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City Council Workshop

Saturday, October 19, 2024 at 9:00 AM

Manor City Hall, Council Chambers, 105 E. Eggleston St.

AGENDA

CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT

A. Discussion of the City of Manor Policies and Procedures Handbook

- Section 1 - Equal Opportunity and Commitment to Diversity
- Section 2 - Conflict of Interest and Confidentiality
- Section 3 - Employment Relationship
- Section 4 - Workplace Safety
- Section 5 - Social Media

ADJOURNMENT

In addition to any executive session already listed above, the City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section §551.071 (Consultation with Attorney), §551.072 (Deliberations regarding Real Property), §551.073 (Deliberations regarding Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations regarding Security Devices) and §551.087 (Deliberations regarding Economic Development Negotiations).

CONFLICT OF INTEREST

In accordance with Section 12.04 (Conflict of Interest) of the City Charter, “No elected or appointed officer or employee of the city shall participate in the deliberation or decision on any issue, subject or matter before the council or any board or commission, if the officer or employee has a personal financial or property interest, direct or indirect, in the issue, subject or matter that is different from that of the public at large. An interest arising from job duties, compensation or benefits payable by the city shall not constitute a personal financial interest.”

Further, in accordance with Chapter 171, Texas Local Government Code (Chapter 171), no City Council member and no City officer may vote or participate in discussion of a matter involving a business entity or real property in which the City Council member or City officer has a substantial interest (as defined by Chapter 171) and action on the matter will have a special economic effect on the business entity or real property that is distinguishable from the effect on the general public. An affidavit disclosing the conflict of interest must be filled out and filed with the City Secretary before the matter is discussed.

POSTING CERTIFICATION

I, the undersigned authority do hereby certify that this Notice of Meeting was posted on the bulletin board, at the City Hall of the City of Manor, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: Tuesday, October 15, 2024, by 5:00 PM and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

/s/ Lluvia T. Almaraz, TRMC
City Secretary for the City of Manor, Texas

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS:

The City of Manor is committed to compliance with the Americans with Disabilities Act. Manor City Hall and the Council Chambers are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 10 days prior to this meeting. Please contact the City Secretary at 512.215.8285 or e-mail lalmaraz@manortx.gov



CITY OF MANOR

Personnel Policies & Procedures

Handbook

Adopted by the City Council on October 7, 2015

CITY OF MANOR EMPLOYEE POLICIES & PROCEDURES HANDBOOK

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AMENDMENTS BY CITY COUNCIL

| SECTION | DATE |
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| <i>Longevity</i> | 6/07/2017 |
| <i>Vacation</i> | 6/07/2017 |
| <i>Sick Leave</i> | 6/07/2017 |
| <i>Accident/Incident Reporting</i> | 9/06/2017 |
| <i>Drug and Alcohol Use Policy</i> | 9/06/2017 |
| <i>Electronic Communications & Systems Access Use</i> | 9/06/2017 |
| <i>Employee Status</i> | 9/06/2017 |
| <i>Holidays</i> | 9/06/2017 |
| <i>Longevity</i> | 9/06/2017 |
| <i>Sick Leave</i> | 9/06/2017 |
| <i>Travel</i> | 9/06/2017 |
| <i>Vacation</i> | 9/06/2017 |
| <i>On Call/Call Back Pay</i> | 1/03/2018 |
| <i>City Property/Equipment Use</i> | 9/06/2018 |
| <i>Texas Municipal Retirement System (TMRS)</i> | 1/01/2019 |
| <i>Purchasing Policy- Attachment</i> | 5/23/2019 |
| <i>Complaint Resolution</i> | 6/20/2019 |
| <i>Holidays</i> | 6/20/2019 |
| <i>Sick Leave</i> | 6/20/2019 |
| <i>Travel</i> | 9/04/2019 |
| <i>Electronic Devices, Communications, and Systems Access Use</i> | 10/02/2019 |
| <i>Cell Phone- City Provided (Combined with Electronic Devices)</i> | 10/02/2019 |
| <i>Emergency Continuity of Operations</i> | 3/19/2020 |
| <i>Holidays</i> | 9/31/2020 |
| <i>Mental Health Leave</i> | 9/1/2021 |
| <i>Paid Quarantine Leave</i> | 9/1/2021 |

**CITY OF MANOR
PERSONNEL POLICIES & PROCEDURES HANDBOOK
INTRODUCTION**

This Employee Personnel Policies & Procedures Handbook is a general guide, and the provisions of this Handbook do not alter the at-will employment relationship or constitute an employment agreement, a contract, or a guarantee of continued employment. The City of Manor reserves the right to change the provisions of this Handbook at any time and without prior notice. The provisions contained in this policy manual are applicable to all employees. The City of Manor Policies and Procedure Handbook shall apply to both civilian employees and uniformed officers' employees of the City, however, the Manor Police Department Policies and Procedures Handbook shall be considered a part of and incorporated into the Master City of Manor Personnel Policies and Procedures Handbook. The Manor Police Policies and Procedures Handbook shall only supplement and have precedence over any personnel issues covered within that policy as it applies to all Police Personnel under the Texas Constitution. Any promise which conflicts with the provisions in this policy manual are effective only if in writing and signed by City Manager.

The objectives of the Employee Personnel Policies & Procedures Handbook are as follows:

- To promote good and uniform personnel practices and administration in the management of the City's human resources.
- To develop a program of recruitment, advancement and tenure that will make municipal employment attractive as a career and encourage each employee to render such employee's best services to the citizens of the City.
- To provide equitable and adequate compensation based upon individual merit and the relative duties and responsibilities of positions in the service of the City.
- To promote high morale by the consistent administration of these policies and through consideration of the rights and interests of all employees.
- To provide that tenure of employees covered by these policies shall be subject to good behavior, satisfactory performance, necessity for the position, and availability of funds.

All City employees are required to comply with the Employee Personnel Policies & Procedures Handbook. Failure to comply may result in disciplinary action up to and including termination.

ACCIDENT/INCIDENT REPORTING

All on-the-job accident and incident injuries, however slight or seemingly inconsequential, **must be reported immediately by phone or in person with a report as soon as possible but no later than 24 hours after the accident or incident** to the employee's immediate supervisor and to the Human Resources Department. Failure to report any accident or incident immediately with a follow-up formal Accident Statement or Incident Statement report being provided within 24 hours of its occurrence without good cause may lead to disciplinary action, up to and including termination of employment. Such reports are necessary so that the City can remain in compliance with applicable laws and begin workers' compensation benefit procedures where appropriate.

Employees who violate safety standards, who cause or exacerbate hazardous or dangerous situations, or who fail to report or, where appropriate, correct such situations, will be subject to disciplinary action, up to and including termination of employment.

See the section entitled Employee Safety for further guidance.

Definitions

Incident- An unplanned, undesired event that hinders completion of a task and may cause injury, illness, or property damage or some combination of all three in varying degrees from minor to catastrophic; unable to prevent or prepare for

Accident-Similar to incident, but supports the mindset that it could have been prevented; caused by error



Incident Statement Form

| | |
|---------------------|--|
| Employee's Name: | |
| Job Title: | |
| Department: | |
| Supervisor/Manager: | |
| Date of Incident: | |
| Time of Incident: | |

Describe how the Incident occurred:

Location: _____

Witness Name: _____

Witness Address if not employee: _____

Witness Statement: _____

Witness Signature: _____ Date: _____

Employee Signature: _____ Date: _____

RETURN FORM AND ALL DOCUMENTATION TO THE HUMAN RESOURCES DEPARTMENT

Department Director: _____ Date: _____

Supervisor: _____ Date: _____



Accident Statement Form

| | |
|----------------------|--|
| Employee's Name: | |
| Job Title: | |
| Department: | |
| Supervisor/ Manager: | |
| Date Accident: | |
| Time of Accident: | |

Describe how the Accident occurred:

Witness Name: _____

Witness Statement: _____

Witness Signature: _____ Date: _____

Employee Signature: _____ Date: _____

RETURN FORM AND ALL DOCUMENTATION TO THE HUMAN RESOURCES DEPARTMENT

Department Director: _____ Date: _____

Supervisor: _____ Date: _____

ACCIDENTS INVOLVING CITY EQUIPMENT OR VEHICLES

Any employee involved in an accident while operating City equipment or vehicles shall report the accident immediately to his/her supervisor and to the proper law enforcement agency. The employee must immediately complete an accident report, no matter how minor the damage is to the vehicle or equipment and submit to his/her supervisor and to the Human Resources Department. The sections entitled Drug and Alcohol Policy for DOT Employees and Drug and Alcohol Use Policy may require alcohol and drug testing following an accident.

The employee operating the city vehicle shall perform the following when involved in an accident:

1. Stop immediately
2. Park the vehicle safely
3. Notify police immediately
4. Make no admission of fault or negligence to anyone. Be courteous, but do not discuss the accident with anyone except with the police officer investigating the accident, and do not sign any statement or releases.
5. Exchange name, address, insurance information, and driver's license numbers with the drivers of other vehicles involved. Get contact information from witnesses.
6. If on a controlled access highway, remove the vehicle from the roadway (if possible). Otherwise unless required for safety reasons, do not move the vehicle involved until instructed to do so by a police officer. Do not move the vehicle in the event of an injury accident until directed by the attending law enforcement officer.
7. Immediately notify a Department Director regarding the accident involving damage to a city vehicle, private vehicle, private property or injury to a person.
8. Department Directors or Supervisors are responsible for immediately contacting the Human Resources Department and Manor Police Department for post-accident drug screening and necessary investigation.
9. If accident occurs after regular business hours employees must contact the supervisor or Human Resources Department for the post-accident drug testing instructions, which includes contacting the Texas Alcohol and Drug Testing Service (TADTS) After-Hours On-Call Specialists at (877) 403-6600.

Drivers must obey all traffic rules and regulations prescribed by law and use every reasonable safety measure to prevent accidents. No one under the age of 17 may operate a City vehicle. Wearing of seat belts is mandatory.

Any traffic fines imposed upon a City employee while operating a City vehicle will be the personal responsibility of the employee and not the City. Any employee involved in any type of accident involving City equipment may be disciplined if, upon investigation, it is determined that the employee was negligent or through carelessness or recklessness contributed to the cause of the accident. See the section entitled Employee Safety for further guidance.



VEHICLE ACCIDENT REPORT

| | |
|---------------------|--|
| Employee's Name: | |
| Date of Hire: | |
| Job Title: | |
| Department: | |
| Supervisor/Manager: | |

Vehicle and Equipment Accident/ Damages

This form, or an approved alternate form, must be completed for all accidents involving any City vehicle, equipment (any item attached to a City Vehicle) or property damage caused by a City vehicle or equipment. Please report any incident immediately and complete all related sections of this report and provide a copy to Human Resources within 1 business day for processing (Pictures of the damages will be required at the time of incident).

Employee Injuries

Supervisors must be notified immediately by the employee and the incident should be reported to Human Resources immediately or within 1 business day of the incident.

General Information

Employee Name: _____ Home Phone #: _____

Home Address: _____
 Street Number Street Name City State Zip

Date of Occurrence: _____ Time of Occurrence: _____ ☐ am ☐ pm Date reported: _____

Address/ Location of Occurrence: _____

Briefly describe accident and how or why it occurred:

Witness' Name (Include Address If Not a City Employee): _____

Was drug test given? ☐ Yes ☐ No If not, state reason: _____

City Vehicle Accident or Damage

City Vehicle #: _____ City Vehicle License #: _____

Was City Vehicle Damaged? ☐ Yes ☐ No

Make and Model: _____ Year: _____

Was there a Police investigation? ☐ Yes ☐ No If yes, list investigating agency: _____

If yes, report number: _____

Weather Conditions: _____ Road Conditions: _____

Description of Damage: _____

List All Passengers in Vehicle (Attach additional pages, if necessary):

Name (First and Last)

Age

Other Vehicle Accident or Damage

Was Other Vehicle Damaged? ☐ Yes ☐ No

License Number: _____ Make and Model: _____ Year: _____

Vehicle Identification Number: _____

Drivers Name: _____ Home Phone #: _____

Home Address: _____

Street Number

Street Name

City

State

Zip

Insurance Company: _____

Policy Number: _____ Insurance Agent's Phone Number: _____

Description of Damage: _____

List All Passengers in Vehicle (Attach additional pages, if necessary):

Name (First and Last)

Age

Damage to Property

Type of Property Damaged: _____ City Owned? ☐ Yes ☐ No

Owner's Name: _____ Home Phone #: _____

Home Address: _____

Street Number Street Name City State Zip

Description of Damage: _____

Injury to Member of the Public

Name of Injured: _____ Home Phone #: _____

Home Address: _____

Street Number Street Name City State Zip

Description of Damage: _____

Nature of and Part of Body Injured: _____ Ambulance Needed? ☐ Yes ☐ No

Hospital: _____ Doctor: _____

Preventable and/or Violation of Policy

Preventable – was the accident preventable? ☐ Yes ☐ No

Policy Violation – was a City or Departmental policy violated? ☐ Yes ☐ No

Employee Name: _____ Date: _____

Supervisor/Manager: _____ Date: _____

Department Director: _____ Date: _____

HR Coordinator: _____ Date: _____

ADMINISTRATIVE LEAVE

The City may grant administrative leave with pay to an employee, as a matter of discretion by the City Manager following a recommendation by the employee's Department Director, when no other paid leave category is available or applicable and leave without pay would not be appropriate. The City Manager may also authorize administrative leave without pay. This policy should be read in conjunction with the City's Unpaid Leave and Separations Policies.

Administrative leave granted to an employee will be put in writing and forwarded to the Human Resource Department for proper payroll processing and placement in the employee's personnel file.

AMENDMENT OF POLICIES

Amendments to the Personnel Policies & Procedures Handbook must be approved by City Council. The City Council makes all personnel policies while the City Manager is responsible for the implementation of the policies.

AMERICANS WITH DISABILITIES ACT

To ensure compliance with the Americans with Disabilities Act and Americans with Disabilities Act as Amended (ADAAA), the City offers equal employment opportunity to qualified individuals and strictly prohibits discrimination against qualified individuals on the basis of disability. Any employee seeking a reasonable accommodation for a disability that affects the employee's ability to perform the essential functions of the position shall make written request.

The City will provide a reasonable accommodation to the known physical or mental impairments of an otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position at issue. The City will not deny employment opportunities on the basis of the need to provide reasonable accommodation to the individual's physical or mental impairments, unless it would cause an undue hardship to the City, or constitute a threat to the safety of the disabled person or other persons.

Employees who have a complaint involving potential violations of the Americans with Disabilities Act or ADAAA, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately report such complaint as outlined in the City's Sexual and Other Unlawful Harassment Policy which is contained in the Employee Policies & Procedures Handbook.

APPLICATION OF POLICIES

The Human Resources Department and each Department Director, as directed by the City Manager shall administer and implement the personnel policies of the City of Manor.

The City Manager shall have authority to delay implementation of any portion of this policy relating to pay dates, vacation and sick leave accrual, the authority to authorize payment in lieu of certain benefits and to round upward certain benefits to facilitate coordination with fiscal or calendar year accounting and/or software availability, acquisition or conversion, and the authority to delay implementation of any other portion if discovered to have conflicts with existing operations that require additional time for a changeover.

Deviations from Policies - Subject to the right of the affected employee to appeal to the City Manager, the Department Directors may deviate from these policies with respect to the assignment, discipline or termination of any employee when, in the judgment of the City Manager, such deviation is in the best interest of the City.

If circumstances make it advisable to deviate from any of the personnel policies, the Department Director responsible for overseeing the department involved will provide a written report to be filed with the Human Resources Director. The report should provide:

- Details of the action taken which deviated from the existing policy;
- A description of the circumstances resulting in the recommendation to a deviation from the existing policy; and
- A statement of why the deviation was in the best interest of the City and/or other parties involved.

Master Personnel Policy Manual - A Master Personnel Policy Manual, which contains the original of all personnel policies in effect for the City of Manor, shall be maintained in the office of the Human Resource Department.

Personnel Policy Coordinator - Human Resources Department, in addition to the duties identified herein shall serve as the City's Personnel Policy Coordinator. The duties of the Personnel Policy Coordinator shall include:

- Maintaining the Master Personnel Policy Manual and updating the manual whenever a change, addition or deletion is made in the City's personnel policies;
- Providing each employee with copies of new or changed policies and information when policies are deleted so that the Department Director will be able to update the department's copy of the Personnel Policy Manual when a change, addition or deletion is made;

- Coordinating recommendations for additions, deletions and changes in personnel policies;
- Developing and implementing a system for notifying all City employees whenever a change, addition or deletion is made in the City's personnel policies; and
- Conducting an annual review of all personnel policies to determine if they are consistent with actual practices and in compliance with legislation relating to the personnel function and the relationship between the employer and employee.

Dissemination - Each Department Director shall cause each employee to receive a copy of the Personnel Policy Manual and to sign an acknowledgment indicating such receipt; inform each employee that he or she should be responsible for being familiar with the policies, and take active steps to see that each employee has the opportunity to become knowledgeable on the policies.

Access to Policy Manuals - All employees are responsible for becoming familiar with the Personnel Policy Manual. Employees have the right to review the Master Personnel Policy Manual or a copy of the Personnel Policy Manual found in their departments, during the normal workday or at other times approved by the Human Resources Director or the employee's Department Director.

ATTENDANCE AND WORK HOURS

Regular Work Hours – Non-exempt employees of the City normally work 40 hours in a seven-day work week. Exempt employees may be required to work in excess of 40 hours in certain weeks and are required to work a minimum of 80 hours in a two week pay period. The work week begins at 12:00 a.m. (midnight) on Sunday and ends at 11:59 p.m. the following Saturday. The regular workday normally begins at 8:00 a.m. and ends at 5:00 p.m. although employees in some departments may have different work hours. (For example, most non-exempt police officers work a 12-hour shift.) In times of disaster or emergency, work hours shall be determined by the City Manager.

Adjustment to Work Hours - In order to assure the continuity of City services, it may be necessary for Department Directors to establish other operating hours for their departments. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of work with the City includes the employee's acknowledgement that changing shifts or work schedules may be required and includes that he/she will be available to do such work. If an employee works a schedule that is different than the standard eight-hour work day (excluding police officers in the Patrol Division who work shifts), that schedule must be submitted in writing to the Department Director for consideration. Upon Department Director consideration, the request is forwarded to the City Manager for approval on a case-by-case basis focusing on providing enhanced service to the customers. A copy of the approved schedule must be forwarded to the Human Resources Department to be placed in the employee's personnel file.

Meal Periods - Full-time employees (excluding most non-exempt police officers) are normally provided a one-hour unpaid meal break near the middle of the work day. Meal periods may be staggered by the Department Director in order to minimize departmental interruption. Supervisors will provide employees with the starting and ending times for their specific meal periods. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period.

Attendance Records - Employees are expected to be at their workstations and ready to work at their scheduled start time. All employees are required to record the number of hours worked each day.

Attendance and Punctuality - Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays and leaves. If an employee has an unexpected absence, the employee shall call or notify his/her supervisor within the hour prior to when the employee is to report to work. Failure to notify the supervisor may result in disciplinary action. Excessive tardiness, neglect of duties, or unauthorized absences will be grounds for dismissal. If the immediate supervisor is not available to report the unexpected absence, the employee shall report to the Human Resources Director, or designee, directly. All Department Directors shall report all expected absences for training, vacation and other planned leave as soon as known but

not later than two weeks prior to such leave, unless good cause exists for less notice. All Department Directors shall report to the Human Resources Department, or designee, any sick leave to be taken as soon as such is known. The Human Resources Department and Department Director shall ensure adequate supervision of the department in the absence of the Department Director. If no other supervisor exists for the department, the Human Resources Department, or designee, shall supervise the attendance of the department in the Department Director's absence and designate a supervisor of such department. All Department Directors shall keep daily attendance records of employees and all absences shall be reported on a leave form and turned in with the department time sheets each pay period. Department Directors shall report personal vacation time and sick time used each pay period to the Human Resources Department. Department Directors shall be responsible for keeping true and accurate attendance records for each employee and ensuring each employee's attendance in compliance with this policy manual. The Human Resources Department, or designee, may check time sheets for any department for accuracy.

In most cases, an employee who fails to properly notify his/her supervisor in advance of an absence or tardy will be subject to disciplinary action up to and including termination of employment. An employee who fails to notify the City of an absence of five days or more will have voluntarily resigned his/her employment.

Absent from Work in excess of 180 Days – Any employee who is absent from work on a leave of absence for a period of 180 calendar days, regardless of the reason, and is unable to return to work after 180 calendar days will be terminated. See the Unpaid Leave of Absence Policy. This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act and USERRA.

Also see the section entitled Separations.

AT-WILL EMPLOYMENT

Employment with the City is for no fixed or definite term. All employment by the City has been and continues to be at-will, except for those positions that may have a written contract approved by the City Council. That means that both the employee and/or the City have the right to terminate employment at any time, with or without notice, and with or without cause. **This Personnel Policies & Procedures Handbook does not constitute a contract of employment. Nothing in this handbook is intended to alter the continuing at-will status of employment with the City.**

Although adherence to these policies is considered a condition of continued employment, nothing in these policies alters an employee's status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time for any or no reason, without notice, and the City retains the right to terminate any employee at any time, for any or no reason.

CELL PHONE USE IN THE WORKPLACE

The City recognizes that many employees have cell phones that they bring to work. Cell phones may belong to the employee or be provided for the employee's use by the City. The use of cell phones, including those with a camera, at work must not interfere with job duties or performance. Employees must not allow cell phone use to become disruptive or interfere with their own or a coworker's ability to do their jobs. Employees, who use cell phones to violate City policy, including the City's Sexual and Other Unlawful Harassment Policy, will be subject to disciplinary action, up to and including termination. An employee who has been provided a cell phone by the City must surrender the assigned cell phone upon leaving the employment of the City or upon request by the employee's supervisor or department director.

Use of cell phones while operating City vehicles or equipment is prohibited.

CITY PROPERTY/EQUIPMENT USE

The City attempts to provide employees with adequate tools, equipment, vehicles and facilities for the City job being performed, and the City requires all employees to observe safe work practices and lawful, careful and courteous operation of vehicles and equipment. Any City-provided safety equipment must be used at all times.

From time to time, the City may issue various pieces of equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, telephone cards, uniforms, mobile telephones, computers, and computer-related equipment. Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties. At the time of issuance, employees may be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment and authorizing a payroll deduction for the cost of lost, damaged, or unreturned items. In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.

