of the employee, other employees, the public or City property, the manager/supervisor will have the right to invoke a crisis leave to remove the employee from the workplace for the balance of the shift with the approval of the Director of Human Resources. Crisis leave will be with pay. Upon placing the employee on leave, a thorough investigation shall be immediately conducted by the manager/supervisor to determine the appropriate disciplinary action to be taken. The findings will be reviewed with the Department Director and the Department of Human Resources. If the investigation cannot be completed before the beginning of the next work day, the crisis leave may be extended for a reasonable period of time as is necessary to accommodate weekend, holiday, or extenuating work schedules. The manager/supervisor will notify the employee that they may return to work and the manager/supervisor shall meet with the employee immediately upon their return to work to discuss the situation and implement disciplinary action and/or other appropriate action.

J. Demotion

Under certain circumstances, demotion may be warranted under the Progressive Disciplinary System in lieu of, or in addition to, other disciplinary action(s). Demotions for disciplinary reasons may be grieved in accordance with the Grievance Policy, Section 9.02.

K. Inactivation of Progressive Discipline

The Human Resources Department will monitor disciplinary action and notify the supervisor, in writing, that the inactivation is about to occur. It is the responsibility of the manager/supervisor to then notify the employee and the Human Resources Department, in writing, of either (1) the inactivation of the disciplinary action and the employee's achievement of satisfactory performance or (2) any further disciplinary action as a result of continued unsatisfactory performance.

When an employee has received disciplinary action through the Progressive Disciplinary Policy and has successfully demonstrated their commitment for the designated periods of time, the official paperwork relating to the actions will be kept in a separate confidential section of the official personnel file. These inactivated disciplinary records will not be considered or viewed by supervisors when considering an employee for promotion, transfer, performance evaluation or other employment opportunities. However, should an employee develop any disciplinary problems subsequent to the inactivation with the result that their employment has been recommended for termination, the employee's entire work history will be made available.

9.02 Grievance Process

This Grievance Process does not apply to the following:

- Contractual employees;
- Civil Service employees;
- Employment Probationary employees;
- Temporary Seasonal employees.

Although the City of San Angelo is an at will employer, as provided by the City Charter, it is the policy of the City to ensure due process and to seek prompt resolutions, when possible, to grievances of employees arising from employment issues.

Employees are encouraged to resolve problems with their immediate manager/supervisor before utilizing this procedure.

In accordance with the provisions of the Government Code 617.005, City "employees may present grievances concerning wages, hours of work or conditions of work individually or through a representative that does not claim the right to strike". The provisions of these policies also pertain to Civil Service employees to the extent that they are not superseded by State law or Civil Service rules.

A grievance may be filed over a disagreement due to suspension or termination.

Employees are allowed to present grievances without fear of retaliation. However, the filing of a grievance will not affect the City's ability to pursue disciplinary or termination actions.

A grievance must be submitted to the Human Resources Department within five (5) business days from the date the suspension or termination was issued. All time limits set forth in the policy may be extended with the mutual consent of the parties involved or by management if more time is required for thorough investigations of the incident or research of the legal issues. Without mutual consent or the other situations mentioned above, the failure of the employee to process the grievance in a timely manner to the next level will constitute a withdrawal of the grievance, and the failure of management personnel to timely respond to a grievance will constitute authorization for the employee to process the grievance to the next step, but shall not be an affirmative finding of the issue.

Procedure for Grievance:

A. Employees having a grievance must put their complaint in writing on the appropriate grievance form and present it to the Director of Human Resources. Grievances cannot be brought on suspensions or terminations more than five (5) business days old. The Director of Human Resources or designee shall check for applicability to the grievance process. The Human Resources Department will forward the grievance form to the applicable Manager/Supervisor for proceeding to the first step. The Manager/Supervisor will reach a decision on the grievance within seven (7) business days and return the form to the Human Resources Department. Human Resources will notify the employee of the result from the first step. If the employee is not satisfied with the response, the employee may request to advance the grievance to the second step in the process within five (5) business days of

receipt of determination.

B. Upon notification from the employee that they request their grievance be advanced to the second step, the grievance will be forwarded by the Human Resources Department to the applicable Department Director. The Department Director will reach a decision on the grievance within ten (10) business days and return the form to the Human Resources Department. Human Resources will notify the employee of the result from the second step. If the employee is not satisfied with the response, the employee may request to advance the grievance to the final step in the process within five (5) business days of receipt of determination.