Employees must notify their supervisor immediately if any vehicle, equipment, machine, tool, etc. appears to be damaged or defective, or is in need of maintenance or repair. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, or unsafe use or operation of equipment may result in disciplinary action, up to and including termination of employment.

Personal Use Prohibited - City property, materials, supplies, tools, equipment or vehicles may not be used for personal business.

Tobacco/Smoking Product Use Prohibited - The use of all smoking products (as defined in Smoking Policy), shall be in compliance with such Smoking Policy while operating and/or being a passenger in City owned vehicles and/or equipment.

Vehicle Allowance - An employee may be given a monthly allowance for consistently using such employee's own vehicle for City business if the use is deemed necessary by the City Manager. The amount of the allowance shall be determined by the City Manager.

Take Home Vehicles - A City vehicle may be assigned to a position or employee when it is more economical than payment of a car allowance or mileage reimbursement. To be eligible for assignment of a take-home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal work station. No personal use of a take-home vehicle is permitted except to commute to and from home or work. No passengers may be transported in take-home vehicles except as required by official duties. No alcoholic beverages are allowed in City vehicles. As indicated in the Drug & Alcohol Use Policy, Police Department employees may be required to be in possession of alcohol and/or drugs in

carrying out their job duties. Such employees will be exempted from certain portions of this policy under certain limited conditions. Additional guidelines shall be established by Police Department operating procedures.

All unattended take home vehicles shall be legally parked and stored in a private drive, lane, or garage, and must be locked at all times, except in emergency circumstances. Employees shall not leave sensitive information or public documents (other than reference material) in the vehicle while off duty.

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

Use of City Vehicles - City-owned or leased vehicles may only be used for official City business. City owned or leased vehicles may only be driven by authorized City employees. If an employee drives his/her own, or a City-owned, rented or leased vehicle on the job or while carrying out City-related business, the employee must comply with the following:

- Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
- Always observe all posted laws and speed limits and comply with all motor vehicle laws and regulations.
- Always wear seat belts when the vehicle is in operation.
- No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the Department Director.
- All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor.
- Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
- All drivers must be eligible for coverage under the City's insurance policy.
- Drivers covered by Department of Transportation regulations must comply with them at all times.
- At no time may an employee under the influence of alcohol or illegal drugs drive a City vehicle or a personal vehicle while conducting City business.
- The use of a City vehicle to conduct personal business is prohibited other than for incidental uses such as stopping at a restaurant or store. In no case shall a city vehicle be used in the conduct of purchasing, transporting, or consumption of alcohol.
- Employees/drivers shall remain constantly aware of the public perception of and expectation of, driver courtesy from all drivers of City vehicles. It is expected that

employees maintain courteous driving habits, prudent use of vehicle horn, and patient and defensive driving techniques.

- Employees involved in an accident while operating a City vehicle, or while operating a personal vehicle on City business, must immediately notify the proper law enforcement agency (if applicable) and the appropriate Supervisor, Department Director, and Human Resources Department. Accident reports, along with any law enforcement report must be filed by the employee with the Department Director and the Human Resources Department.
- Employees whose job duties require driving either a City vehicle or a personal vehicle as a job function must maintain the driver's license required for performance of the employee's duties and must maintain a satisfactory driving record. Employees are required to report any driving citation received or driver's license suspensions to their Department Directors within 24 hours of the suspension or citation. If an employee has three moving violations within a two-year period or is convicted of, pleads guilty or nolo contendere to, or accepts deferred adjudication for a DWI or DUI offense at any time, this will be considered a failure to maintain a satisfactory driving record. Failure to maintain a required driver's license or failure to maintain a satisfactory driving record will result in discipline up to and including termination of employment.
- The City may, at any time, check the driving record of a City employee who drives as part of his/her job duties to determine that he/she maintains the necessary qualifications as a City driver. Employees agree that they will cooperate in giving the City whatever authorization is required for this purpose.
- The above is not a complete and exhaustive list of vehicles use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, or unsafe use or operation of a vehicle, may result in disciplinary action, up to and including termination of employment. Please see paragraph G under Employee Conduct and Work Rules/Disciplinary Action requiring employees to immediately notify their supervisor regarding violations of law.

Personal Property - All employees shall be solely responsible for their personal property at all times.

CLASSIFICATION & PAY PLAN

All employees shall be included by position in the Classification & Pay Plan.

Each position shall be categorized by number based on similar or comparable responsibilities, duties, type of work and required qualifications.

The Classification & Pay Plan may be revised from time to time as changing circumstances and conditions require and upon recommendation by the City Manager and approval by the City Council. Such revisions may consist of the addition, deletion, abolishment, consolidation, department or amendment of existing positions.

Incentive pay – Incentive pay such as certification pay or educational incentives, **MAY** be awarded to employees to compensate employees who obtain special licensing or who have achieved educational goals that benefit the City. Incentive pay will be addressed as part of the annual budget process and must be approved by the City Council.

Cost of Living Raises - Cost of living raises may be granted only by the City Council and must be approved in the budget process for the fiscal year.

Evaluation Period Raises - An employee who successfully completes the mandatory ninety (90) day initial evaluation and training period may be granted an increase in salary, provided that funds are available in the departmental budget and the raise is within the limits of the employee's job classification.

COMPENSATORY TIME

The Department Director may, on a case-by-case basis, grant compensatory time to employees in lieu of overtime payment for irregular or occasional overtime work that is not part of an employee's regularly scheduled workweek.

Employees and their supervisors shall strive to flex an employee's work schedule to minimize hours worked in a work week in excess of 42.5 hours.

Non-Exempt Employees are entitled to compensatory time in accordance with Section 207 of the Fair Labor Standards Act of 1938. Employees, at the Department Director's discretion, may grant compensatory time at a rate not less than one and one-half hours for each hour of employment for which overtime compensation would have been earned.

Accrual Rates - Compensatory time will be earned at a rate of one and one-half hours for each hour of employment for which overtime compensation would have been required.

- The employee may accrue no more than 80 hours of compensatory time for hours worked.
- The City Manager may grant additional compensatory time not addressed in this policy at his discretion.

Use of Compensatory Time - An employee who has accrued compensatory time and requests use of the time shall be permitted to use the time off within a "reasonable period" of time after making the request if it does not unduly disrupt departmental operations and has prior supervisory approval. Employees will be required to submit a "Leave Request" in order to use any accrued time. A supervisor may require an employee to use accrued compensatory time.

Expiration of Compensatory Time - Compensatory time shall expire on **September 30th** of each year. Any unused compensatory time will be paid out to the employee on September 30th of each year.

Pay Out of Compensatory Time - Employees who leave employment with the city shall be paid for any unused compensatory time at a rate of compensation not less than:

- The average regular rate received by such employee during the last 3 years of the employee's employment, or the final regular rate received by such employee, whichever is higher.
- Compensatory time will be reviewed at the time of a promotion. When being promoted to an exempt position, the compensatory bank will be paid-out at the employee's rate of pay prior to the promotion.

COMPLAINT RESOLUTION

This Complaint Resolution Procedure is available to an employee who is the subject of a disciplinary action involving a suspension of one day (or one shift) or more, or a demotion, or to an employee who is complaining about an alleged improper interpretation and/or application of City or departmental policies, procedures, or practices. The City encourages all employees to attempt to resolve complaints informally through discussions with the employee's immediate supervisor.

If an employee is unable to resolve a complaint subject to this policy with his or her immediate supervisor, the employee shall submit a written complaint to the employee's Department Director. A written complaint to a Department Director must be made within 30 days of the event or action complained of.

If an employee's complaint is not resolved to his or her satisfaction within 10 days of filing a written complaint with the Department Director, the employee may present his or her written complaint to the Human Resources Division, who will forward the written complaint to the City Manager.

The decision of the City Manager may be conveyed to the employee orally or in writing and is final.

CONFIDENTIALITY OF MEDICAL INFORMATION

Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. The Human Resources Department maintains these confidential medical files.

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

- A note to justify an absence;
- A note to request a leave;
- A note to verify the employee's ability to return to work;
- Medical records to support a claim for sick pay or disability benefits;
- Insurance records; and
- Workers' compensation records.

It is important that employees understand that the records are confidential but that the confidentiality may be waived when the employee provides medical information to his/her supervisor or the Human Resources Department. When an employee provides information to his/her supervisor, the supervisor is expected to share the information only on an "as needed" basis to other members of management.

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their coworkers' medical information. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors or anything else that may constitute an invasion of a coworker's privacy or breach of confidence.

CONFLICT OF INTEREST

No employee of the City may:

- Have any financial or other interest, directly or indirectly, in any proposed or existing contract, purchase, work, sale or service to, for, with or by the City;
- Use City employment, authority, or influence in any manner for his/her personal betterment, financial or otherwise;
- Have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or services;
- Have discussions or participate in decisions of any City agency, board, commission or instrumentality if the employee has any personal economic interest or is employed, directly or indirectly, by the person or entity that is the subject of the discussion or decision;
- Accept other employment or engage in outside activities incompatible with the performance of duties and responsibilities as a City employee or that might impair independent judgment in the performance of duties to the City. For additional information regarding outside employment, refer to the Outside Employment section of this Handbook; or
- Accept remuneration or provide services for compensation, directly or indirectly, to a person or organization requesting an approval, investigation, or determination from the City.

An employee may not knowingly participate in a decision of any matter involving a business entity or real property with which he/she has substantial interest, if the decision on the matter will have a special economic effect on the business entity or real property which is distinguishable from the general public or that may be controlled by Chapter 171, Regulation Of Conflicts Of Interest Of Officers Of Municipalities, Counties, And Certain Other Local Governments, Texas Local Government Code as may be amended from time to time. A “substantial interest in a business entity” is defined as an employee owning 10% or more of the voting stocks or shares of the business entity, the employee owns either 10% or more or \$15,000 or more of the fair market value of the business entity or the funds received by the employee exceeds 10% of the employees gross income for the previous year. A “substantial interest in real property” is defined as an employee owning \$2,500 or more in real property and/or if a person related to the employee in the first degree has a substantial interest.

Violations of this policy may result in disciplinary action up to and including termination of employment. Employees should direct questions regarding the prohibitions imposed by this policy to your Department Director, the Human Resources Department, or the City Manager’s office.

CORE VALUES

The City of Manor, Texas embraces these core values. All employees shall, to the best of their abilities, uphold the Constitution and laws of the United States, the State of Texas, and ordinances of the City of Manor, and all employees shall also strive to be:

- Honest and trustworthy in what they say and write and in all professional and employment relationships;
- Dedicated to providing quality services by being cooperative and constructive, and by making the best and most efficient use of available resources;
- Fair and considerate in the treatment of fellow employees and citizens, addressing concerns and needs with equity, granting no special favors;
- Committed to accomplishing all tasks in a superior way, and abstaining from all job behavior that may tarnish the image of the City or public service;
- Aware and recognize that public and political policy decisions are ultimately the responsibility of the City Council; and
- Dedicated to service to improve the quality of life in the City of Manor.

These core values require hard work, courage, and difficult choices. However, employees and citizens will be better served by doing what is right rather than what is expedient.

DRESS, APPEARANCE AND UNIFORMS

Employees must, at all times, dress appropriately and professionally and present a clean and neat appearance while at work and while representing the City or conducting City business. The City allows business casual dress in the workplace year-round, in accordance with this policy. This policy applies to all employees except those who are required to wear uniforms. Department Directors are strongly encouraged to allow their employees to participate in business casual dress, as practical. Department Directors and supervisors are responsible for enforcing this policy in their respective departments in order to maintain acceptable dress and appearance.

Professional business attire or a required uniform is to be worn when there is a need to present a more formal professional appearance for meetings or special events. Clean and presentable attire that is typical for the job function (i.e. suits or dresses for the City Manager's Office, polo with city logo and slacks for Parks & Recreation) are proper attire for personnel scheduled for City Council meetings, receptions, etc., unless otherwise directed by the City Manager for the occasion.

Employees must remember that they are professional 100% of the time and are dressing for business, not for pleasure. All clothing must be clean, neatly pressed and in good repair and appropriate to the work setting. Attire must always reflect a professional business attitude and presence. Provocative, suggestive articles or other inappropriate dress are not allowed in the workplace. When there is a question on whether or not an item of clothing is prohibited, please err in favor of being conservative and assume that it is not acceptable attire.

The City Manager may designate a specific day in which casual attire may be worn. However, it is at the City Manager's discretion and the attire worn on "casual days" should still reflect an appropriate professional appearance. Department Directors may occasionally allow employees to wear casual attire if a specific work assignment dictates that casual attire is appropriate and to ensure the safety of an employee.

Standards for Business Casual Work Attire

- Jeans, T-shirts or athletic shoes are not acceptable during normal work hours unless a special day is declared by City management or as specifically approved by the appropriate Department Director as work assignment dictates.
- Sweatshirts, sweatpants, lycra athletic wear, or hoodies of any type are not acceptable unless a special casual wear or festive occasion is declared by City management.
- Clothing of any sort that bears a logo or message that is inappropriate, rude, offensive, or discriminatory is not acceptable.
- Shorts shall not be worn unless they are part of a City Department's approved uniform and worn with a shirt that identifies them as an employee of a particular City Department or approved by the Department Director as special circumstances warrant.

- Women: Camisoles or T-tops are required to be worn under low cut blouses/tops. Clothing with thin or spaghetti straps, tank tops or halter tops need to be worn with an acceptable jacket. Skirts and dresses shall be worn no shorter than 2 inches above the top of the knee. Ankle length and Capri dress slacks are appropriate. Dress shoes or dress sandals are appropriate. No more than 2 earrings in each ear may be worn, provided the earrings are not unprofessional in appearance.
- Men: Knit shirts with collar, banded collar shirts, short sleeve or long sleeve dress shirts without a tie are acceptable. All shirts are to be tucked in unless specifically designed to be worn outside trousers. Dress shoes, boots or loafers are acceptable footwear. No more than 2 earrings in each ear may be worn, provided the earrings are not unprofessional in appearance. Men are not to wear earrings at Council presentations or formal city events.

Examples of Inappropriate Attire

- The following are always inappropriate for the workplace:
- Provocative or revealing attire including low cut, bare backs, tube tops, midriffs, body-hugging, see-through garments, or excessively loose or tight fabrics;
- Bare shoulders and tube tops;
- Stirrup pants, spandex pants, casual cargo pants, leggings, form fitting or tight slacks/trousers;
- Clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind;
- Un-pressed, soiled, ripped and tattered clothing;
- Visible tattoos which could be deemed offensive;
- Nose rings, eyebrow rings, tongue studs, lip piercings, gauge piercings, or similar type facial jewelry.

Jewelry - All jewelry worn by employees must be appropriate, so it does not detract from a professional appearance or conflict with department uniform guidelines.

Hair and Facial Hair – Hair styles and hair colors must be appropriate to the employee's position and extremes of any type are unacceptable. For example, green hair, Mohawk style haircuts, and severely spiked hair are not allowed. The length of hair must not pose a safety hazard for employees working around machinery and moving objects. Hair, including facial hair, must be clean and neatly groomed at all times.

Perfume and Cologne – While at work, employees should minimize the use of scented aftershaves, colognes, perfumes, and lotions as these products may impact the health of chemically-sensitive customers and other employees.

Personal Hygiene – It is necessary that all employees maintain a clean, presentable appearance. Personal hygiene includes a regular bath/shower, use of deodorant, and appropriate oral hygiene.

Uniforms – The City supplies personnel with appropriate uniforms. Employees in jobs that require a uniform will be told how and where the uniforms can be obtained. The City will provide replacement uniforms as necessary. Uniforms must be clean and neat. City-owned or authorized uniforms may not be used outside of work, for personal use or by any third party. City uniforms may be used by City employees in connection with outside employment only with the Department Director's prior authorization.

Employees who are provided with uniforms are required to wear their uniforms when on duty and keep them in good, clean and serviceable condition. No part of the uniform shall be worn by itself. An employee must wear the entire uniform when on duty. No part of the uniform shall be worn when off duty, except to and from work, unless in connection with outside employment with the Department Director's authorization.

When an employee terminates, uniforms and any other City equipment which the employee possesses must be returned in good condition before final pay will be authorized. The cost of lost or damaged City property and unreturned uniforms will be deducted from the employee's final pay check.

Employee Purchasing of City Logo Clothing – Employees are permitted to purchase City logo apparel at their own expense and at the City's contract price with selected vendors.

Exceptions – Employees having a conflict with any aspect of this policy, based on cultural or religious traditions or medical reasons, may request an exemption. The employee must place the request in writing to his/her Department Director. The Department Director and the Human Resources Department shall review the request and determine whether an exception will be granted.

Enforcement – Employees and supervisors are responsible for ensuring compliance with the City's dress code standards. In all cases, the City will make the determination as to acceptable dress, appearance and grooming. Employees should direct questions about appropriate appearance or dress to your supervisor, Department Director or the Human Resources Department.

Department Directors shall specify requirements for uniforms and other work attire. Departments may impose special dress and grooming requirements necessary for employee safety, including use of appropriate personal protective equipment, shoes and clothing. Department Directors, with approval of the City Manager's office, may make departmental exceptions to this policy when deemed necessary for business reasons or implement a more restrictive dress and appearance policy.

Supervisors are responsible for ensuring that employees know, understand and adhere to this policy as well as any department specific dress policy. Managers and supervisors shall counsel employees' whose dress, personal hygiene or grooming is inappropriate.

Each employee is expected to adhere to the clothing, uniform and personal appearance guidelines set forth in this policy as well as any department specific policy. Each employee must use good judgment and common sense in selecting clothing that fits with the function of his/her position, while also promoting a professional image. In order to avoid bringing discredit to the City, employees shall exercise caution in their conduct when wearing uniforms or other apparel bearing the name or logo of the City of Manor.

Employees in violation of this policy or a department specific policy may be sent home. Under such circumstances, non-exempt employees will not be paid for work time missed, and exempt employees will be required to make up the work time missed. Employees whose grooming or personal appearance violates this policy or a department specific policy on multiple occasions may be disciplined, up to and including termination of employment.

Dress Guidelines

| | Men | Women |
|----------------------|---|--|
| Appropriate | <ul style="list-style-type: none"> • Knit shirts with collar and banded collars • Short sleeve or long sleeve dress shirts • Dress shoes, boots and loafers | <ul style="list-style-type: none"> • Camisoles or t-tops worn with low cut blouses/tops • Thin or spaghetti straps and tanks tops worn with jacket • Skirts and dresses no shorter than 2 inches above top of knee • Ankle length and Capri dress slacks |
| Inappropriate | <ul style="list-style-type: none"> • Provocative or revealing attire • Excessively loose or tight fabrics • Bare shoulders • Clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind. • Stirrup pants, spandex pants, casual cargo pants and leggings • Form fitting or tight slacks/trousers • Visible tattoos which could be deemed offensive. • Unpressed, soiled, ripped and tattered clothing. | |

*Listing of inappropriate apparel is not intended to be exhaustive and all-inclusive and is provided to establish a guideline for what is acceptable in the work place.

DRUG AND ALCOHOL USE POLICY

It is the desire of the City to provide a drug-free, healthful and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.

Prohibition Against Alcohol and Illegal and Unauthorized Drugs – While on City premises, while on duty, while conducting City-related business, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment, no employee may use, possess, distribute, sell, or be under the influence of alcohol (except under the limited circumstances described below), inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.

Prohibition Against Illegal and Unauthorized Drug-Related Paraphernalia – This policy also prohibits the use, possession, distribution and sale of drug-related paraphernalia while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

Permissive Use of Prescribed and Over-The-Counter Drugs – The legal use of prescribed and over-the-counter drugs is permitted while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment only if it does not impair an employee's normal mental and physical abilities to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

Permissive Use of Alcohol - The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. At no time may an employee under the influence of alcohol drive a City-owned or leased vehicle or operate or use other City-owned or leased property or equipment. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. At no time may an employee drive a City-owned or leased vehicle to a bar or other establishment that secures a majority of its revenue from the provision of alcohol. No employee in his or her work-related capacity should ever be impaired due to the introduction of an alcoholic beverage into the body.

Absent specific approval by the City Manager, City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.

Police Department Employees - Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy under certain limited conditions. Additional guidelines may be established by Police Department operating procedures.

Mandatory Disclosure by Employees - Employees taking prescription medication and/or over-the-counter medication must report such use to either their Department Director or to the Human Resources Department if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his or her job (or operate a vehicle, property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

On-Call Employees - Employees scheduled to be on call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on call, which is called out, is governed by this policy. Sometimes, an employee who is not scheduled to be on call may nevertheless be called out. If this or any other situation occurs where the employee called out is under the influence of drugs and/or alcohol, such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty. The employee will not be required to report to work.

Mandatory Reporting of Convictions - Employees must notify their immediate Supervisor and the Human Resources Department, in writing, of any criminal drug conviction, driving while intoxicated (DWI), driving under the influence (DUI), vehicle homicide (including a plea of nolo contendere) or deferred adjudication for a violation occurring off duty and/or in the workplace no later than five (5) calendar days after the conviction.

Off-Duty Conduct - The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects the employee's job performance.

Rehabilitation/Treatment - It is the City's desire to assist employees who voluntarily request assistance with their alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge his or her problem and seek and accept counseling and/or rehabilitation before it impairs his or her job performance and/or jeopardizes his/her employment.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate

subject of, disciplinary action may request approval to take a leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The leave of absence may be granted in the City's sole discretion. Factors considered by the City in deciding whether to grant leave include: the length of the employee's employment with the City; the employee's prior work and disciplinary history; the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program; the reputation of the program and the likelihood of a successful outcome; the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace; and the resulting hardship on the City due to the employee's absence. Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during the course of an employee's employment with the City. **Note:** Under certain conditions, treatment for substance abuse may be covered under the City's Family Medical Leave Act Policy.

The cost of any rehabilitation or treatment may be covered under the City's group health insurance policy. In any case where rehabilitation or treatment is not covered by the City's group health insurance policy, the employee is responsible for all costs associated with any rehabilitation or treatment program. Should an employee need assistance in determining coverage of rehabilitation or treatment, he/she may seek assistance from the City's Human Resource's Department.

During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time. If the employee has no paid time off available, the time away from work will be unpaid. Where applicable, any time off for rehabilitation or treatment under this policy will also be designated as leave under the City's Family and Medical Leave Act policy.

If the employee successfully completes his or her prescribed rehabilitation or treatment, the City may make reasonable efforts to return the employee to his or her prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:

Initial negative test for drugs and/or alcohol before returning to work;

A written release to return to work from the City-approved rehabilitation or treatment facility/program;

Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable. In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City during

the two years following the employee's return to work following treatment;

The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the Human Resources Department. The employee must meet with the Human Resources Department to discuss the terms of his or her continued employment and sign a formal agreement before returning to work.

This policy will be administered in accordance with the City's Family Medical Leave Act policy when applicable.

Policy Violations - Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. The Police Department may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the Human Resources Department to receive assistance or referrals to appropriate resources in the community.

Types of Tests - Testing may include one or more of the following: urinalysis, hair testing, portable breath test, intoxilyzer, or other generally-accepted testing procedure.

Testing of Applicants - All applicants to whom a conditional offer of employment has been made will be required to submit to testing for alcohol and illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the City.

Testing of Employees - ALL employees will be tested for alcohol and/or illegal and unauthorized drugs after a workplace accident (see definition pg.9) or in connection with any required treatment or rehabilitation. An employee who has an injury incident (see definition pg.9) during the course of his/her official duties is exempt from mandatory drug and alcohol testing unless a supervisor has reasonable suspicion to believe that the use of drugs or alcohol by the employee were a contributing factor. An on-duty police officer who is injured in the course of subduing a suspect is also exempt from mandatory drug and alcohol testing unless a supervisor has reasonable suspicion to believe that the officer has used drugs or alcohol.

Police Department employees are also subject to any applicable departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.

For purposes of this policy, reasonable suspicion is a belief based on facts and circumstances (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury,

evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific facts and circumstances that support reasonable suspicion testing (e.g., the who, what, when, where of the employee's behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).

For purposes of this policy, alcohol and drug testing is required when an employee is involved in an accident while on duty if the accident results in bodily injury or property damage of any type. An employee will not be considered to be "involved" in an accident if the employee is not present during the accident. Also, if an employee is involved in a "near miss" that gives rise to a concern regarding the employee's sobriety or ability to exercise good judgment or control of a vehicle or equipment because of the influence of drugs or alcohol, testing is required.

Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to termination.

A positive test result is a violation of the City's Drug and Alcohol Use Policy and may result in disciplinary action up to and including termination of employment. Any employee who is terminated for violation of the City's Drug and Alcohol Use Policy is ineligible for future employment with the City.

The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Please see the City's Drug and Alcohol Policy for DOT Employees for additional information.

Testing Procedures - All testing must normally be authorized in advance by both the employee's Department Director and the Human Resources Department. If the Department Director is unavailable within a reasonable period of time, the Human Resources Department may, in his or her sole discretion, authorize the testing of an employee. If the Human Resources Department is unavailable within a reasonable period of time, the Department Director may, in his or her sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable factors which led him or her to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's documentation of facts and circumstances.

Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee's normal work time. Initial accident testing is done at the Manor Police Department which consists of an intoxylizer breath test and urinary drug test. If questionable or unreadable results are obtained the employee is then taken to an outside testing facility.

If an employee's conduct resulted in a work place accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put him or her on administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing.

All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.

Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the Human Resources Department; supervisors and managers on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

DRUG AND ALCOHOL USE POLICY FOR DOT EMPLOYEES

Employees/Applicants Subject to Testing – City employees who drive a commercial motor vehicle (CMV) requiring a Commercial Driver's License (CDL) as part of their job duties are subject to alcohol and drug testing as required by the U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration and as outlined in this policy. The employee's supervisor or the Human Resources Department will advise the employee if he or she is subject to DOT testing and the terms of this policy. Employees who are not required by DOT to hold a CDL are not subject to this policy. Applicants for employment for a position requiring a CDL are also subject to testing under this policy.

Employees covered by this policy are also required to comply with the City's Drug and Alcohol Use Policy. In other words, this DOT Drug and Alcohol Policy is in addition to, not in lieu of, the provisions of the City's general Drug and Alcohol Use Policy. DOT tests will be completely separate from non-DOT tests in all respects. DOT tests take priority and will be conducted and completed before a non-DOT test is begun. All drug and alcohol testing performed under this DOT Policy will comply with applicable DOT procedures. If this policy conflicts with DOT regulations in any way, the DOT regulations will govern.

An employee subject to the provisions of this policy may be a person employed by the City, a contractor engaged by the City or an employee of such contractor. When applicable, refer to Attachment A for a listing of City positions currently subject to the testing provisions of this policy. The list of job titles on Attachment A may change as job responsibilities change or as new jobs are added to the City's work force. Employees required by DOT to hold a CDL, due to the type of equipment they operate, are subject to this policy whether or not this list is immediately updated to include their job titles. Employees who hold these jobs are required to carry their CDLs when they are at work or are operating City equipment.

On-duty and Pre-duty Use – Reporting for, or remaining on, duty requiring the performance of safety-sensitive functions is prohibited under the following conditions:

- While having a breath alcohol concentration of 0.04 or more as indicated via breath test;
- While using alcohol; or
- Within 4 hours after using alcohol.

Use Following an Accident – An employee required to take a post-accident alcohol test pursuant to this policy is prohibited from using alcohol for 8 hours following the accident, or until undergoing a post-accident alcohol test, whichever occurs first.

Prohibited Drug Use – Illicit use of drugs by safety sensitive drivers is prohibited both on and off duty. An employee may not report for duty or remain on duty when he/she uses any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect his/her ability to safely operate a CMV. An employee may not report for duty, remain on duty or perform a safety sensitive function if the employee tests positive for controlled substances or has adulterated or substituted a test specimen.

Required Alcohol and Drug Tests – DOT requires the following testing for covered drivers: pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing. Before conducting any required DOT testing, the City will notify the driver that the alcohol or drug test is required by DOT regulations.

Pre-employment Testing – Drug and alcohol tests will be conducted after a conditional offer of employment is made, but before actually performing safety-sensitive functions for the first time. These tests are also required when employees are promoted, demoted or transferred into a safety sensitive driver position.

Post-accident Testing – Drug and alcohol tests will be conducted after accidents in which the driver's performance could have contributed to the accident (as determined by a citation for a moving traffic violation) and for all fatal accidents even if the driver is not cited for a moving traffic violation. Post-accident testing must be conducted as soon as practicable on all surviving drivers following an occurrence involving a CMV operating on a public road in commerce, as follows:

- When the employee is issued a moving traffic violation citation and one or more of the vehicles involved is disabled and must be towed from the scene;
- When the employee is issued a moving traffic violation citation and any person involved in the accident is injured to the extent that he/she requires and receives immediate medical treatment away from the scene of the accident; or
- In an accident involving a fatality, testing will be performed on anyone who was performing safety sensitive functions with respect to the vehicle.

An employee subject to post-accident testing must remain readily available for such testing or will be deemed by the City to have refused to test. Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

In post-accident situations, the City may substitute a blood or breath alcohol test for a urine drug test, so long as the test is performed by state or local law enforcement officials using procedures required by their jurisdictions, provided such test results are received directly from the local jurisdiction or the driver.

A positive post-accident test administered by law enforcement will result in the same action as a positive post-accident test performed at the City's behest.

Post-Accident Alcohol Testing – If alcohol testing cannot be administered within 2 hours of one of the above listed occurrences, a written statement explaining why the alcohol test was not promptly administered must be provided to the Human Resources Department by the appropriate supervisor. If alcohol testing cannot be administered within 8 hours after the occurrence, the City will cease attempts to administer an alcohol test and document the reasons the alcohol test was not administered. This report must be promptly forwarded to the Human Resources Department.

Post-Accident Drug Testing – A driver will be drug tested as soon as practicable but not later than 32 hours after one of the above listed occurrences. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Human Resources Department.

Reasonable Suspicion Testing – Reasonable suspicion drug and alcohol testing is conducted when a trained supervisor has reason to believe that an employee is in violation of this policy. The reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee; the observations may also include indications of the chronic and withdrawal effects of controlled substances. The supervisor must consult with the Department Director (or designee) and affirm the basis of his/her suspicion. If the Department Director concurs, he/she may order the employee to undergo testing only after consultation with the Human Resources Department. A written report of the reasonable suspicion observations must be prepared by the supervisor(s) who made the observation within 24 hours of the observed behavior or before the results of tests are released, whichever is earlier. This report must be promptly forwarded to the Human Resources Department.

Reasonable Suspicion Alcohol Testing – Reasonable suspicion alcohol testing is permitted only if the reasonable suspicion observation is made during, just before, or just after, the period of the work day the employee is required to be in compliance with this policy. An employee may be directed to undergo reasonable suspicion testing only while the employee is performing, just before he/she is to perform, or just after he/she stopped performing, safety sensitive functions. If alcohol testing cannot be administered within 2 hours after the reasonable suspicion observation, a written statement that explains why the alcohol test was not promptly administered must be given to the Human Resources Department. If alcohol testing cannot be administered within 8 hours after the observation, the City will cease attempts to administer an alcohol test and the appropriate supervisor must immediately document the reasons that the alcohol test was not administered; this report must be promptly forwarded to the Human Resources Department. Notwithstanding the absence of a reasonable suspicion alcohol test under this policy, an employee may not report for duty or remain on duty requiring the performance of safety sensitive functions while the employee is under the

influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse. In such instances, the employee will not be permitted to perform or continue to perform safety sensitive functions until:

- An alcohol test measures the employee's alcohol concentration at less than 0.02; or
- 24 hours have elapsed since the reasonable suspicion observation was made.

Reasonable Suspicion Drug Testing – A driver will be drug tested as soon as practicable but not later than 32 hours after the reasonable suspicion observation. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Human Resources Department.

Random Testing – Drivers are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employee's Social Security number, payroll identification number, or other comparable identifying numbers. Each driver subject to this policy will have an equal chance of being tested each time random selections are made. The number of drivers randomly selected will be in accordance with applicable DOT regulations. Each driver randomly selected for testing will be tested during the selection period. Dates and times for random testing are unannounced and spread reasonably throughout the calendar year. Each driver selected for random testing must proceed to the test site immediately after notification; if, however, the driver is performing a safety-sensitive function, other than driving a CMV, at the time of notification, the City will instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible. A driver will be randomly tested for alcohol just before, during, or just after performing, safety sensitive functions; random testing for drugs does not have to be conducted in immediate time proximity to performing safety sensitive functions.

Return-to-duty and Follow-up Testing – Return-to-duty tests are conducted when a driver who has violated DOT's prohibited drug and alcohol standards returns to performing safety sensitive duties. Follow-up tests are unannounced, and at least 6 tests must be conducted in the first 12 months after a driver returns to duty; follow-up tests may be extended for up to 60 months following a driver's return to duty. Drug tests must be negative and alcohol tests must demonstrate a breath alcohol level of less than 0.02. The driver will pay all costs associated with return-to-duty testing. When applicable, the City will follow all applicable DOT regulations in requiring return-to-duty and follow-up testing. The City is not, however, required to hire an applicant or continue the employment of a driver who has violated DOT drug and alcohol regulations or this policy and it is the policy of the City not to do so. Thus, return-to-duty and follow-up tests are generally applicable only for those seeking assistance as set out below and, based on individual circumstances, for those who may have had an alcohol concentration of 0.02 or greater, but less than 0.04.

Refusal to Test – An employee who refuses to be tested in any of the above circumstances,

who obstructs the testing process, or who tampers/alters a specimen, will not be permitted to perform or continue to perform safety sensitive functions and will likely be terminated. An applicant who does one of these prohibited acts will not be hired. Except in the case of pre-employment testing, a refusal to test includes the failure to appear for testing within a reasonable time, as well as failure to remain at the testing site until the testing process is complete. Failure to test also includes the failure to provide the required sample with no adequate medical explanation, and the failure to cooperate with any part of the testing process (e.g., refusing to empty pockets when asked to do so, behaving in a confrontational way that disrupts the collection process, or failure to undergo a medical exam or evaluation as directed by the physician medical review officer (MRO) as part of the verification process).

Consequences of a Positive Alcohol Test – An employee who is tested and has an alcohol concentration of 0.04 or greater will be removed from safety sensitive functions and will be terminated. An employee who is tested and has an alcohol concentration of .02 to .039 will not be permitted to perform safety sensitive functions for a minimum of 24 hours and will be disciplined, up to and including termination. If the employee is not terminated, then he/she will receive a mandatory referral to a substance abuse professional. Any non-compliance with the treatment recommendations of the substance abuse professional will result in disciplinary action, up to and including termination. (The employee will be placed on administrative leave without pay during the treatment period. That employee may use accrued sick leave during the treatment period.)

Alcohol Testing Procedures – A trained breath alcohol technician will conduct alcohol tests. If the alcohol concentration is 0.02 or greater, a second confirmation test will be conducted in accordance with DOT regulations, the results of which will determine any actions taken. Any result of less than 0.02 alcohol concentration is considered a “negative” test. The second, confirmation test results determine if the employee is in violation of this policy. Testing procedures that ensure accuracy, reliability and confidentiality of test results will be followed pursuant to DOT regulations.

Drug Testing Procedures – Drug testing is conducted by analyzing a driver’s urine specimen at a lab certified by the U.S. Department of Health and Human Services. The driver provides a specimen in a location that affords privacy and the “collector” seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug-testing lab. “Split” urine specimens provide drivers with an opportunity for a second test, if needed. If the driver challenges the validity of the test, then he/she has 72 hours to request that the split specimen be sent for testing to another certified lab approved by the City’s Human Resources Department. The second test will be at the driver’s own expense.

Drugs Tested For – DOT requires testing for the following drugs:

- Marijuana (THC)
- Cocaine
- Amphetamines
- Opiates
- Phencyclidine (PCP)

A screening test is performed first. If it is positive for one or more of these drugs, then a confirmation test is performed. Whenever the terms “drug,” “drugs” or “controlled substances” are used in this policy, they refer to the substances listed above. The City will not test for any other substances under this policy. The City may, however, test for other controlled substances pursuant to its general Drug and Alcohol Use Policy.

Review of Drug Test Results – All drug test results are reviewed and interpreted by a physician medical review officer (MRO) before they are reported to the City. If the lab reports a positive result to the MRO, the MRO will contact the driver (either in person or by phone) and will conduct an interview to determine if there is an alternative medical explanation for the drug(s) found in the driver’s urine specimen. If the driver provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug(s), the drug test result is reported as a negative to the City.

Consequences of a Positive Drug Test – A driver will be removed from safety sensitive duties and placed on administrative leave if he/she tests positive for drugs. The removal cannot take place until the MRO has interviewed the driver and determined that the positive test resulted from the unauthorized use of a controlled substance. A confirmed positive drug result will result in termination of employment.

Confidentiality – Test results may be released only to the driver, designated City officials, a substance abuse professional, laboratory officials or a medical review officer. Records will also be made available to a subsequent employer or other identified person upon the driver’s specific written request. Test results will not be released to others except as required by law or expressly authorized in the applicable DOT regulations (e.g., the decision maker in a lawsuit, appeal or administrative proceeding initiated by or on behalf of the driver and arising from a positive DOT drug or alcohol test or refusal to test; this includes workers’ compensation and unemployment proceedings.) All test results will be kept in a confidential file by the Human Resources Department. Management and supervisory personnel who are authorized to have access to alcohol and drug testing results must maintain complete confidentiality regarding this information. City employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. Breach of confidentiality relating to test results, or any other related matters, may result in disciplinary action, up to and including termination of employment.

Information From Prior Employers – For new hires, promoted and transferred employee-drivers seeking to perform safety sensitive functions for the first time, the City is required, with the driver's written consent, to obtain information from previous employers regarding alcohol test results of 0.04 or greater, verified positive drug test results, refusals to test (including verified adulterated or substituted drug test results), and any other violation of DOT drug and alcohol testing regulations within the two years prior to the date of the driver's application, promotion or transfer. Affected individuals must sign a Breath Alcohol and Drug Testing Results Request. The City will obtain and review the information before allowing the person to perform safety sensitive functions. If the City receives any such information about an applicant-driver, the applicant will not be hired; if such information is received about an employee seeking promotion or transfer, the employee will not be promoted or transferred to the driver position and may also receive disciplinary action, up to and including termination of employment. The City will maintain a written, confidential record of the information it obtains and/or the good faith efforts it made to obtain the information. This information will be retained for a minimum of 3 years. The City will also ask the person if he/she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the driver applied for, but did not obtain, safety sensitive transportation work covered by a DOT agency drug and alcohol testing rules during the past 2 years. If the person admits to such conduct, the person will not be allowed to perform safety sensitive functions for the City. If the driver refuses to provide the City with the required written consent, the driver will not be permitted to perform safety sensitive functions and will likely be disciplined (up to and including termination of employment) if employed, or not hired if applying for employment.

Record Retention – The City will maintain and retain records under this policy as mandated by DOT regulations. See 49 C.F.R. §382.401, Retention of Records.

Notification to Applicants/Employees of Positive Test Results – The City will notify applicants of the results of a pre-employment drug test if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application. The City will notify an employee of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive, and also which controlled substance(s) verified positive. The City will also make reasonable efforts to contact and request each driver who tested positive to contact and discuss the results of their drug test with a MRO who has been unable to contact the driver. The City will immediately notify the MRO that the driver has been notified to contact the MRO within 72 hours.

Employee Admission of Drug/Alcohol Use – An employee who admits to alcohol misuse or drug use must do so in accordance with the City's general Drug and Alcohol Use Policy; provided, however, the employee may not self-identify in order to avoid the testing requirements of this DOT policy. Further, the employee must make the admission prior to performing a safety sensitive function, i.e., prior to reporting for duty. The employee may not perform a safety sensitive function until the City is satisfied that the employee has been

evaluated and has successfully completed educational or treatment requirements in accordance with the City's general Drug and Alcohol Use Policy. A drug and alcohol abuse evaluation expert, *i.e.*, an EAP professional, a substance abuse professional or a qualified drug and alcohol counselor, will determine successful completion. Prior to the employee performing safety sensitive functions, the employee must undergo a return to duty alcohol test with a result of less than 0.02 and/or a return to duty drug test with a negative test result.

Safety Sensitive Functions – For purposes of this policy, safety sensitive function or duty means from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety sensitive functions/duties include:

- All time at a City, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City;
- All time inspecting equipment as required by applicable DOT regulations or otherwise inspecting, servicing, or conditioning any CMV at any time;
- All time spent at the driving controls of a CMV in operation;
- All time, other than driving time, in or upon any CMV;
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Transportation to Testing Site – With the exception of pre-employment testing, employees will be driven to the testing facility by a supervisor. The supervisor will remain with the employee during the testing process. The City will make arrangements to have the employee transported back to the City or home, as appropriate, after the testing is complete.

Questions – Anyone with questions regarding this policy should contact the Human Resources Department.

EDUCATION REIMBURSEMENT PROGRAM

It is a policy of the City to encourage employee development through education in order for an employee to maintain and improve job-related skills or prepare for advancement within the City.

Mandatory Training/Education -- Whenever an employee is required by the City to attend training, education courses, seminars, or conferences, time spent in attending such activities will be considered to be work hours for which the employee is paid his or her regular compensation or overtime, if applicable. Also, reasonable expenses incurred in connection with attending such activities will be reimbursed pursuant to the City's travel reimbursement policies.

CITY OF MANOR REIMBURSEMENT/PER DIEM FORM

| | |
|---------------------------------|--------------------------|
| Name | Date Submitted |
| Department | Employee Signature |
| Reimbursement Per Mile = \$0.58 | Approved by Dept. Head |
| Total Reimbursement Due: | Approved by City Manager |

**** PLEASE TAPE ALL RECEIPTS TO A BLANK PAPER WITH EXPLANATION IF NECESSARY*****

TRAVEL EXPENSES:

| Date | Description of Expenditure (Meals, Hotels, Air Fare, etc.) | Mileage | Miles x \$0.58 | Receipt Totals | GL Distribution | Total \$ |
|--------|--|---------|----------------|----------------|-----------------|----------|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| Totals | | | | | | |

REIMBURSEMENT:

| Date | Description of Items Purchased | Cost | Receipt Totals | GL Distribution | Total \$ |
|--------|--------------------------------|------|----------------|-----------------|----------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| Totals | | | | | |

EDUCATION:

| Date | Name of Seminar or School | Cost | Receipt Totals | GL Distribution | Total \$ |
|--------|---------------------------|------|----------------|-----------------|----------|
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| | | | | | |
| Totals | | | | | |

Item A.

ELECTRONIC DEVICES, COMMUNICATIONS, AND SYSTEMS ACCESS USE

The City provides access to cellular phones, iPads, personal computers, laptops, television monitors, telephones, pagers, digital cameras, along with access to computer networks, internet service, email, voicemails, and fax communication systems for use by the City employees in the performance of their job duties. These communication devices are referred to collectively in this policy as “electronic devices” “communication systems”. These electronic communications systems are designed to support and enhance the communication, research, and information capabilities of the City employees and to encourage work-related communication sharing of information resources within the City. This policy applies to all City employees, contracted employees, contractors, volunteers and other affiliates who use the City’s electronic communication systems. The City’s electronic communications systems access must be used in a professional, responsible, efficient, ethical, and legal manner.

ALL Electronic Devices- The City provides cellular phones, iPads, personal computers, laptops, television monitors, telephones, pagers, digital cameras, etc. for the sole purpose of conducting City business. All City-owned electronic devices will comply with chapter 552 of the Texas Government Code regarding Public Information, Open Records, and retention guidelines, therefore, City business may not be conducted on any personal electronic device. The IT Department shall be responsible for auditing the use of all electronic devices issued by the City. City employees must properly use, maintain, and secure all issued electronic devices. Improper use of any electronic device may result in disciplinary action up to and including termination. The City may terminate any employee’s use of electronic devices at any time for any reason.

Internet and Email Access- Internet and email access must be obtained through the IT Department. Users must acknowledge an understanding of this policy and its guidelines as a condition of receiving and internet/email access account. Failure to adhere to this policy and its guidelines may result in suspending or revoking the offender’s privilege of access and/or other disciplinary action under City policies, up to and including termination of employment.

Acceptable Use- Acceptable uses of the City’s electronic communication systems are limited to those activities that support reference, research, internal/external communication and conducting City business in line with the user’s job responsibilities. The City prohibits connection to sites or forwarding of information that contain materials that may be offensive to others including, but not limited to, sites or information containing sexually explicit material.