C. Upon notification from the employee that they request their grievance be advanced to the final step, the Human Resources Department will forward the grievance to the City Manager or designee to conduct a final hearing on the disciplinary action or termination. The City Manager or designee shall make a final decision on the grievance within fifteen (15) business days of receipt of the grievance. This decision is final and will exhaust any and all of the administrative process relating to the employee's original grievance filed.

SECTION X SEPARATION FROM EMPLOYMENT

10.01 Resignations

There are varying circumstances that may cause employees to voluntarily resign employment. The following guidelines are to be followed regarding notice and exit procedures. Failure to submit the appropriate resignation within the set timeframes will disqualify the resigning employee from receiving sick, vacation and/or holiday leave payoffs, as well as jeopardizing their eligibility for rehire. Employees terminated for cause are not eligible to receive any payment for accrued leave benefits.

A. Notice of Resignation

Non-Exempt Employees – Employees may leave City service by submitting a written resignation to their manager/supervisor two weeks in advance of their last day of employment. Compensatory time earned in lieu of overtime is not jeopardized by failure to submit the appropriate notice of resignation.

Exempt Employees – Employees may leave City service by submitting a written resignation to the Department Director three weeks in advance of their last day of employment. Failure to submit the appropriate resignation within the set timeframes will disqualify the resigning employee from receiving sick, vacation and/or holiday leave payoffs, as well as jeopardizing their eligibility for rehire.

The written resignation shall include the requested effective date of the resignation, the reason for resigning, signature of the employee and date signed by the employee. An employee's resignation is effective in accordance with its terms when a manager/supervisor, who has authority to hire the employee's replacement, accepts the resignation. Upon appropriate resignation as stated above, all eligible employees will be paid for the following:

- Accrued sick leave up to 720 hours if employee has been employed with the City for a minimum of three (3) years. (Up to 1080 hours for Fire civil service employees.)
- Accrued vacation leave up to 240 hours. (Up to 360 hours for Fire civil service employees.)
- Compensatory time earned in lieu of overtime.

An employee who resigns under this notice and whose documented performance and employment record meets or exceeds standards will be eligible for rehire.

B. Withdrawal of Resignation

An employee wishing to withdraw an accepted resignation shall submit a written statement to the Department Director outlining the basis for the request prior to the resignation effective date. Once a resignation is given by the employee and accepted as provided in this section, it may not be withdrawn unless the Department Director approves otherwise.

C. Job Abandonment

An employee voluntarily and irrevocably resigns City employment if the employee:

- Fails to return from an approved leave of absence on the date specified by the employee or the date agreed upon by the City and employee without prior notice or sufficient cause.
- Fails to report to work without notice to the City for two (2) consecutive workdays or shifts without sufficient cause.

Employees who abandon their jobs will not be eligible for rehire.

D. Resignation in Lieu of Termination

A resignation in lieu of termination is considered as separation for misconduct or poor performance. Employees who resign in lieu of termination will not be eligible for rehire.

E. Oral Resignations

In instances where only an oral resignation is given, the immediate manager/supervisor shall promptly communicate the need to receive a written resignation from the employee within 24 hours of the oral resignation and document such action. Failure by the employee to provide a written resignation shall be considered as failure to notify and the employee will not be eligible for rehire.

10.02 Retirements

Fulltime employees are afforded retirement benefits under the Texas Municipal Retirement System (TMRS) or the Fire Pension Plan. Eligible employees may retire from City service in accordance with applicable programs. The Human Resources Department requires a 30-day notice for service retirements. Retirement with the City is a voluntary separation and employment ends on the effective date of the retirement. In order to be classified as a retiree with the City of San Angelo, the employee must draw their monthly annuity.

10.03 Reduction in Force

A reduction in force is a non-disciplinary decrease in the number of authorized positions. Whenever possible, the employee reduced from one department or division may be absorbed by transfers to suitable positions elsewhere as long as there are open positions and the transferring employees meet the minimum qualifications of the open positions.

A. Determining a Reduction in Force

The City of San Angelo reserves the right to determine the number and type of personnel required to maintain the functions of the organization. The reasons why a reduction in force may need to occur include, but are not limited to:

- A discontinuation of or reduction in demand for services.
- A change in level of funding source.
- Technological developments that reduce staffing requirements.
- To accomplish economic or staffing efficiencies.

- Privatization of service/contracting out.
- Requirements of state and/or federal law.