Users must understand that use of any City-provided, publicly accessible computer network such as the internet and email is a privilege. Minimal personal use of the internet, email and other electronic communications systems, whether it be used from personally owned devices, is allowed under this policy if such use is not excessive and does not impede job performance or the performance of City business. The City is not responsible for personal communications sent on its electronic communications systems.

Unacceptable uses of electronic devices and communication systems:

- Using profanity, obscenity, or other language which may be offensive or harassing to other employees or third parties.
 - Posting unfavorable comments or images related to work or business that would reflect negatively upon the City.
 - Copying or downloading any commercial software is strictly prohibited.
 - Using electronic devices or communication systems for financial gain or for any commercial activity unrelated to City business.
-
- Using electronic devices or communication systems in such a manner as to create a security breach of the City network.
 - Looking or applying for work or business opportunities other than for internal City postings.
 - Accessing any site or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, color, sex, national origin, age, disability, physical attributes, or sexual preference.
 - Posting unfavorable comments related to work or business that would reflect negatively upon the City.
 - Copying or downloading any commercial software is strictly prohibited.
 - Using the systems for financial gain or for any commercial activity unrelated to City business.
 - Using the systems in such a manner as to create a security breach of the City network.
 - Looking or applying for work or business opportunities other than for internal City postings.
 - Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, color, sex, national origin, age, disability, physical attributes or sexual preferences.
 - Transmitting or sharing information regarding a coworker's health status without his/her permission.
 - Expressing opinions or personal views that could be misconstrued as being those of the City.
 - Expressing opinions or personal views regarding management of the City or other political views.
 - Using the electronic communication systems for any illegal purpose or in any way that violates City policy or is contrary to the City's best interest.
 - Downloading or installing any un-approved third-party software is prohibited.
 - ALL third-party software MUST be approved through the IT Department.
 - Uploading of any City of Manor file to a file share program/cloud storage is prohibited and grounds for automatic termination.
 - The changing of a password to ANY City of Manor contract or vendor account is strictly done by the IT Department, City Manager or Department Director.

Filtering - The City uses software to filter inappropriate Internet sites. The City will review this filtering on a periodic basis and may modify prohibited sites without notification to City employees, contractors, volunteers or other affiliates. The City Manager (or designee) may grant exceptions and exemptions to Internet and instant messaging filtering only after a review of the requested information has been conducted and a determination that the City's current filtering practice impedes the requestor's ability to perform his/her job duties.

Responsibility - The person in whose name a City-provided Internet, email or other electronic communications system account is issued is responsible at all times for its proper use, regardless of the user's location. Exchanges that occur in the course of conducting City business on the City's electronic communications systems will be considered a communication of the City and held to the same standards as formal letters.

No Right of Privacy/Monitoring. Users of City electronic devices and communications systems may not assume they are provided any degree of anonymity and employees have no right to privacy with regard to such systems. Personal passwords are not an assurance of confidentiality. The Internet itself is not secure. To ensure proper use of its electronic communications systems, the City will monitor their use. Management staff has the ability and will, with or without advance notice, monitor and view usage, including but not limited to: employee email, voice mail and instant messages, information and material transmitted, received or stored using City systems and user Internet access and usage patterns to assure that the City's Internet resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy.

Restrictions – No software can be downloaded into the City's terminal services servers unless authorized by the City Manager or designee and approved by the City's IT service provider as to compliance with any copyright restrictions, annual licensing and maintenance agreements and compatibility to the City's operating systems. Under no circumstances will the City allow any software or other material relating to music, entertainment software or games to be downloaded.

EMERGENCY CONTINUITY OF OPERATIONS

In the event of a wide- scale emergency, the City of Manor must balance a variety of objectives when determining how best to ensure the continuity of operations, reduce the impact on the workplace and ensure the safety of all City employees. If an emergency is declared by the City or Travis County that effects the City, and non- essential employees are forced to evacuate their worksite due to pandemic or other unforeseen circumstances, the City Manager reserves the right to allow for immediate and temporary memorandum changes to certain aspects of the Personnel Policies and Procedures to ensure the safety of all City employees including but not limited to leave balances, administration pay, telecommuting , minimalizing or adding to the workforce in specific departments possible vehicle distribution, temporary shelter for essential personnel, economic assistance, and tighter guidelines on sick and vacation leave. Please be placed on notice that in the case of a wide-scale emergency, the situation is fluid and changes will be made to address the situation as it evolves.

This policy will take immediate effect when an emergency or a potential emergency is imminent and is declared, as such, by the City or Travis County. This policy will remain in effect until the City determines that the emergency or potential emergency is no longer a threat to the organization or its employees. No part of this policy will be effective to the extent it conflicts with State or Federal law unless exigent documented reasons exist.

Each department director shall develop department specific plans, procedures, and guidelines regarding determination of essential and non- essential personnel during a state of emergency to see that departmental functions and services close or remain available to our community. This will assist the City Manager with prioritizing essential city services.

Definitions

Non-essential: An employee whose presence at work is not required during an emergency and where the employee is not required to assist the agency and/or division in meeting its operational needs.

Essential: An employee whose presence at work is required during an emergency and where the employee is required to assist the agency and/or division in meeting its operational needs. An essential employee is required to report to their designated work location, to ensure the operation of essential functions or departments during an emergency or the suspension of operations.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

The City's Employee Assistance Program (EAP) is available to provide assistance to employees who may be experiencing personal or family problems with alcohol or drug abuse, financial burdens, marital or other family problems. All employees who feel they may have an alcohol or drug problem are encouraged to utilize the program's resources before the problem adversely affects their job performance or employment status. Participation in this program is typically voluntary and confidential. However, a supervisor may make a mandatory referral when some aspect of an employee's personal life negatively affects his or her performance on the job.

EMPLOYEE CONDUCT AND WORK RULES/DISCIPLINARY ACTION

All city employees are public servants and, as such, should conduct themselves professionally and courteously while on duty or when wearing any article of clothing or accessory that identifies them with the city. All employees must avoid the appearance of illegal or unethical conduct at all times.

Any conduct of an employee, whether or not that individual is on duty, that has the impact or potential impact of any of the following, may result in discipline up to and including termination of employment:

- Creating a conflict or discord in the workplace
- Interfering with the individual's own work or that of another employee
- Creating a harassing, demeaning, or hostile work environment at the city
- Harming the goodwill or reputation of the city with its citizens or with the community at large
- Disclosing confidential information of the city or of another when the information was obtained by virtue of employment with the city

Employee "conduct" includes verbal communications, internet or electronic communication of any kind, and physical behavior.

An employee who uses any form of social media or the internet to post the city's confidential information or to post unfavorable comments about city officials, supervisors, or co-workers when those comments constitute a form of discrimination or harassment or result in disruption of city business or harm to the city's reputation will be disciplined up to and including termination of employment. Such conduct is prohibited whether or not the posting is made by use of city equipment and whether or not the posting is made during work hours. This prohibition is not intended to prevent an employee from discussing the wages, hours, and working conditions of employment with co-workers.

Progressive Discipline – In certain instances, the City will use a progressive disciplinary system. The City is not obligated to use all of the progressive disciplinary steps available to it, and may begin the disciplinary process at any level, up to and including immediate termination, depending upon the severity of the conduct, the employee's work performance and prior disciplinary history, the employee's length of service, and any mitigating circumstances. Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following:

- oral warning
- letter of counseling
- written reprimand

- probation
- suspension (without pay)
- demotion
- termination

Documentation – All forms of discipline must be documented and will be placed in the employee's personnel file. In the event a Supervisor or Department Director recommends an employee be terminated, the Supervisor or Department Director shall forward a copy of the dismissal documentation to the Human Resources Department and the City Manager for review. The City Manager will make the final decision regarding the termination of an employee. No employee who was involuntarily terminated is eligible for rehire unless the termination was a result of a Reduction in Force or a reorganization resulting in elimination of the employee's job.

Supervisory Responsibility – All employees with the responsibility and authority to supervise and direct employees under their control shall administer policies and procedures within their scope of authority; document their subordinates' job performance, conduct, and behavior as appropriate; properly conduct evaluations of subordinates in a timely manner; discipline their subordinates as required under their departmental and/or City policies and procedures as well as address performance appeals submitted to them as provided by policy in a professional manner, in an attempt to resolve such issues at the lowest possible supervisory level.

Review by Human Resources Department – Any proposed disciplinary action in excess of a written warning, with adverse consequence, must be reviewed by the Human Resources Department prior to being given to the employee.

Appeal Rights – Where a disciplinary action involves a suspension of 1 day (or 1 shift) or more or a demotion, the employee may follow the City's Complaint Resolution Procedure. For additional information, see the Complaint Resolution Policy section of this Handbook. However, positions classified as director level and above are employed at the will and pleasure of the City Manager and have no right of appeal for any type of disciplinary action.

Prohibited Activities - Disciplinary action will be imposed for violations of City or departmental policies and procedures, codes of conduct, rules and regulations, either written or verbal. In addition, acts which are not specifically addressed in policies and procedures, codes of conduct, and rules and regulations, yet may adversely affect the City or put the health and safety of fellow employees, citizens or other third parties, at risk, may also result in disciplinary action. It is impossible to list all the forms of behavior that are considered unacceptable in the workplace. The following are some examples of conduct that will likely result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or use of City property or other property not belonging to the employee.
- Falsification of timekeeping or other records, including employment application.
- Working under the influence of alcohol or illegal drugs.
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty or while operating City-owned equipment except in the performance of official police duties.
- Violation of City's policy regarding sexual or other unlawful harassment.
- Interfering with work schedules or another employee's ability to work.
- Misuse of City telephones, computers, mail systems, etc.
- Excessive or unscheduled absenteeism, tardiness in reporting for work or returning from lunch and breaks or absence without notice and/or approval.
- Breaks in excess of the allotted time allowed.
- Violation of smoking policy.
- Violation of safety or health rules and failure to immediately report an on-the-job injury/accident.
- Profanity, abusive language, or racial slurs.
- Unauthorized disclosure of confidential information.
- Violation of any provision of the City Charter.
- Violation of City or departmental policies, codes of conduct, rules and procedures.
- Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials, or others.
- Making or publishing false, vicious, or malicious statements about the City, or a City employee or citizen, or others.
- Unsatisfactory performance or conduct.
- Inefficiency, incompetence or neglect of duty.
- Fighting, provoking or instigating a fight, or threatening violence.
- Disruptive activity in the workplace.
- Engaging in a work stoppage.
- Conduct which results in waste or damage of a coworker's, City, or citizen-owned property.
- Insubordination or other disrespectful or unprofessional conduct.
- Discourteous treatment of the public.
- Possession of weapons on City time, City premises, or while on City business except for licensed peace officers required to carry a weapon as part of their job duties.
- Violation of local, state or federal law.
- Conviction of a felony, including reasonable belief employee has committed a crime under Texas Penal Code or Class A or B misdemeanor, or repeated conviction of Class C misdemeanor charges.
- Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension.

- Outside employment that conflicts with, or potentially conflicts with, City interests.
- Acceptance of payment of any kind for activities related to City employment.
- Failure or refusal to follow lawful orders.
- Sleeping on the job.
- Dishonesty, including misrepresentation during the hiring process.
- An accumulation of minor infractions.

Felonies and Misdemeanors – Employees must immediately notify their Supervisor and/or Department Director if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead nolo contendere to any misdemeanor or felony. Whenever the criminal charge relates to the employee's duties for the City, the City will conduct its own investigation and take appropriate action.

An employee arrested, charged, or indicted for a felony or misdemeanor involving a crime of moral turpitude, or accused by information of official misconduct or other serious criminal violation will be placed on administrative leave (without pay) until the charge, indictment or information is dismissed or fully adjudicated without trial, and, if tried, until the trial and appeal (if any) are completed and all related administrative matters are concluded. In the event the matter is dismissed or the employee is adjudged not guilty of the charge, the employee will be entitled to receive back pay from the date of commencement of administrative leave without pay through the date the matter becomes final by dismissal or final, non-appealable, judgment up to a maximum of twelve months pay. An employee on administrative leave may, in the City's sole discretion, be reinstated to the position held before being placed on administrative leave (if the position is open at the time), if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal. Notwithstanding the foregoing, if the City, based upon its own investigation of the matter, determines that the employee should no longer be employed by the City, the employee may be terminated regardless of the pendency of criminal proceedings. In such event, no back pay will be paid even if the criminal charge is dismissed or the employee is ultimately determined to be innocent of the criminal charge. At the discretion of the City Manager, an employee will not be required to take administrative leave under this section if the criminal offense is a misdemeanor unrelated to and not impacting the employee's position with and duties for the City.

Disciplinary Conference – A disciplinary conference will be scheduled at the time of the imposition of a disciplinary suspension of 1 day (or 1 shift) or more, demotion, or termination. The Department Director, the affected employee, the Human Resources Department and anyone else deemed necessary by the Department Director typically attend the disciplinary conference. During the conference, the affected employee may be given an opportunity to present an explanation of the conduct leading up to the proposed disciplinary action. Employees may, in the City's sole discretion, be placed on administrative leave without pay prior to, during, or after the disciplinary conference. The employee will be notified of the City's determination following the conference.

Administrative Leave – During an investigation into alleged offenses or violations of City policies, the City may, in its sole discretion, place the employee on administrative leave with or without pay.

EMPLOYEE SAFETY

The City is interested in your safety and well-being. Accordingly, the City has developed safety rules and regulations. Each and every employee is required to obey safety rules and to exercise caution in all work activities. From time to time you will be updated and reviewed on safety procedures in an effort to increase your awareness of the importance of safety on the job. You can do much to prevent accidents and injuries by obeying the safety rules of your job, by remaining alert, and by THINKING SAFETY at all times. If you see something that you believe is an unsafe act or an unsafe condition, you should immediately report it to your supervisor or to management at once.

General Guidelines - The following safety rules apply at all times and some specific job descriptions may contain additional operational safety guidelines. Each employee must be familiar with such rules and apply them at all times. It is the policy of the City of Manor to investigate all work-related accidents or incidents that result in or could potentially have resulted in injury or property damage. As nearly all accidents and incidents have their own unique characteristics, only general rules and procedures can be outlined here.

- Use prescribed protective equipment such as eye protection, hearing protection, hard hats, safety shoes, gloves, shields, etc. when those items are appropriate to the task being performed.
- Walk, do not run. Wipe spills and pick up fallen objects and debris. Keep floor surfaces clear of hazards and other obstacles, electric cords, etc. For your comfort and safety, wear shoes with non-slip soles, in good condition and with enclosed toes. Do not wear sandals, sneakers, moccasins or tennis shoes on any job site where feet could be injured.
- To avoid back injuries, use correct lifting methods. Get someone to help you with heavy (or difficult to handle) items.
- Be aware of sharp tools. Use safety devices where provided, and do not alter or remove them in any way. Report hazards to management immediately.
- Material Safety Data Sheets (MSDS Sheets) - You will be shown the location of the City's Material Safety Data Sheets. MSDS sheets provide valuable information about various chemicals and other agents that you may encounter in your work. They will explain possible reactions to exposure, and steps you should take if it occurs. Review this information from time to time.
- Fire - Be alert for causes and report smoke, heat or unusual odors immediately. Alert other people in the area to the possibility of danger in order to evacuate, if necessary. Try to verify the location and call the Fire Department or 911. Use proper portable extinguishers for small fires.
- Do not put fingers, hands, feet or clothing in moving machinery.
- Do not carry items in a manner that obscures your vision.
- Do not block access to fire extinguishers.
- Do not touch open or loose electrical circuits.

- Report unusual vibrations, smells, or noises coming from equipment.
- Do not wear rings or jewelry while operating machinery.
- Do not perform maintenance or repairs on running equipment.
- Do not remove or alter warning tags or safety devices.
- Never leave nails or spikes protruding from planks or boards.
- Perform routine maintenance at all scheduled intervals.
- Do not use compressed air for cleaning clothing or floors.

Responsibilities - Employees must immediately report to their supervisor any on-the-job injury or illness they sustain, or suspect they have sustained, no matter how minor. They must also report any incidents that had the potential for injury to employees or third parties and any instances where property damage occurred.

Supervision shall first respond to the immediate medical needs of any injured persons. Then, they should begin reporting and investigate activities as described in this policy.

Witnesses to the event that resulted in the accident or incident will provide statements about what they observed. The witnesses may also be asked to participate in the initial and/or final investigations.

Procedures

Initial Notification – Employees are responsible for reporting all injuries, illnesses or incidents as described earlier in this policy. Failure to report any injury or incident may be cause for disciplinary action. In the event of a serious or disabling injury, fellow employees must assume this reporting responsibility.

Initial Treatment – Any injury shall be treated by the supervisor or other available personnel in accordance with their individual abilities and the injury severity. Treatment should be provided by any qualified physician who participates in the City's worker's compensation network. The Political Subdivision Worker's Compensation Alliance. Medical treatment is mandatory for any of the following:

- Severe chest pains
- Traumatic injuries
- Loss of consciousness or severe dizziness
- Seizures
- Difficulty breathing
- Severe animal bite
- Injury requiring sutures or tetanus shot
- Severe allergic reaction

The first responders to any incident scene will be responsible for securing the area to prevent further damage or injury and also protecting the integrity of the incident scene until an investigation can be initiated.

Any incident involving possible exposure to blood borne pathogens, communicable diseases or any other contagious substances shall be handled by a qualified medical professional. Any incident involving an employees' possible exposure to blood borne pathogens, communicable diseases or any other contagious substances, that employee is required to seek immediate medical assistance and report the situation as soon as practical or within 48 hours to their immediate supervisor and the Human Resources Department.

Injured employees are to be transported for medical treatment either by ambulance or another person depending on the severity of the injury. Injured employees should never be allowed to transport themselves for initial medical treatment, but they may transport themselves for follow-up visits if the injury does not impair their driving abilities.

Initial Report – An initial report will be completed for all accidents and incidents. The immediate supervisor of the employee will complete the initial investigation and report as soon as possible after the occurrence. The initial report will be turned in to Human Resources Department with a copy to the Department Director. The Human Resources Department is responsible for receiving and reviewing the initial reports of injury or property damage and forwarding them to the appropriate insurance representatives in a timely manner.

EMPLOYMENT STATUS

The City classifies City employees for the purpose of employment status and benefit eligibility as follows:

Regular full-time - An employee in a budgeted position with an officially scheduled work week of 40 hours or more each work week (except for certain Police shift personnel who have different work cycles). Generally, regular full-time employees are eligible for the City's full benefits package, subject to the terms, conditions, and waiting periods of each benefit program. Regular full-time employees are required to participate in the Texas Municipal Retirement System (TMRS).

Regular part-time - An employee in a budgeted position with an officially scheduled work week of less than 25 hours who has successfully completed 6 months of active service with the City. Regular part-time employees receive all legally mandated benefits (such as workers' compensation insurance coverage), but are not eligible for other City sponsored employment benefits. Regular part-time employees who are regularly scheduled to work 1,000 hours or more per year are required to participate in the Texas Municipal Retirement System (TMRS).

Temporary/Seasonal - An employee who is employed for only a specific time period, for a special assignment, or as an interim replacement. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary and seasonal employees retain that status unless and until notified of a change in writing by the Human Resources Department. Temporary and seasonal employees receive all legally mandated benefits (such as workers' compensation insurance coverage), but are not eligible for the City's other employment benefits. Temporary employees who are placed with the City but who are actually employed by a temporary staffing agency must look to the temporary staffing agency to determine what benefits they are provided. Such employees are not eligible for benefits from the City and are not eligible for participation in TMRS.

Appointed - An employee who is appointed by the City Manager to perform work on an "as needed" hourly basis.

Reserve Personnel - The City of Manor may engage in hiring reserve personnel for specific positions that require identifiable staffing requirements to maintain service levels. Reserve personnel are employees of the City of Manor and, as such, are subject to all of the same recruitment, hiring and personnel policies as all other City employees including, without limitation, criminal background checks and drug screenings. The services of Reserve Personnel are performed on an "as-needed" basis as determined by the Department Director.

Volunteers - Volunteers are not employed by the City in any capacity. Volunteers elect to donate their time and services as a volunteer for the City without any expectation of compensation. Volunteers are generally not paid and are generally not entitled to any benefits.

FLSA Designation - In addition to being in one of the above categories, each employee is also designated as either exempt or non-exempt from federal and state wage and hour laws. Employees are informed of their status as exempt or non-exempt at the time of their initial employment, or subsequently if their classification changes for any reason. An employee's exempt or non-exempt classification may be changed only upon written notification by the Human Resources Department.

New Hire/ Probationary – All newly hired employees are subject to a six-month training period, which is considered a probationary status. An extension may be granted for training periods interrupted because of health issues or emergency reasons.

EQUAL EMPLOYMENT OPPORTUNITY

The City is an equal opportunity employer. Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, testing and training, awards, compensation and benefits, disciplinary measures or any other aspect of employment or personnel management because of age, race, religion, sex, color, national origin, citizenship, disability, veteran's status, genetic information, sexual orientation, gender identity or expression, or other unlawful basis, is prohibited.

EXIT INTERVIEWS

The City usually provides separating employees with an exit interview prior to their last day of work. The purpose of the exit interview is to finalize all compensation due, return City equipment, provide explanation of any continuing benefits, review employment history, discuss the reason(s) for the separation, and solicit constructive feedback to improve the City. The Human Resources Department shall complete an Exit Interview Form. Exit interviews are conducted confidentially by the Human Resources Department. Information discussed during the exit interview may be shared with the City Manager's office and acted upon as deemed appropriate by the City. The Department Director (or designee) is responsible for promptly notifying the Human Resources Department of all separations, arranging for the exit interview and providing documentation of receipt of all departmental and/or City property from the exiting employee.



EXIT INTERVIEW QUESTIONNAIRE

| | |
|---------------------|--|
| Employee's Name: | |
| Date: | |
| Job Title: | |
| Department: | |
| Supervisor/Manager: | |

It is our City Policy to conduct an exit interview with each employee upon separation. We would appreciate your honest opinions about your employment with the City. Your objective feedback can help us to improve workplace conditions and make this City a better place to work. Thank you for your valued opinion.

1. What factors led you to accept a job with us? _____

2. Have your feelings changed since then? _____

3. How would you describe the level of training you received here? _____

4. How would you rate your job performance? _____

5. What did you enjoy the most about working here? _____

6. How would you rate the following aspects of your employment at the City?

| | Excellent | Good | Fair | Poor |
|------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Advancement opportunities: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Performance reviews: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Work environment: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Supervision: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| City policies: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Salary: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Benefits: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Recognition: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Overall, as a place to work: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

7. How would you rate your supervisor in the following areas?

| | Excellent | Good | Fair | Poor |
|--------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Shows fairness: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Provides appropriate recognition: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Solves problems promptly: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Follows policy and procedures: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Communicates effectively with staff: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Encourages feedback: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Knows how to do his/her job: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

8. Are you leaving for a similar job? _____

9. What role does salary play in your decision to leave? _____

10. What could we have done to prevent you from leaving? _____

Employee Name: _____ Date: _____

HR Coordinator: _____ Date: _____

City Manager: _____ Date: _____

FAMILY AND MEDICAL LEAVE ACT

The City provides leave to eligible employees in accordance with the Family and Medical Leave Act (FMLA). Under the FMLA, eligible employees may take up to 12 weeks of unpaid leave each calendar year for specified family and medical reasons. Eligible employees may take up to 26 weeks of leave to care for a covered service member with a serious injury or illness during a single 12-month period which begins on the first day the eligible employee takes FMLA leave to care for a covered service member and ends 12 months after that date.

All governmental entities are covered by FMLA, regardless of the number of employees. However, an employee is eligible to take FMLA leave only if employed by an employer that has 50 or more employees within a 25 mile radius. City of Manor employees may take FMLA leave if they meet all eligibility requirements as set out herein.

FMLA Leave Runs Concurrently With Other Types of Leave - If an employee has any available accrued sick leave, it must be used concurrently with any available FMLA leave, provided the employee's absence is covered by the City's sick leave policy. Accrued sick leave taken for the purposes of FMLA for the employee or employee's immediate family will follow the guidelines set out in the sick leave policy. If the absence is not covered by the City's Sick Leave Policy or if an employee exhausts accrued sick leave, an employee on FMLA leave will be required to exhaust any accrued vacation leave concurrently with the FMLA leave. Disability leave also runs concurrently with FMLA leave, but if the employee is receiving short or long term disability benefits while on leave, the employee will not be required to exhaust accrued sick and/or vacation leave at the same time. FMLA leave will also run concurrently with any time off from work covered by workers' compensation when the on-the-job injury qualifies as FMLA leave. Whenever an employee is substituting paid leave for FMLA leave, the employee must comply with the City's existing notice and procedural requirement for the type of paid leave being used. Employees are not allowed to work from home or to perform work for any other employer while on FMLA leave.

Employee Eligibility - To be eligible for FMLA leave, an employee must have worked for the City:

- For at least 12 months, and
- For at least 1,250 hours during the 12 months preceding the start of the leave.

An employee's 12 months of service with the City need not be consecutive months. However, the City will not recognize employment that preceded a 7-year break in service except in limited circumstances required by the FMLA.

The protections afforded by the Uniformed Services Employment and Reemployment Rights Act (USERRA) extend to all military members (covered active duty and reserve), and all periods of absence from work due to or necessitated by USERRA covered service is counted in determining an employee's eligibility for FMLA leave.

Leave Entitlement - Eligible employees may take FMLA leave for one or more of the following reasons:

- For the birth or placement of a child for adoption or foster care;
- To care for the employee's spouse, son, daughter, or parent with a serious health condition;
- When the employee is unable to perform the functions of his/her position because of his/her own serious health condition;
- Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty (or has been notified of an impending call or order to covered active duty). Covered active duty requires deployment to a foreign county; or
- To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member.

To determine eligibility for leave for most qualifying events, the 12-month period used by the City is the calendar year starting in January. Leave to care for a covered service member with a serious injury or illness is determined by a 12-month period that begins on the first day the eligible employee takes FMLA leave to care for a covered service member and ends 12 months after that date.

Employee's Notice Requirements - In order for the City to accommodate an employee's workload during his/her absence, an employee seeking to take FMLA leave must provide both his/her Department Director and the Human Resources Department with at least 30 days advance notice when the leave is foreseeable for an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member of the employee, or the planned medical treatment for a serious injury or illness of a covered service member. If 30 days' notice is not practicable (for example, because of a medical emergency), then notice must be given as soon as practicable. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, notice should be provided the same day or the next business day. If requested to do so, the employee must provide an explanation of why 30 days' notice of foreseeable leave could not be given. If the leave is not foreseeable, an employee is expected to provide both his/her Department Director and the Human Resources Department with as much advance notice as possible. In the event of medical leave for planned medical treatment for the employee or for the employee's spouse, child or parent, the employee is required to make a reasonable effort to schedule the treatment so as not to disrupt unduly the City's operations.

Absent unusual circumstances, employees must comply with the City's normal notice and procedural requirements for requesting leave. In requesting leave, the employee must provide sufficient information for the City to reasonably determine whether the FMLA applies to the leave request.

All supervisors must immediately notify both their Department Director and the Human Resources Department if they have reason to believe an employee's absence is due to an FMLA-covered reason. (**Note:** Under the FMLA, an employee requesting paid or unpaid leave for an absence covered by the FMLA is not required to expressly mention FMLA. If the employee states a reason that qualifies for FMLA leave, the employee will likely have met the FMLA's notice requirements.)

Medical Certification and Other Required Documentation - An employee must provide the City with a medical certification supporting the need for FMLA leave due to a serious health condition affecting the employee or the employee's spouse, son, daughter, or parent or due to a qualifying exigency or to care for a covered service member with a serious injury or illness. The medical certification form must be filled out in all material respects and must be complete and sufficient to allow the City to make a determination of the need for leave. In addition, the certification must set forth the beginning and expected ending dates of the leave. In the case of intermittent leave, the certification must also provide the dates and duration of the treatments necessitating the intermittent leave. In some cases, the City may require a second or third medical certification (at the City's expense) and periodic recertification of the serious health condition. Forms are available from the Human Resources Department.

An employee must also provide periodic reports during FMLA leave as to his/her status and intent to return to work, and will be required to submit a "fitness-for-duty" certification before the employee can return to work when the absence was due to the employee's own serious health condition. A fitness for duty certification must certify that the employee is able to resume work and must specifically address the employee's ability to perform the essential functions of the employee's job. A list of the essential functions of the employee's job will be provided by the City. Restoration to employment may be delayed until the required fitness-for-duty certification is submitted. If an employee fails to provide any required certification within 15 days, the City may deny leave until the certification is provided. If an employee elects to take FMLA leave in order to care for a family member, the employee may be required to provide reasonable documentation confirming a family relationship.

When leave is taken to care for a covered service member with a serious injury or illness, a special medical certification form must be completed by the service member's health care provider. The City will provide the appropriate form. A service member's health care provider may be a United States Department of Defense ("DOD") health care provider, a United States Department of Veterans Affairs ("VA") health care provider, a DOD TRICARE network authorized private health care provider, a DOD non-network TRICARE authorized private health care provider, or a health care provider not affiliated with the DOD, VA, or TRICARE. Second and

third opinions regarding a covered service member's serious injury or illness and recertification may be required for certifications that are completed by health care providers who are not affiliated with DOD, VA, or TRICARE. An employee may be required to provide confirmation of covered family relationship to the seriously injured or ill service member. Invitational travel orders (ITOs) or Invitational Travel Authorizations (ITAs) will be accepted in lieu of medical certification.

Intermittent Leave - An eligible employee may take FMLA leave on an intermittent or reduced schedule basis only in those situations required by the FMLA or otherwise approved by the Department Director. When intermittent leave is needed, the employee must try to schedule the leave so as not to unduly disrupt the Department's operations. The City may temporarily transfer the employee to an alternative position (with equivalent pay and benefits) in order to better accommodate an employee's intermittent or reduced leave schedule.

Employees may not be required to take more FMLA leave than necessary to address the circumstances that cause the need for FMLA leave. FMLA leave, as with all other types of paid leave, may be taken in quarter-hour increments.

Leave for a Qualifying Exigency – When the need for leave because of a qualifying exigency arises out of the covered active duty or call to covered active duty status of a military member, the employee requesting leave must provide a copy of the military member's covered active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or a contingency operation, and the dates of the military member's covered active duty service. An employee requesting leave for a qualified exigency will be required to provide a certification on DOL Form WH-384 which will be provided by the City. This certification must be complete and sufficient to enable the City to determine the need for leave.

A "qualifying exigency" includes:

- Short-notice deployment. To address any issue that arises from the fact that a military member is notified of an impending call or order to covered active duty in support of a contingency operation seven or less calendar days prior to the date of deployment. Leave taken for this purpose can be used for a period of seven calendar days beginning on the date a military member is notified of an impending call or order to covered active duty in support of a contingency operation;
- Military events and related activities. To attend any official ceremony, program, or event sponsored by the military that is related to the covered active duty or call to covered active duty status of a military member and to attend 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 covered active duty or call to covered active duty status of a military member;
- Childcare and school activities. To arrange for alternative childcare, provide childcare,

enroll in or transfer child(ren) to a new school or day care facility, or to attend meetings with school or daycare staff as authorized by the FMLA;

- Parental care: Eligible employees may take leave to care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate need basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility;
- Financial and legal arrangements. To make or update financial or legal arrangements to address the military member's absence while on covered active duty or call to covered active duty status;
- Counseling. To attend counseling provided by someone other than a health care provider for oneself, for the military member, or for the biological, adopted, or
- foster child, a stepchild, or a legal ward of the military member, or a child for whom the military member stands in loco parentis, who is either under 18 or 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence, provided that the need for counseling arises from the covered active duty or call to covered active duty status of a military member;
- Rest and recuperation. To spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment. Eligible employees may take up to 15 calendar days of leave for each instance of rest and recuperation. A copy of the military member's Rest and Recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member's leave is required certification for a qualifying exigency;
- Post-deployment activities. To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of ninety (90) days following the termination of the military member's covered active duty status; and to address issues that arise from the death of a military member while on covered active duty status;
- Additional activities. To address other events which arise out of the military member's covered active duty or call to covered active duty status provided that the City and employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

A "military member" is the employee's spouse, son, daughter, or parent on covered active duty or call to covered active duty status.

Leave to Care for a Service member with a Serious Injury or Illness –An eligible employee is entitled to 26 workweeks of leave to care for a covered service member with a serious injury or illness during a single 12-month period which begins on the first day the eligible employee takes FMLA leave to care for a covered service member and ends 12 months after that date. If an eligible employee does not take all 26 workweeks during the 12-month period, the remaining part of the 26 weeks is forfeited. An eligible employee is entitled to a combined

total of 26 workweeks of leave for any FMLA-qualifying reason during the “single 12- month period” described in this section provided that the employee is entitled to no more than 12 weeks of leave for one or more of the following qualifying events: because of the birth of a son or daughter of the employee and in order to care for such son or daughter; because of the placement of a son or daughter with the employee for adoption or foster care; in order to care for the spouse, son, daughter, or parent with a serious health condition; because of the employee’s own serious health condition; or because of a qualifying exigency.

A husband and wife who are both employed by the City and who are both eligible for FMLA leave are limited to a combined total of 26 workweeks of leave during the “single 12-month period” described in this section if the leave is taken for birth of the employee’s son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement, to care for the employee’s parent with a serious health condition, or to care for a covered service member with a serious injury or illness.

The “serious injury or illness” of a covered service member is an injury or illness incurred in the line of duty on covered active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating. This also includes injuries or illnesses that existed before the beginning of the member’s active duty and were aggravated by service in the line of duty on active duty in the Armed Forces.

A “serious injury or illness” for a covered veteran (see definition in subsequent paragraph) means an injury or illness that was incurred or aggravated by the member in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became a veteran, and is:

- A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member’s office, grade, rank, or rating; OR
- A physical or mental condition for which the covered veteran has received a Veterans Affairs Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; OR
- A physical or mental condition that substantially impairs the veteran’s ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; OR
- An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

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 therapy, or is otherwise on the temporary disability retired list, for a serious injury or illness. “Covered service member” also includes covered veterans who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness. A “covered veteran” is an individual who was terminated or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. The City may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship.

Benefits During FMLA Leave - During any period of FMLA leave, the City will continue to pay its portion, if any, of any group health insurance coverage for the employee on the same terms as if the employee had continued to work. Where applicable, the employee must timely pay his or her share of health insurance premiums while on FMLA leave. The City may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave, unless the employee is unable to return due to a serious health condition or something else beyond the employee’s control. Medical certification is required under such circumstances.

The employee’s use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee’s leave, and seniority will not be affected. However, benefit accruals, such as vacation and sick leave, will be suspended during any unpaid leave.

TMRS - Employee contributions to TMRS may be made on a voluntary basis through a special arrangement with the City while an employee is in a leave without pay status. It is the employee’s responsibility to initiate such an arrangement by timely contacting the City’s Human Resources Department and completing the necessary paperwork.

Job Restoration After FMLA Leave - Upon return from FMLA leave, an employee will be restored to his/ her original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions.

Leave Due to Birth/Adoption - FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, if an employee and the employee’s spouse are both employed by the City, both are jointly entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care, or to care for a parent (but not a parent-in-law) who has a serious health condition.

FLSA Considerations - Salaried executive, administrative, professional and other employees of the City who meet the Fair Labor Standards Act (FLSA) criteria for exemption from overtime do not lose their FLSA-exempt status by using any unpaid FMLA leave.

Other Employment - Under no circumstances may an employee on FMLA leave, sick leave, disability leave, or workers' compensation leave engage in outside employment as defined in the Outside Employment Policy.

Other Provisions - The FMLA does not affect any federal or state law prohibiting discrimination. This policy is intended to explain benefits available to eligible employees under the FMLA. It is not intended to create any rights to leave beyond those created by the FMLA. If additional information is needed on the FMLA, please contact the Human Resources Department. When an employee gives notice of the need for FMLA leave, the employee will be given additional information as to his or her rights and responsibilities under the FMLA. Employees on FMLA leave are required to check-in to the Human Resources Department on a weekly basis to keep the City informed of an employee's situation unless the employee is medically unable to call-in.

Definition of Serious Health Condition - For purposes of this policy, incapacity refers to the inability to work, attend school or perform other regular daily activities due to a serious health condition, treatment therefore or recovery therefrom. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves:

- Inpatient care, which is an overnight stay in a hospital, hospice, or residential medical-care facility and includes any period of incapacity or any subsequent treatment in connection with such inpatient care; or
- Continuing treatment by a health care provider, which includes any one or more of the following:

Incapacity and treatment, which is a period of incapacity of **more than three consecutive, full calendar days** and any subsequent treatment or period of incapacity relating to the same condition that also involves:

- Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
- Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider. A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen); Or

- For purposes of this section, “treatment by a health care provider” means an in-person visit to a health care provider, the first of which treatment visit must take place within seven (7) days of incapacity.

Any period of **incapacity due to pregnancy** or for prenatal care. For example, an employee who is pregnant may be unable to report to work because of severe morning sickness.

Any period of incapacity or treatment for such incapacity due to a **chronic serious health condition**. A chronic serious health condition is one which:

- Requires periodic visits (at least twice per year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;
- Continues over an extended period of time (including recurring episodes of a single underlying condition); and
- May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer’s, a severe stroke, or the terminal stages of a disease.

Any period of absence to receive **multiple treatments** (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either 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 consecutive full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

Substance abuse may be a serious health condition if the conditions of this section are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. On the other hand, absence because of the employee’s use of the substance, rather than for treatment, does not qualify for FMLA leave.

Absences attributable to incapacity for pregnancy or prenatal care are for chronic conditions even though the employee or the covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee’s health care

provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may not be able to report to work because of severe morning sickness.

Examples of Situations that are NOT Serious Health Conditions

- Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not “serious health conditions” unless inpatient hospital care is required or unless complications develop.
- Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.
- A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.
- “Treatment” does not include routine physical examinations, eye examinations, or dental examinations.
- Restorative dental or plastic surgery after an injury or removal of a cancerous growth would be considered a serious health condition if all other conditions of this policy are met.

Notice -- In addition to this policy, please read the following notice of Employee Rights and Responsibilities under the Family and Medical leave Act:

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, 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.

Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is: (1) 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*, or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

***The FMLA definitions of "serious injury or illness" for current service members and veterans are distinct from the FMLA definition of "serious health condition".**

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months*, and if at least 50 employees are employed by the employer within 75 miles.

***Special hours of service eligibility requirements apply to airline flight crew employees.**

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave.

Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. §825.300(a) may require additional disclosures.

FITNESS FOR DUTY AND HEALTH/MEDICAL EXAMINATIONS

The City endeavors to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of his or her position, either with or without reasonable accommodation.

Serious Health Condition/Disabilities - The City recognizes that employees with a potentially life-threatening and/or infectious illness or physical and/or mental disabilities may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. As long as these employees are able to perform the essential functions of their job, with or without a reasonable accommodation, without creating an undue hardship, and medical evidence indicates that their condition is not a direct threat to themselves or others, the City will treat them consistently with other employees.

Medical Exams for Current Employees - The Human Resources Department may require a current employee to undergo a medical and/or psychological examination, by a City approved physician, to determine fitness for continued employment; as may be necessary in order for the City to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with the Americans with Disabilities Act.

Time Off From Work - Time away from work under this policy may be coded to paid administrative leave but may be retroactively changed to sick leave, Family Medical Leave Act leave, and/or other leave as circumstances warrant.

Return to Work/Fitness for Duty – Whenever an employee has been away from work for more than three (3) consecutive days due to a physical or mental condition, the employee is required to provide the Human Resources Department with a doctor's statement that he or she is fit to return to duty without restrictions or listing any restrictions. Before returning to work following a medical and/or psychological examination under this policy, the employee must coordinate his/her return through the Human Resources Department.

Medical Examinations - Any and all new and former employees may be subject to undergoing a prescribed medical and physical examination (except for office personnel) to be made by an officially designated medical authority. Those positions specifically identified and designated as positions requiring medical and physical examinations shall undergo a prescribed medical and physical examination to be made by the officially designated medical authority. The purpose of the examination will be the determination and certification of physical fitness and ability to perform the duties of the position to which appointment is being considered. Such examinations are to be made as near the effective date of employment as possible. The Human Resources Office has the responsibility of making appointments and arrangements for obtaining the examination, and matters concerning the initiation and completion of the requirements should be taken up with the Human Resources Office.

Exceptions - Physical standards and requirements will vary somewhat in accordance with the duties and working conditions as generally set forth in the specifications for various positions and also as to anticipated length of employment. The Human Resources Director will advise the examining medical officer regarding any special or unusual requirements of this nature. The opinion and recommendation of the examining medical officer will determine the acceptability of any person for employment, to perform the required duties of the position. The examining medical officer will complete and forward to the Human Resources Director the prescribed form indicating specific recommendations. Any discrimination on the basis of disability is prohibited. All applicable ADA (Americans With Disabilities Act) guidelines will apply.

FRAUD PREVENTION

It is the intention of the City of Manor to establish standards and requirement for employees with respect to fraud prevention and detection, and to respond to allegations of fraud in connection with City programs, functions or activities. City management and all City employees share responsibilities to maintain a fair, honest and ethical business environment for employees, suppliers, citizens and persons that have a business relationship with the City. This cooperative effort is intended to eliminate fraud form the City's business operations.

This policy applies to any fraud, or suspected fraud, involving employees, supervisors, managers, elected officials, consultants, vendors, contractors, any outside agencies doing business with employees of such agencies, and/or any other parties with a business relationship with the City.

All employees are expected to maintain a high level of personal and professional conduct on the job. As a public service organization and stewards of public funds, the City holds its employees to a high standard of ethical conduct relating to the use of City resources. All employees shall avoid fraud and are expected to report possible fraudulent activity or any internal/external practices that may allow for or facilitate fraudulent activity. Reports can be made to the City's Finance Director, City Manager, or any supervisor or Department Director.

Supervisors and managers have a greater responsibility to uphold this policy. They are expected to initiate appropriate preventative measures, implement the necessary controls and initiate investigations by promptly reporting allegations to the City's Finance Director or City Manager. In addition, they are responsible for determining and enforcing disciplinary action with the assistance of Human Resources.

Employees should be aware of the City's "zero tolerance" policy regarding fraud. This includes the individual committing fraud or those with knowledge of a fraudulent act who does not act in accordance with this policy.

An employee shall immediately report concerns of possible fraud to his or her supervisor for appropriate action. Immediately shall mean as soon as the employee has the means to make a report but no longer than 24 hours after the employee becomes aware of the suspected fraud.

A City employee who is contacted by citizens with evidence or written allegations of fraud shall immediately report it to a City Manager.

Department Directors or supervisors will immediately report allegations or concerns of fraud to the Finance Director or City Manager prior to taking any action to investigate the allegations or to discipline an employee.

FUNERAL/BEREAVEMENT LEAVE

The City provides regular full-time employees paid time off, up to a maximum of five (5) work days in the event of a death(s) in the family, for the purpose of attending the funeral. For the purpose of authorizing funeral/bereavement leave “family” is defined as current spouse, significant other, child, parent, siblings or grandparents by blood or marriage. An employee may be required to provide proof of death/funeral/family relationship in support of bereavement leave.

The City Manager may, under special circumstances and on a case by case basis, grant bereavement leave for other than immediate family members.

Bereavement leave pay is paid at the employee’s base rate at the time of absence. It does not include overtime or any special forms of compensation. Paid time off for bereavement is not counted as hours worked for purposes of determining overtime. Employees who are on approved funeral/bereavement leave will continue to accrue vacation and sick leave.

Employees who wish to take bereavement leave must notify their supervisor immediately and all bereavement leave time taken must be requested on the City’s Leave Request form.

Employees who require leave beyond the 5 work days of funeral/bereavement leave must use either accrued sick or vacation time and acquire approval of the Department Director.

GIFTS

The City strives to treat employees, citizens and individuals conducting business with the City in a fair and equitable manner. An employee (and his/her relatives and significant others) may not accept an honorarium or receive any income or other material gain from anyone outside the City for services provided by the employee because of the employee's position or official duties with the City.