B. Notice of Reduction in Force

The City Manager through the coordination of the Director of Human Resources shall notify Department Directors of any required employee reductions. The Department Director shall recommend to the Director of Human Resources which service and/or positions should be eliminated. Final determination will be made by the City Manager.

Whenever possible, employees subject to a reduction in force will be given at least a 30-day notice of the imminent loss of employment.

C. Selection Standards

In selecting specific positions to be eliminated in a reduction in force, the primary concern of the City Manager shall be to maintain the greatest performance, productivity and operational proficiency in the department with the remaining personnel. Any reduction in force will apply to positions or categories that are:

- least likely to affect the operational efficiency and productivity of the department both in the short and long term;
- where retained employees can sustain the quality of work;
- least likely to affect the ability of the department to perform activities directly in contact with and for the benefit of the citizens;
- where others can most easily absorb the workload in the department, considering both volume and the level of experience required in the department's performance;
- least involved in revenue producing activities;
- not required to maintain specific levels of operations to meet contractual agreements with other agencies.

D. Employee Selection in a Reduction in Force

When a selection is required from among two or more employees in the same position, classification, or category, the selection will occur by City of San Angelo seniority. However a Department Director may request an examination to allow a more junior employee to remain while the next senior employee is selected. An exemption is allowable only for the following reasons:

- to preserve specialized skills important to the continuing mission of the department;
- to retain an employee whose overall performance is demonstrably superior to the next most senior employee.

E. Reduction in Force Process

1. The Director of Human Resources shall review the selected employees under the standards provided above and all applicable laws and regulations. No

names will be released until the Director of Human Resources has completed this review.

2. After review by the Director of Human Resources, the Department Director shall contact each employee selected and provide an explanation for the necessity of the reduction in force, the decision process in selecting them and the effective date of separation.

3. The selected employee will be instructed to contact Human Resources to schedule an out-processing meeting.

An employee subjected to the reduction in force shall have the same procedural steps available under the employee grievance policy. However the sole issue subject to review shall be an alleged improper application of the selection standards provided for a reduction in force.

Former employees, separated by the reduction in force, may apply for all vacant positions for which they feel qualified, but shall have no right or preference to those positions.

F. Benefit Availability for Selected Employees

Employees subjected to a reduction in force shall have the following benefits applicable to them, with the exception of grant funded employees where the grant supersedes:

- They will maintain full salary and current benefits for the period of time equivalent to 30 days, which will be considered the notice of reduction in force. At the discretion of the Department Director, the employee may or may not be allowed to remain on the job during the notice period. If the employee obtains other employment before the end of the notice period, the employee will terminate at that time and the City salary will cease.
- During the notice period, the employees affected will be allowed reasonable time off with pay to interview for other employment opportunities.
- Employees subjected to a reduction in force shall be paid for unused sick leave and/or accrued vacation leave balances under the same policies as separation for an employee in good standing.
- Employees may contact the Texas Workforce Commission to determine eligibility for unemployment compensation and placement assistance.

G. Severance Pay *(approved by City Council 3/6/12)*

The amount of severance pay is dependent upon the employee's length of service. Employment probationary employees are not entitled to severance pay.

- One (1) year to ten (10) years of City of San Angelo service receives 80 hours of severance pay.
- Over ten (10) years of City of San Angelo service receives 160 hours of severance pay.

10.04 Terminations

Employees separated through involuntary termination are not eligible for the following:

- Re-employment;
- Payment of accrued sick leave;
- Payment of accrued vacation leave.

10.05 Incapacity

An employee may be separated from employment for incapacity due to medical reasons arising from illness, injury, or other medical conditions when the employee, with or without reasonable accommodations, is unable to perform the essential functions of the job; or continued employment creates a direct threat to the health and safety of the employee or others. This applies to work-related or non work-related illnesses, injuries or other medical conditions.

It is the manager/supervisor's responsibility to interpret an employee's ability to perform the essential job functions. Should an employee's ability to physically or mentally perform his or her duties be questioned, the Department Director through the Director of Human Resources may require the employee to submit to a fit for duty medical evaluation performed by a physician approved by the City. A finding of incapacity shall be made through an individual job related medical examination by the physician. Separation for incapacity is not considered disciplinary in nature.

10.06 Separation Due to Death

In case of the death of an employee, the City shall pay any wages, vacation or sick leave pay, compensation and other benefits that may be due to the employee at the time of death, to the employee's designated beneficiary. If the deceased employee has not named a beneficiary or if the beneficiary named pre-deceases the employee, it will be paid to the employee's estate.