Individual City employees are prohibited from soliciting for personal gain, accepting or agreeing to accept any gift, gratuity, favor, benefit or anything else of value from any person, organization, or other entity who has done business, is doing business, or seeks to do business, with the City. However, an employee who accepts the following types of gifts will not be in violation of the prohibition on accepting any gift or thing of value so long as the aggregate value of such gift or thing of value is under fifty dollars (\$50.00) during the 12-month period preceding the date the employee becomes aware that the giver had, has, or seeks to have a business relationship with the City:

- an award publicly presented in recognition of public service
- an occasional meal where public business is discussed
- tee-shirts, caps and other similar promotional material
- any gift which conferred on account of a personal, professional, or business relationship independent of the employee's status as a city employee

Routine food coupons, frequent flier awards, discounts and other promotional items awarded to employees while carrying out City business may be accepted by employees and will not be considered a violation of this policy due to the administrative difficulty and cost involved in recapturing the discount or award for the City. If the item is non-routine, or of more than minimal value, the employee must check with his or her supervisor to see if the item should be returned, or in the alternative, turned over to the City.

Employees may not give their supervisor or anyone else in City management any gift or other item of more than a minimal value. If offered, supervisors may not accept such gifts or other items. Giving and accepting cards, food items (such as cakes and cookies) or token gifts for birthdays, Bosses' Day, holiday celebrations, bereavement or similar events is not a violation of this policy.

The City takes this policy very seriously and violations may result in disciplinary action up to and including termination of employment. Any questions regarding the prohibitions imposed by this policy generally, or in connection with a specific situation, should be directed to the Human Resources Department.

GROUP HEALTH CONTINUATION COVERAGE

COBRA is a federal law that requires most employers who sponsor group health plans to offer employees and their families the opportunity to temporarily extend their group coverage at group rates in certain instances where coverage under the employer's group health plan would otherwise terminate. The employee is responsible for paying for the cost of any such continuation coverage, plus a small administration fee that will not exceed 2% of premium.

Under COBRA, employees may elect COBRA continuation coverage for up to 18 months after termination of employment (unless the employee is terminated due to gross misconduct), or if an employee's hours are reduced to such an extent that the employee no longer qualifies for participation in the group health plan. Under other circumstances, COBRA coverage is available for up to 36 months following a qualifying event. Employees must notify the City within sixty (60) days of the occurrence of the employee's legal separation or divorce and of a covered dependent ceasing to qualify as a dependent under the medical plan.

Detailed COBRA notices are given to employees when an employee becomes eligible for participation in the City's group health plan and again when a qualifying event occurs. For more complete information on COBRA and your health plan, you should contact the Human Resources Department.

HOLIDAYS

The City provides paid holidays to regular full-time employees. Every other employee is extended the official holiday, but without pay. The following official holidays will be observed:

| | |
|------------------------|-----------------------------|
| New Year's Day | January 1 |
| Martin Luther King Day | Third Monday in January |
| Presidents Day | Third Monday in February |
| Texas Independence Day | March 2 |
| Good Friday | Friday before Easter |
| Memorial Day | Last Monday in May |
| Juneteenth | June 19 |
| Independence Day | July 4 |
| Labor Day | First Monday in September |
| Columbus Day | Second Monday in October |
| Veteran's Day | November 11 |
| Thanksgiving Day | Fourth Thursday in November |
| Thanksgiving Friday | Fourth Friday in November |
| Christmas Eve Day | December 24 |
| Christmas Day | December 25 |

In addition to the fifteen (15) recognized holidays, employees receive two (2) floating holidays each calendar year. The floating holidays must be used by September 30th of each year. To be eligible, a new employee must complete the six-month probationary/training period. The floating holidays must be approved by the supervisor and may not be used in less than 4-hour increments. Employees who leave employment with the City will not be paid for an unused floating holiday, nor may they schedule a floating holiday after their resignation has been submitted. Employees wishing to observe other holidays other than the City's observed holidays may use the floating holiday or request Vacation Leave.

Holidays - A holiday is a period of 8 hours, paid at the employee's regular rate in the case of a regular full-time employee.

In the event any regular, full-time, non-exempt employee of the City is required to work on a City recognized holiday, regardless of whether the employee was scheduled or not to work, such employee shall receive holiday compensation pay, at the rate of one and a half (1.5) times their hourly rate, for each recognized holiday hour that employee works. Employees working on Thanksgiving Day, Christmas Day and 4th of July will receive holiday compensation pay, at the rate of two (2) times their hourly rate, for each recognized holiday hour that employee works. In conjunction with the hourly rate, each employee working a minimum of four (4) hours, on a recognized holiday shall receive 8 hours of holiday compensation time to be observed at a later date. The holiday compensation time accrued will not roll over at the end of the fiscal year or be paid out. Accrued holiday compensation time must be used in four (4) hour increments.

Example: Any regular, non-exempt, full-time employee working on the holiday(s) is eligible for the holiday compensation time and pay on the actual calendar day which the holiday falls, not the day(s) which the City observes.

Scheduling of Holiday - Holidays occurring on Saturday normally will be observed on the preceding Friday and holidays occurring on Sunday will normally be observed on the following Monday.

Eligibility for Holiday Pay - Regular full-time employees are eligible for holiday pay.

Regular Part-time Employees - Regular part-time employees are not eligible for holiday pay.

Temporary and Seasonal Employees - Temporary and seasonal employees will be paid their regular hourly rates for a holiday only if required to work on a holiday. No holiday pay is authorized for seasonal or temporary employees who do not work on a holiday.

Employees Scheduled "Off Duty" on a Holiday - When a holiday and an employee's regularly scheduled day off occur on the same day, regular full-time employees will be paid 8 hours for the holiday at their regular rate of pay.

Ineligibility for Holiday Pay - Employees on unpaid leave are not eligible for holiday pay. Likewise, non-exempt employees who are absent without authorized leave on the day immediately preceding or following a scheduled holiday will not be paid for the holiday, unless a doctor's note is provided.

Holiday Occurring During Vacation Leave - A holiday that falls within an employee's vacation period will be counted as holiday in lieu of a day of vacation.

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

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

Holiday Pay During Workers' Compensation Leave - An employee on worker's compensation leave will not receive holiday pay.

Definitions

Observe- To show regard for: i.e. When the City observes a Holiday, the offices will be closed.

Recognize- To acknowledge or treat as valid: i.e. When a department recognizes a holiday but is still open for operation.

INCLEMENT WEATHER/EMERGENCY CLOSING

Except for extraordinary circumstances, City offices MAY CLOSE. All City employees, whether exempt or non-exempt, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations.

If an employee determines that the weather conditions constitute a danger to life and/or property, the employee must notify his/her immediate supervisor and/or Department Director and make arrangements to report to work if weather conditions improve. Any leave taken due to inclement weather can be flexed or charged to vacation. Regular full-time and part-time non-exempt employees who are unable to flex their time and who have no accrued vacation time available will not be paid for the time missed.

The Department Director/immediate supervisor is responsible for seeing that City services are staffed while City offices are open for business during inclement weather or emergency conditions. Any City service that cannot be provided during inclement weather or other emergency conditions must be immediately reported to the City Manager's Office.

When weather or other conditions are such that the City Manager declares certain City offices/departments officially closed, all affected personnel, i.e., those non-essential employees who were scheduled to work during the time of closure, will be granted "paid administrative leave" for the time the office/department is closed. Essential personnel and first responders must report to work even when other City departments are officially closed due to weather or other type of extraordinary circumstances. Essential personnel required being on the job regardless of adverse weather or other conditions are designated by the Department Director and/or the City Manager. Essential personnel who fail to report to work may be subject to disciplinary action up to and including termination of employment. The City Manager may authorize emergency pay at the rate of one and one-half times the employee's regular rate of pay for non-exempt essential personnel.

INJURY LEAVE (OFF THE JOB)

Leave resulting from or necessitate by any cause, including injury and/or illness, shall not exceed 180 consecutive calendar days. Leave for more than 180 consecutive calendar days constitutes an unusual hardship on the City and may result in termination of employment. The City will have the right to follow the usual procedure to fill any position previously held by an employee that has been on leave for more than 180 days. All accident and injuries must be reported to the Human Resources Coordinator.

INJURY LEAVE (ON THE JOB)

An employee injured in the line of duty shall receive workers' compensation or injury leave benefits under the terms and conditions prescribed in the applicable programs and as required by law.

Procedures - Injury leave will run concurrently with FMLA leave (see the section entitled Family and Medical Leave). An employee must report any job-related injury, however minor, to his/her supervisor immediately, if able, by phone or in person followed by a formal accident report being filed not later than 24 hours after the injury (see the section entitled Accident Reporting). Time lost because of a substantiated and documented work related injury sustained during the course of employment shall not be charged against the employee's sick leave. During such absence, sick leave and vacation shall continue to accumulate.

The Human Resources Department shall contact the employee's physician to determine whether the injury will allow an employee to perform modified work or other duties.

Programs

Workers' Compensation - Workers' Compensation Law provides that an employee who suffers a disability that results in lost duty days due to an injury while in the course of their employment is entitled to "Income Benefits." These income benefits are calculated at a rate of at least 70% of the employee's weekly income prior to the injury. The worker must be disabled by the injury for at least seven (7) days to be eligible for income benefits.

City Injury Leave Benefit - This benefit provides employees injured on the job the added security of receiving no reduction or interruption in salary for 13 weeks. Injury leave granted to an employee will be put in writing and forwarded to the Human Resource Department for proper payroll processing and placement in the employee's confidential medical file. Injury leave benefits will begin from the time an employee begins to lose time due to an on-the-job injury and will continue for 91 calendar days (13 weeks). An employee on injury leave will continue to collect full salary payment from the City. An employee on injury leave may be required to undergo regular examinations by a physician of the City's choice. The employee may be assigned to light duty. **An employee on injury leave is required to turn over to the city all checks paid to him/her for income benefits from Workers' Compensation.** The City will monitor payments made to the employee by the workers' compensation insurance carrier to ensure that all disbursed salary related checks have been turned over to the City.

Any failure by the employee to turn over the checks paid to him/her for workers' compensation income benefits while receiving the City injury leave benefit will result in the City withholding any injury leave pay due the employee and the employee will, by such action, forfeit any and all further injury leave pay or benefits.

INSURANCE

It is the goal of the City to provide full-time employees with a comprehensive benefits package that may include, medical, dental, disability and life insurance for each full-time employee. The Human Resources Department will evaluate the benefits being provided on an annual basis as part of the budget process and make recommendations to the City Manager. This insurance is effective so long as the employee remains on the full-time payroll.

Insurance coverage for an employee's eligible dependents will be made available at the employee's expense.

The City also carries a workers' compensation insurance policy. In cases of job related injuries, provisions and benefits available under workers' compensation are activated.

The City shall offer its retirees, age 64 and under, who were participating in the City's health plan at the time of their retirement, the option to purchase continued health benefits coverage at a retiree calculated rate. Currently, retirees are allowed to participate in the City's health care plan at the same premium rates as active employees. If this benefit is revised to require that active employee and retiree insurance premiums are separately determined, the retiree premiums could increase significantly and the City will require that retirees pay for their insurance at the higher rate.

Retirees, age 65 and older, will not be eligible to continue the City's health plan. The City reserves the right to alter, reduce, or eliminate any benefit at any time.

JURY DUTY

The City provides paid administrative leave to regular full-time employees required to serve on jury duty or requested to testify as a witness by the City in a City-related civil, criminal, legislative, or administrative proceeding. Court appearances for testimony, investigation, and court preparation as a result of official duties as a City employee (e.g., police, inspections, animal control, etc.) are compensated as actual hours worked and are not classified as paid administrative leave.

In all other cases, employees are required to schedule vacation; otherwise a non-exempt employee's time off will be considered a leave without pay.

The employee must provide documentation of the requirement for jury duty, subpoena compliance, etc., with his/her leave request. Employees must submit a Leave Request form, along with supporting documentation to their supervisor as soon as possible so that arrangements can be made to accommodate the absence.

Employees on jury duty leave should keep up with their job responsibilities if possible. An employee who is on jury duty typically must report for City duty for the remainder of the day upon completion of court or jury service or request approval for use of other available paid time off. All jury duty money received by an employee shall be paid to the City as partial reimbursement for the employee's salary or may be retained in lieu of receiving their city salary.

Jury duty leave is paid at the employee's base rate at the time of leave and does not include overtime or any other special forms of compensation. Jury duty leave will not be counted as hours worked for purposes of calculating overtime.

LIGHT DUTY ASSIGNMENTS

The City may make light duty assignments available to employees who are unable to perform their regular job duties due to a temporary medical condition the decision to offer an employee a light duty assignment is made in the City's sole discretion. A light duty assignment may be in the employee's own department in the City. Factors considered by the City in making its decision include, but are not limited to: the nature of the employee's temporary medical condition; the medical release provided in support of light duty; the risk that a light duty assignment may result in aggravation of the employee's condition; the type of light duty work available; the length of the employee's employment with the City; the employee's performance and disciplinary history; and whether the off duty. In making light duty assignments, the City will normally give priority to employees whose condition is work-related.

Employees who are released for and given a light duty assignment may not perform work duties in violation of their medical release. An employee who violates the terms of his/her medical release while on a light duty assignment may lose the light duty assignment and, in addition, may be disciplined up to and including termination of employment.

Light duty, due to an injury, will not extend beyond sixty (60) calendar days from the date of assignment without an evaluation, by a City approved physician, and a recommendation from the Department Director and Human Resources Department to the City Manager. Only the City Manager may approve an extension of a light duty assignment. Employees still unable to return to regular duty within sixty (60) calendar days from the date of injury must re-qualify for limited duty through evaluation by a City approved physician or revert to workers' compensation indemnity payment, accumulated sick leave, Family Medical Leave Act (FMLA) or vacation benefits, if available.

An employee who is released for and offered light duty by the City, but who elects not to accept such an assignment, will be ineligible for paid sick leave benefits under the City's Sick Leave Policy and salary continuation benefits under workers' compensation, but may still be entitled to unpaid leave under the City's FMLA policy.

During a light duty assignment, employees will typically work an 8-hour workday, Monday through Friday. This means those employees who work a non-traditional schedule, will usually be temporarily reassigned to an 8-hour workday, Monday through Friday, for the duration of their light duty assignment. An employee's salary during any light duty assignment shall be at the same rate as the salary received prior to the injury.

All light duty requests and assignments will be reviewed by and coordinated through the Human Resources Department. The Human Resources Department will work with the employee's department in making its decision whether light duty work will be offered. Before returning to regular job duties following a light duty assignment, the employee must coordinate his/her return through the Human Resources Department.

LONGEVITY PAY

The City provides regular full-time employees longevity pay. All regular full-time employees who have been continuously employed for two (2) years or more, each calendar year shall be eligible for additional compensation at a rate of one-hundred (\$100.00) per year for each full year of continuous service with the City up to a maximum of twenty-five (25) years.

Longevity pay will be awarded annually, as a lump sum, on the anniversary of the hire date. Longevity pay is not an accrued benefit payable upon termination of employment.

Police Department Members

Police Department Members- per Texas Government Code 141.032, in a municipality with a population of 10,000 or more, each member of the police department is entitled to receive, in addition to all other monies paid for services rendered in the department, longevity pay of \$4 a month for each year of service in the department, not to exceed twenty-five (25) years.

MANAGEMENT AUTHORITY

General and final authority for personnel administration rests with the City Manager with the exception of matters reserved to the City Council by State law or the City Charter.

Management Authority - The City may modify, revoke, suspend, interpret, terminate, or change any or all of its policies and procedures, in whole or in part, at any time. **The issuance of these policies and procedures does not constitute a contract between the City and its employees for any duration of employment. There is no specified length of employment, and either the City or the employee can terminate the employment relationship at any time, for any reason.** Policy administration rests with City management and City management reserves sole authority to administer City operations.

Departmental Policy and Procedural Requirements - Individual City departments may develop policies and procedures that are consistent with City policies and procedures. Department policies and procedures that are operational and that do not relate to those in this handbook, or other approved operational manuals, do not need to be reviewed and approved by the Human Resources Department. All others, however, are subject to approval by the City Manager. Department Directors are responsible for obtaining the necessary review and approval prior to issuing such departmental policies and procedures. Departmental policies and procedures will not become effective unless they have been reviewed and approved in accordance with this policy.

Miscellaneous - Policies and procedures apply to all employees of the City, both on and off duty where applicable, unless otherwise indicated, restricted by proper authority, or prohibited by State and/or Federal law.

Only the City Manager has the authority to enter into an employment agreement, promise, or commitment contrary to these policies and procedures, and all such agreements, promises, and/or commitments entered into by the City Manager must be contained in an express written employment contract signed by both the City Manager and the affected employee.

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

Any conflicts, questions, or ambiguities in City or departmental policies and procedures will be decided by the City Manager.

The City Manager may delegate rights and powers granted under these policies and procedures to management level staff or to others as deemed appropriate in the City Manager's sole discretion.

MEDIA POLICY STATEMENT

From time to time, as an employee of the City of Manor, you may receive inquiries from the media (e.g., newspapers, television stations, radio stations, magazines, or other periodicals). To ensure that the City of Manor maintains the appropriate public image and that communications to the media are accurate and in line with applicable City policy, if you are contacted by the media, you should refer the individual making the inquiry to the City Manager. In some cases, the City Manager may give specific authorization to a particular employee to respond to the media. Unless such authorization is specifically given by the City Manager, no employee other than the City Manager may give statements to any representative of the media. The City Manager has authorized those positions that are considered Department Directors and above to provide information to the media in their area of expertise and advise the City Manager of the communication that transpired.

MENTAL HEALTH LEAVE

An officer involved in a traumatic event, in the scope of their duties, may request the use of mental health leave. The request shall be made in writing through the chain of command. The request shall be treated as a priority matter and a decision on the granting of the leave shall be made as soon as practical following the submission of the request. The request shall be granted unless the chain of command can articulate compelling reasons to deny granting the leave.

Requests for mental health leave under this policy shall be treated as protected health information to the extent allowed by law and shall not be discussed or disclosed outside the officer's immediate chain of command, unless necessary to facilitate the use of the leave. Unpermitted disclosure of protected health information is grounds for discipline. Confidentiality regarding the request for leave may be waived by the officer seeking mental health leave.

This section does not apply to reports from co-workers of officer distress or other circumstances which indicate the officer is a danger to himself or herself or others and under which department personnel seek guidance as to a potential response or action, including the application of leave under this policy.

An officer directly involved in a traumatic event, in the scope of their duties, may request up to three working days of mental health leave.

Extensions of mental health leave may be available under certain circumstances. Requests for an extension shall be accompanied by documentation from a health care provider as required by the City's Human Resources Department.

Definitions

Traumatic Event- An event experienced by a peace officer in the response to or investigation of a threat or occurrence of serious injury to the officer or others or a threat or occurrence of death to others and which may cause the officer to experience acute or recurrent distress, such that the officer is unable to perform the essential functions of the employee's assigned position.

Traumatic events may include, but are not limited to, the following:

- a. Major disasters which may include response to weather related events involving multiple casualties; or explosions with multiple casualties; or search and recovery missions involving multiple casualties.
- b. Incidents involving multiple casualties which may include shootings or traffic accidents.
- c. Line of duty death or suicide of a department member.
- d. Death of a child resulting from violence or neglect.
- e. Officer(s) involved shooting of a person.

Mental Health Leave – Administrative leave with pay granted in response to a traumatic event that occurred in the scope of the peace officer's employment.

Mental Health Professional – a licensed social or mental health worker, counselor, psychotherapist, psychologist, or psychiatrist.

MILITARY LEAVE

The City complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. Temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue indefinitely or for a significant period of time are generally ineligible for extended paid military leave in excess of 15 days, reemployment rights, or any other military leave benefits under this policy.

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

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

Paid Leave & Benefits for Training and Duty:

Full Pay for Up to 15 Days - Employees will be paid for military absences of up to a maximum of fifteen (15) work days per federal fiscal year. This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year.

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

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

Benefits - The City will continue to provide employees on paid military leave with most City benefits.

Medical and Dental - While an employee is on paid military leave (or any military leave of less than thirty-one (31) days), the City will continue to pay its portion of the monthly premium for group health benefits. When military leave is unpaid, the employee may elect to continue group health coverage for up to twenty-four (24) months following separation of employment or until his/her reemployment rights expire, whichever event occurs first, for him/her and eligible dependents. Employees must pay 102% of the applicable premium to cover the cost of elective continuation coverage under the City's group health plan.

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

Other Benefits - While on *paid* military leave, employees continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. The City will also continue to pay the premium for any City-provided life insurance while the employee is on *paid* military leave. While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefits, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, he/she will be treated as though he/she was continuously employed for purposes of determining benefits based on length of service, such as vacation accrual and longevity pay.

TMRS - Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must: return to work for the City within ninety (90) days after discharge; receive an honorable discharge; and timely complete the necessary application. In order to receive monetary credit, an employee has the lesser of five (5) years or three (3) times the length of the military service to make up any TMRS contributions that were missed while on military leave.

Returning from Leave:

Reemployment Rights - Employees who complete their military service will be re-employed in accordance with federal law.

Deadline to Notify City of Intent to Return to Work - The deadline for an employee to return to work and/or notify the City that he/she intends to return to work following military leave is ninety (90) days from the date of discharge. This deadline may be extended for two (2) years or more when an employee suffers service-related injuries that prevents him/her from applying

for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

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

NEPOTISM

In order to prevent conflicts of interest, to avoid accusations and perceptions of biased conduct, and to maintain the confidentiality of restricted information, it is the policy of the City that:

- An applicant related to the City Manager by marriage within the first or second degree or by blood within the first, second, or third degree according to common law shall not be employed by the City.
- An applicant related by marriage within the second degree or by blood within the first, second, or third degree according to common law to any member of the City Council shall not be employed by the City.
- Relationships by Marriage:
First Degree: Spouse, mother-in-law, father-in-law, daughter-in-law, son-in-law
Second Degree: Spouse's grandmother, spouse's grandfather, spouse's granddaughter, spouse's grandson, spouse's sister (sister-in-law), spouse's brother (brother-in-law), sister's spouse (brother or sister-in-law), brother's spouse (brother or sister-in-law)
- Relationships by Blood:
First Degree: Mother, father, son, daughter
Second Degree: Grandmother, grandfather, sister, brother, granddaughter, grandson
Third Degree: Great grandmother, great grandfather, great granddaughter, great grandson, aunt, uncle, niece, nephew
- Under no circumstances will an applicant be employed in a department in which he or she may directly or indirectly supervise or be supervised by a member of his or her immediate family. Immediate family includes spouse, parents, children, brother or sister.