10.07 Exit Process

Each person departing from City employment is required to meet with their Manager/Supervisor for an exit interview. Exit interviews are used to analyze employment turnover.

Departments must immediately notify the Human Resources Department when employees submit their resignations. Human Resources will forward the appropriate documents to the manager/supervisor and schedule an out processing meeting with the departing employees. During this meeting, the departing employee will receive and complete all applicable forms and be informed of any accrued leave payouts or group insurance options.

SECTION XI PRIVACY AND MANAGEMENT OF RECORDS

11.01 Employee Privacy

The City will retain its duties and privileges as an employer consistent with good business practices. This includes collection, retention, use, disclosure and confidentiality of employee information.

11.02 Privacy Rule Policy and Procedures

The Health Insurance Portability and Accountability Act (HIPAA) Standards for Privacy of Identifiable Health Information (the Privacy Rule) became effective April 14, 2004. The Privacy Rule provides the first comprehensive Federal protection for the privacy of health information. In accordance with the necessary policies and procedures that limit how much protected health information is used, disclosed, and requested for certain purposes. The City is required by applicable federal and state law to maintain the privacy of protected health information. The HIPAA Privacy Rule permits disclosure of health information for workers' compensation purposes as governed by the State of Texas Labor Code and the Texas Workers' Compensation Commission associated rules. In addition, the HIPAA Privacy Rule permits the employer to collect health information as needed for employment. The HIPAA Privacy Rule does not affect medical information the employer collects and uses to carry out obligations under the Family Medical Leave Act, the Americans with Disabilities Act, and similar laws.

A. Protected Health Information

Protected Health Information (PHI) is any individually identified health information that is written, oral, or electronic, including demographic information collected from an individual. PHI also relates to past, present, or future physical or mental health or condition of an individual; or the past, present, or future payment for the provision of health care to an individual; and

1. that identifies the individual; or
2. there is a reasonable basis to believe the information can be used to identify the individual.

B. Privacy Officer

The Privacy Officer for the Health Plan is the Director of Human Resources. The Privacy Officer is responsible for:

- The development and implementation of the privacy policies and procedures.
- Tracking the use and disclosure of PHI.
- Overseeing HIPAA Privacy compliance.
- Monitoring legal and regulatory changes that may require policy change.

The Privacy Officer may delegate the responsibilities to Human Resources staff as required.

C. Notice of Privacy Practices

All employees will receive a Privacy Notice from the City of San Angelo and/or insurance vendor.

The City will limit who within the organization has access to PHI based on who needs access to perform their job duties. PHI will only be used or disclosed as authorized or required by law.

The City will use or disclose employee PHI to a public or private entity authorized by law to assist in disaster relief efforts or as authorized by law deemed to be in the public interest or benefit according to the Privacy Rule.

Designated City staff that have access to PHI will be required to:

- Speak quietly when discussing PHI.
- Under no circumstances shall authorized staff discuss individual health information while not at work.
- Isolate and lock file cabinets and file rooms.
- Provide additional safety measures by securing personal information in the work area by placing protected information in files. Staff will protect information displayed on computer terminals in open areas and information on copy/fax machines with multiple users.

Any identifiable health information such as pre-employment physicals, drug screen, and health and welfare benefit information will be kept in a separate Medical File. A Medical File will be maintained for all employees and will not be combined with the Personnel File. The Medical Files will not be released under the Public Information Act unless required by law. The City will not be responsible for any incidental use or disclosure of information if designated staff with access to PHI make every reasonable effort to avoid being overheard and reasonably limit information shared.

Certain City personnel will be approved to have access to PHI to carry out their job duties. These staff members will be allowed to receive only the PHI needed to properly perform their job responsibilities.

D. Disclosure of Protected Health Information

Anyone who believes that the City of San Angelo is not complying with a requirement of the Privacy Rule may submit a written complaint to the Privacy Officer. The complaint must contain a description of the violation and an explanation of the circumstances surrounding the complaint.

Complaints may also be filed with the Secretary of the United States Department of Health and Human Services. No retribution or negative action will be taken or tolerated because a member files a complaint with the Privacy Officer or the U.S. Department of Health and Human Services.

E. Wellness Program

All fulltime employees who are enrolled in the City health insurance are required to annually participate in the Wellness Program. Participation includes completing a Health Risk Assessment (HRA) questionnaire and health screening. Statistics have proven that in many instances the HRA can catch a health issue and recommend behavior changes before the issue results in more severe treatment being necessary.

The results of the questionnaire are confidential and are only seen by the Wellness Coordinator at the Employee Health Clinic. Failure to participate in the HRA and health screening will result in being charged a higher premium for health insurance.

11.03 Protection of Confidentiality

The Director of Human Resources and other appropriate officials will take necessary action to protect the privacy of personal data both in City maintained personnel files and the personnel data system.

The Human Resources Department has implemented a department structure, which limits access to employee's personnel files and the personnel data system as allowed by the Texas Public Information Act. Use of records for improper or unauthorized purposes may result in disciplinary action up to and including termination.

11.04 Responsibilities Under Texas Public Information Act

Employees are responsible for choosing, in writing, whether any information about their home address or telephone number can be released to the public under the Texas Public Information Act. A signed form must be in the employee's personnel file that states that this information is not to be released or is to be released under the Act. This form will be provided to the employee for completion upon start of employment and can be changed at any time.

11.05 Collection, Retention and Use of Personal Information

The City will use only legal and ethical methods to collect information about or from a job applicant or employee.

The City will follow applicable requirements of equal employment opportunity laws with regard to collection of information about race, color, national origin, sex, religion, age, disability status and/or political affiliation or belief. With these laws in mind, the City will gather such information about job applicants or employees as determined by the Director of Human Resources as necessary. The following basic principles apply to collection and retention of personnel information. The Human Resources Department will maintain a complete file on each employee. This file will contain pertinent employment information.

Each manager/supervisor may maintain a limited "Department Personnel File" on employees in their charge. Information in this file will be considered necessary to properly administer and supervise employees within their work unit. This information may include, but is not limited to:

- performance evaluations,
- attendance records,
- applicable notes, memos or letters,
- pertinent information concerning recent disciplinary actions, and/or
- information relating to an employees' job training and performance.

11.06 Employee Access to Personnel Records

Specific guidelines for employee access to their personnel records are as follows:

- Employees have the right to review information in their personnel file and their department file.
- The Director of Human Resources will strictly limit the internal availability of personal information to those officials on a need to know basis.
- The Director of Human Resources will refuse to release any information, except under the Texas Public Information Act, to outside sources without the employee's written authorization for release.
- The Director of Human Resources requires each employee to strictly adhere to these policies and practices. Violations are subjected to appropriate disciplinary action up to and including termination.
- An employee who wishes to see their personnel file should contact the Human Resources Department, where a representative will assist the employee. If the employee requests to see their department file, the appropriate manager/supervisor will arrange a time convenient for the review.

An employee may inspect their files and may take notes or have copies made of any pages in the file. No employee is allowed to remove any documentation from their personnel file. Removing such City property will be subject to appropriate disciplinary action up to and including termination.

An employee has the right to request a correction or deletion of inaccurate information. Approval for correction or deletion of any material is at the discretion of the Director of Human Resources and such requests must be submitted in writing. In the case of a disagreement with the information in their file, the employee may add a statement of disagreement to the file.

11.07 Access to Employee Records by City Officials

Access to employee personal information is prohibited to other employees with the following exceptions:

- Human Resources Department representative to whom the Director authorizes access to files in the scope of their assigned job responsibilities.
- An employee's immediate manager/supervisor.
- Manager/supervisor of an employee on a need to know basis.
- Persons involved in considering an employee for a promotional opportunity.
- City Attorneys, Department Directors, City Manager or Assistant City Managers who the Director of Human Resources determines have a business need to know in the interest of matters pertaining to the City.
- Internal and external auditors of the City who the Director of Human Resources determines have a business need to know in performing an audit on the operations of the City.

11.08 Disclosure of Employee Information

All requests for information about job applicants and current, retired or terminated employees will be referred to the Human Resources Department. In most cases, written approval from the individual is required (other than routine employment verification) before personal data may be disclosed to an outside source. Exceptions to the rule include:

- Requests from prospective employers concerning dates of employment, title or position. Such requests are documented and stored in the employee's personnel file.
- Subpoenas and judicial orders.

11.09 Tape Recording

To assure the reasonable expectation of privacy in casual, business, or personal conversations, no employee, may audio or videotape conversations of any employee, official, and/or visitor in City owned or occupied buildings unless the party being recorded grants permission.

11.10 Current Address and Information

Each employee is responsible for promptly notifying their department of changes in address or telephone number.