Promotion - In the event of a proposed promotion, any employed family member of a person considered for promotion must agree to immediately tender his/her written, conditional resignation before the candidate will be formally considered for the proposed promotion if said promotion would create a violation of the Nepotism policy. If the candidate is selected for and chooses to accept the promotion, the conditional resignation becomes final. Normally, once final, any such resignation will not become effective until ninety (90) days after the promotion takes effect.

Reorganization - In the event of a reorganization, or any other situation (other than a promotion) giving rise to a relationship prohibited by this section of the policy, the lower ranking employee will be required to immediately resign his/her employment. If both employees are of an equal rank, one of them will be required to immediately resign his/her employment. Normally, any such resignation will not be effective until ninety (90) days after the engagement, reorganization, etc., occurs.

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

- No employee in the relationship will supervise, review or process the work of the other;
- The employees' relationship must not create a conflict between employees/ City interests; and
- There must be no interdependence or relationship between the jobs of the individuals concerned which could be potentially detrimental to the interests of the City.

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

Marriage of Current Employees - In the event of a marriage between two City employees, a promotion, reorganization, or any other situation giving rise to a relationship prohibited by this policy, one or both of the affected employees must immediately seek a transfer to another available position within the City for which he or she is qualified and that meets the requirements of this policy. If a suitable transfer cannot be made within ninety (90) days of the event giving rise to a relationship prohibited by this policy, one or both of the affected employees will be required to resign from employment.

Grandfather Clause - The City is aware that, as of the effective date of this policy, there are City employees that are related, by blood or by marriage, to other City employees. These employees will be "grandfathered" under this policy, meaning they will be permitted to continue their employment with the City as long as the requirements and restrictions set out in this policy are met. Please be informed that the grandfather provision is for family relationships as they exist as of the revision date of this policy. Any future changes to the family relationship and/or the employment status of the affected employee(s) will be governed by the requirements of this policy.

Periodic Review - Periodically, the City Manager (or designee) will review the job descriptions and interrelationship between the affected jobs and determine whether they meet the requirements set out in this policy. If one or more of these requirements are not met, one or both of the affected employees must immediately seek a transfer to another available position within the City for which he or she is qualified. If a suitable transfer cannot be made within ninety (90) days, one or both of the affected employees will be required to resign from employment.

Application of Policy - This policy applies to all full-time, part-time and temporary seasonal employees of the City.

ON-CALL & CALL BACK COMPENSATION (Non-exempt Employees)

The city provides for after-hour service needs by allowing some departmental operations to designate certain non-exempt employees to be on-call. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by their department.

For a non-exempt employee to be designated as officially on-call:

- The employee must wear a digital pager and/or cell phone for City communication purposes.
- The employee must respond within 30 minutes to their department.
- The employee must be designated as on-call personnel on a schedule approved by their Department Director.
- Employees serving in an on-call position must have a telephone number at which they can be reached during off-hours.

Return to work provisions - After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back (via paging, telephone, or radio) within designated guidelines set by their department. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required.

Compensation - On-call status is not considered time worked, however a daily stipend of \$10.00 per day shall be paid to those employees designated as on-call employees.

On-call employees called back to the workplace will be paid at their regular rate of pay for actual hours worked. Time worked immediately after regularly scheduled working hours at the request or approval of the supervisor will not be considered call-back and is paid at the employee's regular rate of pay until overtime requirements are met. Continuing work on a call-back that extends beyond the one-hour minimum and into a day off does not entitle the employee to additional premium pay. Travel time to and from a call-back is compensable under this policy if the call-back is due to situation that requires immediate attention and is unscheduled. Travel time to and from the work site performing regularly scheduled rounds is not compensable. On-call procedures will be conducted in accordance with departmental policy and such policy must be approved by the City Manager. In all cases, employees must report their actual hours worked on their time sheets. Employees exempt from overtime are not eligible for compensation under the provisions of this policy. The City will pay overtime as required by the Fair Labor Standards Act or other City policies regulating overtime.

Probationary period- During the probationary period, an employee is not eligible for on-call pay, the stipend will go to the trainer as the trainee cannot perform the duties without proper qualifications. If training is not completed until after the initial 6-month probationary period, the stipend will go to the trainer.

Call Back Compensation- Some instances require an employee to be “called back” to assist with the needs of the City, this is not for regularly scheduled working hours or events, this pay guarantees the individual a two (2) hour minimum worked time at the employee’s regular rate of pay, until overtime requirements have been met, even if the work was less than two (2) hours.

OUTSIDE AND SELF-EMPLOYMENT

City employees may engage in outside or self-employment provided they receive prior written approval from the City Manager (or designee). Department Directors must also receive written approval from the City Manager prior to engaging in outside or self-employment.

Employees may not accept outside or self-employment that conflicts with the effective performance of the employee while on duty with the City, or conflict in any way with the best interests of the City. Other outside activities, such as volunteer activities, that might similarly distract from an employee's ability to perform his or her job with the City are also prohibited.

An employee will not be covered by the City's workers' compensation insurance while working for another employer or while self-employed unless the employee is required to perform official City employment activities while engaged in such outside or self-employment.

Approval for outside or self-employment as set out in this policy does not authorize an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, or an unpaid leave of absence, to engage in any outside or self-employment. Under no circumstances may an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, or an unpaid leave of absence, engage in outside or self-employment.

For purposes of this policy, outside or self-employment includes a job, activity or enterprise (including self-employment) which constitutes a form of employment or business outside the responsibilities of employment with the City. This policy is not intended to cover volunteer work with a non-profit organization such as United Way, Girl Scouts, American Heart Association, faith based activities or similar activities where compensation is neither expected nor paid in the ordinary course of operations.



REQUEST FOR OUTSIDE EMPLOYMENT

| | |
|---------------------|--|
| Employee's Name: | |
| Date of Hire: | |
| Job Title: | |
| Department: | |
| Supervisor/Manager: | |

Nature of Employment:

Time required for Employment:

I understand that City policy forbids me from engaging in any form of outside employment or business opportunity, for myself or another employer, which would conflict or interfere with my job at the City of Manor, while on City time, or using City equipment or materials. I understand that in order to engage in outside employment, I must receive approval from my supervisor and Department Director in advance of performing such outside employment, and that the approval may be withdrawn at any time. I also understand and agree that my outside employment must be suspended if my work status is sick leave, workers' compensation leave, or restricted duty.

Employee Name: _____ Date: _____

RETURN FORM AND ALL DOCUMENTATION TO THE HUMAN RESOURCES DEPARTMENT

Reviewed by Department Director:

Department Director: _____ Date: _____

CITY MANAGER ACTION: ☐ Request Approved ☐ Request Denied

City Manager: _____ Date: _____

OVERTIME AND TIME MANAGEMENT

Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour requirements. Exempt employees are not paid overtime compensation.

Non-Exempt Employees - When the City's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime, at the request of their supervisor. When possible, advance notification of mandatory overtime assignments will be provided. Overtime assignments will be distributed as equitably as practical to all non-exempt employees qualified to perform the required work. Refusal or other failure to work mandatory overtime may result in disciplinary action up to and including termination of employment. Overtime work is otherwise subject to the same attendance policies as straight time work.

Non-exempt employees may not access city emails on a personal mobile phone. Supervisors are prohibited from sending work-related emails to a non-exempt employee's personal email account (Gmail, Yahoo, etc...).

All non-exempt employees must receive their supervisor's and/or Department Director's prior authorization before performing any overtime work. This means employees may not begin work prior to their scheduled work day, and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor. Similarly, employees may not work through their lunch break without prior authorization from the appropriate supervisor. On the employee's time sheet, the appropriate supervisor must also approve any overtime before the time sheet is submitted for processing and payment. Non-exempt employees shall not remain on the work premises without authorization unless they are on duty or are scheduled to begin work within a short period of time. Non-exempt employees who work overtime without receiving proper authorization will likely be subject to disciplinary action, up to and including possible termination of employment.

Generally, overtime pay for non-exempt employees is at the rate of time and one half the "regular rate of pay for hours actually worked in excess of 40 in the City's work week. The City's work week begins at 12:00 a.m. (midnight) on Sunday and ends at 11:59 p.m. the following Saturday. The "regular rate" is defined as the hourly equivalent of all straight time compensation received by an employee for work including all pay incentives, such as longevity, assignment pay, certification, etc. The FLSA formula is that an employee's regular rate is the total "straight time" compensation received by the employee "for work," divided by the number of hours that money is intended to compensate. Police officers are paid overtime based on the work cycle adopted by their Department under Chapter 142 of the Texas Local Government Code.

Paid vacation and paid holiday leave are not included as hours worked for purposes of

determining eligibility for overtime pay. Time off on account of sick leave, jury duty leave, witness duty leave, bereavement leave, or any other leave of absence is not considered time worked for purposes of performing overtime calculations.

Flex-time Work Schedule - In situations where overtime payment is not feasible due to budgetary constraints, the Department Director or supervisor must consider flexing the employee's work schedule in an effort to minimize the need for overtime compensation. Flexing must be completed within the same workweek or work cycle that the overtime was worked and must be accurately reflected on the affected employee's time record.

Exempt Employees - Exempt employees are those who are not covered by the overtime requirements of the FLSA. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek. Exempt employees are expected to work at least forty (40) hours in each work week. In addition, exempt employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner. Exempt employees may be required to work in excess of 40 hours in certain weeks and are required to work a minimum of 80 hours in a two week pay period.

"Docking" an exempt employee's pay for a partial day's absence will be permitted only as authorized by law and approved by the Human Resources Department. Absent accrued paid leave time, an exempt employee need not be paid for any workweek in which he or she performs no work. For reasons of public accountability, the City will reduce an exempt employee's pay or place an exempt employee on leave without pay for absences for personal reasons or because of illness or injury of less than one work day when vacation leave or sick leave is not used by the employee either because the employee did not request to use paid leave, has exhausted paid leave, or chooses not to use paid leave.

It is the policy of the City not to make improper deductions from an exempt employee's pay. Any exempt employee who believes he/she has been, or likely will be, subject to an improper pay deduction, must immediately notify the Human Resources Department. The City will promptly reimburse an exempt employee for any improper deduction(s) and will make a good faith commitment to comply in the future.

Nursing Mothers —The City will provide reasonable break time for an employee to express milk for her nursing child for one year after the birth of the child each time the employee needs to express milk. A place shielded from view and free from intrusion will be provided for this purpose. Breaks for nursing mothers will be compensated time but will not be considered to be "hours worked" for purposes of calculating overtime.

PAID QUARANTINE LEAVE

Any City of Manor Peace Officer (hereinafter “Officer”), as defined by Chapter 180 of the Texas Local Government Code, who is ordered to quarantine by the person’s supervisor or Local Health Authority due to a possible or known exposure to a communicable disease WHILE ON DUTY will be fully compensated for the full duration of the mandated quarantine with no reduction in pay.

City of Manor’s Officers subject to mandatory quarantine that are not assigned or are not able to perform other tasks for which they can be compensated during that time, are entitled to receive paid quarantine leave for the duration of the quarantine. Exempt Officers subject to mandatory quarantine will receive regularly scheduled paychecks. Non-exempt Officers subject to mandatory quarantine will be paid their current hourly rate multiplied by their regularly scheduled hours.

All Officers under a mandatory quarantine will retain, and will continue to accrue, all employment benefits as if they were on active duty, including, but not limited to, paid time off accrual, pension benefits, and health benefits. All supplemental benefits are still the sole responsibility of the employee, which are to be paid no later than the fifteenth (15th) of each month. Please contact Human Resources as needed for guidance and information.

The City of Manor will not reduce an Officer’s sick, vacation, holiday, or other paid leave balance in connection with mandatory paid quarantine leave taken in accordance with this policy.

The City of Manor will reimburse all reasonable costs related to an Officer’s mandatory quarantine including, lodging, medical, and transportation costs.

Definitions

Peace officer- means police officers [*may include others, such as marshals, some of whom may be elected*] licensed by the Texas Commission on Law Enforcement and employed by the City of Manor.

Paid quarantine leave means- (1) all employment benefits and compensation, including leave accrual, pension benefits, and health benefit plan benefits provided by the city; and (2) if applicable, reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation c

PAYROLL

Payroll Deductions - The following deductions are authorized for payroll deductions:

- Social Security and Medicare contributions.
- Federal income tax withholding.
- Contributions to the Texas Municipal Retirement System.
- Presently authorized medical insurance premiums.
- Presently authorized “other insurance” premiums.
- Contributions to Health Savings Account.
- Wage garnishments

No other payroll deduction privileges are authorized at this time and no future payroll deduction privilege will be granted without the approval of the City Manager, except as otherwise provided by law.

Payroll will be completed on biweekly basis. Date or Day means the day on which salaries are paid. The pay dates will be set by the City Manager and the payroll department based on job categories, department staff size, automatic payroll deposit requirements or other similar factors. All pay dates are subject to change based on changing technologies or requirements. If a change in payroll dates occurs, any required compensation, vacation or sick leave may be rounded upward to bring employees into compliance under a new pay system.

Payroll Errors - Errors regarding payroll, including vacation and sick usage, must be reported to Finance in writing within sixty (60) days after pay day. Corrections will be made effective the next regular pay date following report of error(s). If the error is not reported to Finance within the 60-day period, no correction will be made. The Finance Department reserves the right to make any necessary correction to payroll at any time to ensure accurate accounting records.

Direct Deposit Required - Employees are required to complete and deliver to the Finance Department the City’s direct deposit form so that payroll can be credited to the employee’s bank account to facilitate an efficient and accurate payroll process. Any changes to an employee’s direct deposit will be processed the next payroll after Finance has received the updated form.

Termination Pay - All employees who are terminated, through adverse action with the City, shall receive all pay which may be due, subject to the following qualifications and exceptions:

Regular full-time employees who have satisfactorily completed their probationary period prior to termination will be paid for accrued vacation leave up to twenty (20) days (160 hours).

If any employee is terminated, through adverse action with the City, before the end of a pay period, the employee will be paid for the total hours actually worked through the employee's termination date at his/her calculated hourly rate provided that payment for accrued vacation will be denied, if the termination of the employee results from wrongful actions or misconduct of the employee; and provided further that any such payment for accrued vacation may be credited by the City to any sums or amounts the employee owes the City, or to damages resulting from malicious, intentional or grossly negligent action of the employee with respect to property or assets of the City.

PERFORMANCE EVALUATION SYSTEM

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

Schedule - Regular full and part-time employees hired are eligible for:

- An annual performance review for performance rendered during the fiscal year (October 1st – September 30th).
- Newly transferred or promoted employees will receive a performance review after completing six months of service in their new position.

Supervisory Responsibilities - All performance evaluation information must be written where required and forwarded to the Human Resources Department for retention in the employee's official personnel file. An evaluation is considered complete at the time the employee signs and dates the evaluation document or the Supervisor and/or Department Director has a witness acknowledge the employee's refusal to sign the evaluation document.

Supervisors will strive to clearly communicate all elements of job performance, key result areas, performance standards, measures, goals, strengths and areas of development needed by completing the Improvement Plan section of the evaluation. Each employee will sign and date a copy of his/her Performance Evaluation when it is reviewed, and the supervisor will forward the original performance evaluation to the Human Resources Department for filing in the employee's official personnel file.

Department Director Responsibilities - Department Directors are expected to ensure compliance with this policy and ensure that evaluating supervisors under their direction are adequately trained in the performance evaluation process. Department Directors are encouraged to review all Performance Evaluation documents for validity prior to the department supervisor conducting the performance evaluation with the affected employee, to correct any obvious errors or rating bias.

Human Resources Department Responsibilities - The Human Resources Department will review all evaluation documents for obvious errors and return them to the Department Directors for any clarifications or procedural corrections. The Human Resources Department is responsible for maintaining original evaluation documents in official personnel files and for timely processing of evaluations for any compensation due.

City Manager Responsibilities - The City Manager and/or designee will review all performance evaluation documents prior to the department supervisor conducting the performance evaluation with the affected employee to ensure the fair and equitable treatment of all City of Manor Employees.

Employee Responsibilities - Employees are expected to be knowledgeable of their essential job functions and key result areas and maintain established performance standards and requirements as outlined. The Employee is requested to complete an Employee Performance Input Form which is an integral part of the evaluation process. Employees are encouraged to address issues and concerns regarding their annual performance evaluation with their evaluating supervisor. If the employee is unable to resolve his/her issues and concerns with the evaluating supervisor, the employee may address them with the Department Director; if the Department Director is the evaluating supervisor, the employee may go to the City Manager to address his/her concerns.

POLITICAL ACTIVITY

City employees will not be appointed or retained on the basis of their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. City employees may not:

- During the time that the employee is on duty or making a public appearance in his/her capacity as a City employee, publicly endorse or campaign in any manner for any person seeking a City public office except that this policy does not prohibit a city employee from placing a yard sign on private property or from placing a bumper sticker on a private vehicle.
- Use his/her position or office to coerce political support from employees or citizens.
- Use his/her official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.
- Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.
- Contribute money, labor, time or other valuable thing to any person for City election purposes.
- Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, *e.g.* City of Manor City Council and Travis County Commissioner. Upon becoming a candidate or otherwise deciding to seek or assume such an office, an employee must immediately resign or will be dismissed upon failure to do so. Appointive or elective office may be held by an employee provided that: 1) it is a non-paid position; 2) the time required for the office held is not unreasonable; 3) the position held would not create a negative impact on the employee's job performance; and 4) City Manager approval is obtained.
- Use the City's internal mail system to distribute political advertising.

PRIVATE TELEPHONE

All supervisory personnel and service personnel shall have a telephone number at which they can be reached during off-hours. No reimbursement shall be made to the employee for use of such employee's private telephone.

PROMOTIONS

Positions to be filled shall be filled with City employees currently on the payroll when possible. This shall not prohibit the City Manager or other supervisory personnel from filling positions with persons not employed by the City.

Promotions shall be made upon the recommendation of the Department Directors with the approval of the City Manager.

Promotions shall be based on qualifications, proven performance, merit, and the ability to perform the duties and responsibilities of the position.

A promotion should not be deemed completed until a period of six months shall have elapsed. Should a promoted employee not successfully complete the six-month period, the employee is eligible to return to the previous position held, if available. If no position is available for which the employee is qualified, the employee will be terminated.

RECRUITMENT AND SELECTION

The City hires employees based solely on their knowledge, skills and abilities, experience, and other qualifications as they relate to the duties and responsibilities of a position without regard to age, race, religion, sex, color, national origin, citizenship, disability, veteran's status, genetic information, sexual orientation, gender identity or expression, or any other characteristic protected by law. City residents shall be given preference for employment, if all other considerations are equal. It is the desire and intent of management to provide promotional opportunities for employees of the City by offering assistance to interested employees in developing career plans and making applicable training and educational opportunities available.

Recruitment Requirements - The recruitment process is initiated by a Department Director or direct supervisor submitting a request of staffing to the Human Resources Department. Job vacancies will normally be posted internally for the benefit of any qualified employee. External recruitment may also be conducted during an internal posting.

After making a decision to hire, the hiring department must submit the appropriate paperwork to the Human Resources Department. Offers for City employment will be communicated by the Human Resources Department upon receipt of the hiring recommendation and all related paperwork.

The recruitment method for vacant director level positions may be determined by the City Manager on a case by case basis.

The Police Department uses a separate recruitment process for police officers.

Applications – Anyone (including individuals who have been previously employed by the City and are eligible for rehire) seeking employment with the City must complete and submit an official City application for the position desired. City employees seeking another position must also complete an official City application. Resumes will not be accepted in lieu of the official application and applications will only be accepted for posted vacancies. All information set forth on an application is subject to verification. Applications will normally be considered active until the vacancy is filled. Applications for employment will be received and reviewed by the Human Resources Department.

Hiring Process - Applicants for employment shall be required to participate in an interview and may be required to submit to a post-offer physical examination, drug and alcohol examination, and may be required to submit to a pre-employment investigation.

Disqualification - Applicants will be disqualified from consideration for one or more of the following:

- Failure to meet the minimum qualifications necessary for performance of the duties for the position;
- If they previously worked for the City and were terminated, or resigned in lieu of termination, due to unsatisfactory performance or conduct and/or violation of a City policy or procedure;
- If their employment will result in a violation of the City's Nepotism Policy;
- Failure to meet minimum age requirement for the position;
- False statements or material omissions on the application form or during the application process;
- Failing any of the City's background and employment requirements including, but not limited to, drug testing;
- The applicant commits or attempts to commit a fraudulent act at any stage of the selection process;
- The applicant is not legally permitted to work in the United States;
- The applicant is unable to perform the essential functions of the job applied for with or without a reasonable accommodation; or
- Any other reason deemed to be in the best interests of the City.

RESERVE PERSONNEL

The City of Manor may engage in hiring reserve personnel for specific positions that require identifiable staffing requirements to maintain service levels. The request to establish reserve personnel is generated by the Department Director in written format and sent to Human Resources for approval. The request must contain the following information:

- Position
- Effective Date
- Number of Reserve Personnel Requested
- Operational Necessity for Request

Reserve personnel are employees of the City of Manor and, as such, are subject to all of the same recruitment, hiring and personnel policies as all other City employees including, without limitation, criminal background checks and drug screenings.

RETIREMENT

The City participates in the Texas Municipal Retirement System, which provides retirement benefits to eligible employees. A deduction of seven percent from the employee's gross salary is made and supplemented by the City on a two-to-one matching basis. Participation by every full-time regular employee and regular part-time employees who are regularly scheduled to work 1,000 hours or more per year is a condition of employment.

The City Council reserves the right to amend the retirement plan at any time, as it deems necessary. All amendments and additions to such system enacted by the City Council are continued in full force and effect, and are incorporated herein by reference and are on file in the office of the City Secretary.

The City participates in the Federal Social Security and Medicare Programs which provide benefits upon retirement. A deduction from the employee's salary is matched by the City for this benefit. Participation by every new employee is a condition of employment.

SEARCHES

The City may conduct unannounced searches or inspections of the work site, including but not limited to City property used by employees such as lockers, file cabinets, desks, and offices, computer and electronic files, whether secured, unsecured or secured by a lock provided by the employee. If a lock is provided by the employee, a spare key or the combination shall be given to the employee's supervisor. The City may also conduct reasonable searches or inspections of the employee's personal property located on City premises, including vehicles parked on City parking lots.

NOTE: The City's authority to conduct unannounced searches is not limited to situations involving reasonable suspicion of possession and/or use of drugs/alcohol, but may (but not exclusively) also involve safety or security situations or City or personal property items.

All searches must be authorized and conducted under the direction of the Human Resources Department. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including immediate termination.

SEPARATIONS

The City designates all employee separations as one of the following types:

Resignation - An employee who intends to resign is requested to notify his/her supervisor and/or the Human Resources Department in writing at least two (2) weeks prior to the last day of work. Employees who fail to give a two-week notice are typically not eligible for rehire. The supervisor is responsible for immediately notifying the Human Resources Department.

Retirement - An employee who intends to retire must notify his/her immediate supervisor, Department Director and the Human Resources Department in writing, thirty (30) days prior to the date of retirement. This 30 day requirement is necessary to ensure that the required paperwork is timely submitted to Texas Municipal Retirement System (TMRS). The City shall offer employees retiring with the City the option to purchase continued health benefits coverage, as outlined in Texas Local Government Code §§ 175.001 et seq., as amended.

Dismissal/Termination – City employees are at-will employees. Employment may be terminated by the employee or by the City for any reason or for no reason. At its discretion, the City may terminate an employee's employment as a result of unsatisfactory performance or conduct and/or violation of City policies or procedures. City employees who are terminated or who resign in lieu of termination due to unsatisfactory performance or conduct and /or violation of City policies or procedures, are not eligible for rehire without approval of the City Manager.

Job Abandonment - If an employee fails to properly notify the City of his/her absence from work or if an employee is absent without authorization and/or notification for three (3) or more consecutive days, the City will consider the employee to have abandoned his/her employment, and he/she will be terminated.

Long-Term Absence - Any employee who is unable to return to full time work after an absence of six months will be terminated from employment with the City. Brief appearances at work during an overall absence of six months will not prevent the City from terminating an employee if determined to be in the City's best interest. Likewise, any employee who reports to work but is unable to perform the duties of his or her actual position after a period of 180 calendar days will be terminated. The City may elect to end the employee's employment before the expiration of six months if it is unlikely that the employee will be able to return to full-time active duty at the end of six months or if the employee advises the City that he or she will be unable to return to full-time active duty at the end of six months. An employee who has a paid leave balance remaining at the end of six months will be terminated and paid for accrued leave balances. This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act.

Reductions-in-Force/Reorganization - An employee may be separated from City service when it is deemed necessary by reason of shortage of funds or work, the abolition of the position, or other material change in the duties of the organization, or for other reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee.

Death - If a City employee dies, his/her estate will be paid all earned pay and payable benefits.

SEXUAL AND OTHER UNLAWFUL HARASSMENT

The City is an equal opportunity employer. Employment discrimination on the basis of race, religion, color, sex, national origin, age, disability, marital status, veteran status, citizenship, genetic information, or any other characteristic protected by law, is prohibited. All City employees are entitled to a workplace free of unlawful discrimination or harassment by management, supervisors, co-workers, citizens, and vendors. City employees are also prohibited from harassing citizens, vendors, and all other third parties.

Sexual Harassment - One form of unlawful discrimination is sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

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

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Conduct prohibited by this policy includes, but is not limited to sexual advances; requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, sexual preference, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.

Other Prohibited Harassment - In addition to the City's prohibition against sexual harassment, discrimination or harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, veteran status, citizenship, or any other characteristic protected by law is also prohibited. Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited. This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, and/or the Internet. Discrimination or harassment of any nature, when based on race, religion, color, sex, national origin, age or disability, will not be tolerated. This policy applies to City employees, citizens, vendors, and other visitors to the workplace.

In furtherance of this policy, the City prohibits supervisors and managers from dating any subordinate. Such relationships can be disruptive to the work environment, create a conflict or the appearance of a conflict of interest, and lead to charges of favoritism, discrimination, and claims of direct or indirect sexual harassment. While the City has no desire to interfere with the private lives of its employees, where their conduct impacts upon the work environment in a negative manner, such as noted above, the City reserves the right to take whatever action is appropriate, in its discretion, to protect the City's interests.

Mandatory Reporting - The City requires that employees report all perceived incidents of discrimination or harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible discrimination or harassment in the workplace or who feels that he or she has been subjected to conduct prohibited by this policy must report it immediately to:

- **His or her Department Director;**
- **The Human Resources Department; or**
- **The City Manager.**

Any supervisor, manager, or Department Director who becomes aware of possible conduct prohibited by this policy must immediately advise his/her Department Director and the Human Resources Department.

Under this policy, an employee may report to and/or contact the Human Resources Department directly without regard to the employee's normal chain of command. Any employee who observes or otherwise learns of possible discrimination or harassment in the workplace or who feels that he or she has been subjected to conduct prohibited by this policy must report it immediately and may leave voice messages or transmit e-mails to the Human Resources Department at any time regarding the harassment.

In addition, the City encourages employees who believe they are being subjected to conduct prohibited by this policy and who feel comfortable doing so, to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action will resolve the problem.

Investigation - All reports of prohibited conduct will be investigated promptly by management in as confidential a manner as possible. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation.

Retaliation Prohibited - Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.

Responsive Action - Misconduct constituting discrimination or harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were fabricated or exaggerated.

SICK LEAVE

Sick leave is paid time away from work due to an employee's bona fide illness or injury that prevents him/her from working, for visits to the doctor or dentist, or to care for certain family members who are ill or injured. Employees who are unable to work due to illness or injury or other situations covered by this policy must immediately notify the appropriate supervisor in accordance with the procedures adopted by their Department.

Eligibility - All full-time employees begin accruing paid sick leave on the date of hire. Part-time, temporary and seasonal employees do not accrue sick leave. An employee who is released for and offered light duty by the City, but who elects not to accept such assignment, will not be eligible for paid sick leave benefits unless otherwise required by law.

Accrual Rate - Sick leave for employees shall be computed on the basis of 104 hours per fiscal year, at the rate of 4.00 hours per pay period. If employment begins after October 1st, sick leave shall be prorated. Sick leave accrues only during pay periods in which the employee works or is otherwise on an approved paid leave status for 80 hours.

Maximum Accrual - The maximum sick leave time which may be accumulated by any employee shall be 1,040 hours.

Authorized Use of Sick Leave:

- **For the employee** - Accrued sick leave may be used for absences due to the employee's bona fide personal illness, accident, or injury that prevents him/her from working, or birth of a child (if the employee physically gave birth; otherwise use of sick leave for child birth falls under the section below).
- **For the employee's immediate family** - Sick leave may also be used for absences when the employee is needed to care for a member of his or her immediate family who is ill or injured. For purposes of this policy, "immediate family" is defined as the employee's parent, current spouse, and children/stepchildren. In the event of a life-threatening illness or injury of the employee's family member who does not meet the definition of "immediate family," the Department Director (and in the case of Department Directors, the City Manager) may allow the employee to use accrued sick leave. Sick leave may also be used by employees for their own or their immediate family's scheduled doctor and dentist appointments.
- **New Hire/Probationary**- Newly hired employees still on probationary status will not be eligible to use any accrued sick time until after their first ninety (90) days of employment.

If an employee uses sick leave in conjunction with a holiday, the employee must submit a doctor's excuse to the supervisor and/or department head for such sick day and that excuse must specifically state that the employee would not be able to work that day and the medical basis for that determination.

Minimum Increments - Sick leave must be taken in minimum increments of one hour. If less than one hour is required, the time should be made up within the same work week instead of using sick leave.

Failure to Report Absence/Abuse of Sick Leave – Supervisors are required to monitor the use of sick leave. It is anticipated that employees using paid City sick time for their own illness/injury or that of a family member will use their sick leave time to recuperate or care for their family member. Trips to the doctor or hospital stays/visits, which take the employee away from the home, are acceptable, but other personal pursuits during paid sick leave will be considered an abuse of this policy. A supervisor may at any time require satisfactory proof of the proper use of sick leave and may disallow sick leave in the absence of such proof. Evidence of abuse of leave privileges can include, but is not limited to:

- Frequent unapproved absences on Friday and/or Monday; or
- Maintaining low (24 hours or less) or zero paid leave balances; or
- Frequent unapproved absences prior to or following a holiday; or
- Any pattern of absences that can be identified by a review of leave usage.

Abuse of sick leave, including use of sick leave for anything other than an illness, injury, or doctor/dentist appointment as provided for in this policy, may result in immediate disciplinary action, up to and including termination of employment, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness due to illness, injury, or doctor/dentist appointment may be disqualified from using sick leave for their absence. Requesting to use sick leave when the requested time off is not actually needed for a bona fide personal illness, accident, injury, or medical or dental appointment is an abuse of sick leave.

The number of sick days credited is not intended to establish a guideline for acceptable attendance.

Other Employment During Sick Leave - Employees on sick leave, whether paid or unpaid, may not work a second job, including self-employment or participate in volunteer work, during the period of leave, even if they have written authorization from the City Manager to work a second job. See Outside and Self-Employment Policy for additional guidance.

Use of Other Leave - If approved by the Department Director (and in the case of Department Directors, by the City Manager), employees may use accrued vacation leave or leave of absence without pay if an employee has no accrued sick leave time. Official holidays observed by the City while an employee is on approved paid sick leave will be treated as a paid holiday, rather than a day of sick leave, if the employee is eligible for the paid holiday. Under certain circumstances and with the approval of the Department Director/supervisor, the employee may flex his/her work schedule to attend to medical or dental appointments. This is acceptable provided that work time is accurately recorded on the time sheet. For non-exempt employees, flexing the work schedule must be accounted for within the same work week.

For exempt employees, flexing the work schedule must be accounted for within the same work cycle or pay period. Under no circumstances (1) can flexing the work schedule extend beyond the affected work week for non-exempt employees or pay period for exempt employees and (2) the total of a non-exempt employee's sick leave time plus hours worked cannot exceed forty (40) hours within the same work week

Documentation - Employees requesting paid sick leave must complete a Leave request form and submit it to their supervisor for approval. An employee must present satisfactory proof of illness/injury that prevents him/her from working whenever the employee uses sick leave for 3 or more consecutive work days, and at any other time if requested by the City. An employee may also be required to present satisfactory proof of family relationship and/or satisfactory proof of a family member's illness, injury, and/or doctor/dentist appointment if the employee wishes to use accrued sick leave to care for a family member. If the employee fails to present such proof in a timely manner, use of sick leave will be disallowed and no other paid leave may be used for the absence. Whenever an employee has been away from work for more than five (5) days due to a physical or mental condition, the employee is required to provide the Human Resources Department with a doctor's statement that he or she is fit to return to duty without restrictions or listing any restrictions. Abuse of sick leave may result in discipline up to and including termination of employment.

Family and Medical Leave Act Leave - Any absence that qualifies for both Family and Medical Leave Act leave and sick leave will follow the guidelines set out in this policy and will typically be counted as both and run concurrently.

Accrued Sick Leave - As an encouragement to use sick leave only for its intended purposes, employees will receive a cash payment of 25% of the current value of any sick leave that has been accrued and unused during that fiscal year. Prior year's accruals are not eligible for payment. Accruals for this purpose will begin on October 1, 2006.

Payment for Unused Sick Leave – No cash payment for unused sick leave shall be made upon termination of employment, except as specifically provided as follows:

An employee that terminates employment for any reason other than death, or being granted a retirement or disability allowance by the Texas Municipal Retirement System (TMRS) or the Social Security Administration (SSA), shall not be paid for unused sick leave.

An employee having at least five years of service with the City who is granted a retirement or a disability allowance by TMRS or SSA, or who dies, is entitled to a partial payment for unused sick leave accrued to such employee. The partial payment to the employee or the employee's beneficiary shall be as follows: (A) an amount equal to fifty percent (50%) of the value of such accrued, unused sick leave will be paid for 5 years of service; and (B) the amount to be paid for such unused sick leave shall increase by 2% for each year of service as an employee of the City, if any if more than five years.

Disability and Accumulated Sick Leave – The City of Manor does not provide paid disability leave but makes disability insurance benefits available to its employees. The City of Manor prohibits an employee from receiving both sick leave and disability benefits simultaneously. Payment of disability benefits is done in accordance with the terms of the disability policy. It will be at the employee's discretion whether to utilize accumulated sick leave or receive disability funds in the amount of 60% of their salary if the employee is eligible for disability benefits.

Sick Leave Pool -- The City of Manor Sick Leave Pool provides a benefit to eligible employees who have exhausted accrued vacation and sick leave by a Catastrophic Injury or Illness of their own or that of an Immediate Family Member. The Sick Leave Pool will be administered by the Sick Leave Pool Committee, which consists of a Human Resource's Representative and a Director from each Department, with the City Manager having final verdict on any result.

Eligibility for Participation in the Sick Leave Pool:

- All full-time regular employees.
- Employees who are out on leave due to a work-related injury and who are receiving workers' compensation benefits and those who are on disability leave for any reason and receiving disability benefits may not withdraw leave from the Sick Leave Pool if the combination of sick leave and benefits (workers' compensation or disability) exceeds the employee's pre-injury or pre-illness compensation.

Contributions to the Sick Leave Pool:

- Contributions to the Sick Leave Pool may be made at any time on a strictly voluntary basis, by filling out a Sick Pool Donation Form.
- Eligible Employees desiring to donate time to the Sick Leave Pool must communicate in writing on the SLP Donation Form to the Human Resources Department, indicating the amount of sick leave to be donated.
- All donations to the Sick Leave Pool must be in increments of at least one hour and may not exceed 40 hours.
- After the Donation Form is received by the Human Resources Department, the number of hours donated will be credited to the Sick Leave Pool and deducted from the accrued sick leave of the employee making the contribution.
- When an employee is retiring from the City or voluntarily terminating his or her employment with the City, the employee may contribute up to 40 hours of accrued sick leave to the Sick Leave Pool.
- Contributions to the Sick Leave Pool may not be earmarked for a specific employee.

Withdrawal from the Sick Leave Pool:

- An employee may obtain a Sick Leave Pool Withdrawal Request Application if the employee or an employee's Immediate Family Member has experienced a Catastrophic Injury or Illness resulting in the exhaustion of the entire employee's accrued vacation, sick leave and any other compensatory time.
- An employee requesting leave from the Sick Leave Pool must have the Request Application turned into the Human Resources Department 14 days prior to the first day of needing the requested leave. If an employee is unable to make a written request due to the employee's own catastrophic injury or illness, an exception may be made given the circumstances, as determined by the SLP Committee. In the event the employee has not previously provided the City with a Medical Certification supporting the Catastrophic Injury or Illness underlying the need for the leave, such a Medical Certification must be submitted with the Withdrawal Application. All medical information obtained pursuant to this Policy will be maintained as confidential information by the City's Human Resource Department to the extent allowed by law.
- A determination that an employee or an employee's Immediate Family Member has a Catastrophic Injury or Illness under the Sick Leave Policy does not mean that the employee or the employee's Immediate Family Member has a "serious health condition" under the FMLA or a "disability" under the ADA. The SLP Committee will make the decision regarding approval or denial of request by any employee to make withdrawals from the Sick Leave Pool.
- If the employee feels the request denial was unjust an appeal may be granted to the City Manager with final conclusion.
- An employee may not withdraw an amount of sick leave that exceeds 240 hours (six weeks of pay) or one-third (1/3) of the total amount of time in the Sick Leave Pool.
- Employees are limited to one withdrawal request per fiscal year.
- Employees do not accrue any form of paid leave while using leave from the Sick Leave Pool. An employee who is out on leave from the Sick Leave Pool will be treated in all respects as an employee who is out on regular sick leave.
- Requests for withdrawal of leave are handled by SLP Committee on a first come, first serve basis with all decisions being made within ten (10) working days of receipt of the written request.
- If an employee returns to work without having used all the leave time obtained from the Sick Leave Pool, all unused leave time must be returned to the Sick Leave Pool.
- Once employee has returned to work, after the first 30 days and sick time is again being accrued, payment of used Sick Leave Pool time will be paid back in increments of one hour per month up to 40 hours.
- The estate of a deceased employee is not entitled to payment for unused time withdrawn by the employee from the Sick Leave Pool.

Definitions:

- “Catastrophic Injury or Illness” means a severe condition or combination of conditions affecting the mental or physical health of the individual that requires the services of a licensed practitioner for a prolonged period and that forces the employee to exhaust all the employee’s accrued leave time. The uncomplicated delivery of a child after a pregnancy and elective surgery are not considered a Catastrophic Injury or Illness.
- “Immediate Family Member” means parent, child, or spouse of the employee and includes step-parents and step-children as well as foster children certified by the Texas Department of Child Protective and Regulatory Services.



Sick Leave Pool Withdrawal Request Application

SLP Information

Employee Name: _____

Job Title: _____

Department: _____

Director: _____

Dates Requested: _____ to _____ Total Hours Requested: _____

☐ Family Medical Leave forms have been submitted to the Human Resources Department. (If applicable)

I have ☐ I have not ☐ received an award of Sick Leave Pool for this same catastrophic condition before.

☐ All other available leave, vacation and compensatory time has been exhausted. (If any) Date: _____

This request is for self ☐ immediate family member ☐

If family member- Name: _____ Relationship: _____

You must submit an application 14 days prior to the first day you will be needing the requested leave.

Employee: _____ Date: _____

Committee Approval

☐ Approved

☐ Rejected

HR Coordinator: _____ Date: _____

Finance Director: _____ Date: _____

Public Works Director: _____ Date: _____

Chief of Police: _____ Date: _____

☐ Appeal to City Manager

Date: _____



City Manager Summary

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on the right side, suggesting it's resting on a surface.

[] *Approved*

[] Rejected

City Manager: _____ Date: _____



Sick Leave Pool Donation Form

SLP Information

Employee Name: _____
 Job Title: _____
 Department: _____
 Director: _____

Donation- Active Employees Only

I wish to contribute _____ (number) hours of sick leave to the Sick Leave Pool

Note: Active (retirement-eligible) employees may donate up to 40 hours of sick leave per fiscal year.

In making this donation, I understand that it is strictly voluntary, for use by any eligible employee and I may not stipulate who may or may not receive this donation, and no longer my property right and that my sick leave balance will be reduced by a corresponding amount.

Annual Donation Option: I elect to have this contribution made annually on September 1 of each year until I cancel this option: ☐ Yes ☐ No

Employee: _____ Date: _____

Donation- Separation from Service or Retirement Option

Upon my separation from service from the City of Manor I wish to contribute _____ (number) of hours of sick leave to the Sick Leave Pool. (up to 40 hours).

In making this donation I realize that if I return to employment with the City of Manor in another department I will not be able to reinstate the donated sick leave hours.

Employee: _____ Date: _____

Cancel Donation

Please cancel my request for annual donation to the Sick Leave Pool effective immediately. I understand no further contributions will be deducted from my sick leave until a new request form is signed.

Employee: _____ Date: _____



Request for Leave

| | |
|----------------------------|--|
| Employee Name: | |
| Department: | |
| Dept. Head: | |
| Balance of Leave requested | |
| | |

| Leave Type (S) Sick (V) Vacation (P) Personal day | Start Date | End Date | Days | Hours with Pay | Hours without Pay |
|---|------------|----------|------|----------------|-------------------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

**** All requests for vacation will be made a minimum of 10 days in advance, except in cases of an emergency****

| |
|--|
| |
|--|

Employee Signature: _____ Date: _____

Approved by: _____ Date: _____

☐ Denied due to: _____

SMOKING

The City of Manor prohibits its employees from smoking tobacco products and using any and all smokeless tobacco products including electronic cigarette (e-cig or e-cigarette), personal vaporizer (PV) or electronic nicotine delivery system (ENDS) (hereinafter “smoking products”) while in City-owned buildings, facilities, or vehicles/equipment. Use of smoking products is authorized in an area at least fifteen (15) feet away from an entrance to a City building.

The City of Manor acknowledges the serious documented health hazards from exposure to smoking products; therefore, it will be the policy of the City of Manor to provide an environment free of smoking products for every employee and visitor.

An **electronic cigarette (e-cig or e-cigarette)**, **personal vaporizer (PV)** or **electronic nicotine delivery system (ENDS)** is a battery-powered vaporizer which has a similar feel to tobacco smoking. Electronic cigarettes do not contain tobacco, although they do use nicotine from tobacco plants. They do not produce cigarette smoke but rather an aerosol, which is frequently but inaccurately referred to as vapor. In general, they have a heating element that atomizes a liquid solution known as e-liquid. E-liquids are usually a mixture of propylene glycol, glycerin, nicotine, and flavorings. Others have similar ingredients but without nicotine.

SOCIAL SECURITY

All employees of the City are covered under the Federal Insurance Contributions Act (FICA). This government insurance provides retirement, disability and death benefits. This insurance is financed by social security taxes which are paid through payroll deductions by the employee and matched by the City.

SOLICITATION

Solicitation of funds or anything of value for any purpose whatsoever shall not be permitted of or by City employees on the job except with the express approval of the City Manager. No employee may be required to make any contribution nor may an employee be penalized in any way concerning his or her employment according to his or her response to a solicitation.

No employee shall personally accept or solicit property, service, or other thing of value in excess of \$50 from a person, business entity or other organization regulated by, contracting with, or having any other business relationship with the City department of which the employee is a member. No employee shall personally accept or solicit cash or a negotiable instrument regardless of the amount.

Please refer to the Gifts Policy for further limitations on gifts to City employees.

TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS)

Currently, the City of Manor provides retirement benefits to its employees through the Texas Municipal Retirement System (TMRS). The Employee contributes 7% of gross compensation and the City matches the employees contribution on a 2 to 1 ratio with the City's contribution being calculated using a variety of factors such as length of service, age, etc. Employees are vested when they earn five years of service which means they are eligible to receive the City's contribution upon retirement. All regular full-time and regular part-time employees are required to participate in the Texas Municipal Retirement System.

TRAVEL

The City shall pay actual necessary transportation and living expenses for an employee or City official traveling on City business. It is the City's policy to pay for, or reimburse, all **reasonable and necessary** expenses incurred by an employee when the employee travels on City-related business in accordance with this policy.

Transportation - The most efficient and economical mode of travel must be used. Air travel arrangements are to be made by each department. Air travel must be booked at the most discounted fare basis whenever possible. Departmental employees with access to City vehicles and gas cards are required to utilize them for all City travel when cost-efficient. When authorized, an employee using a personal vehicle on City business shall be paid an amount per mile; equivalent to the current rate paid by the State to its employees, or shall be paid the equivalent of a coach airline fare, whichever results in the lower cost to the City. Reimbursement for mileage will be determined based on the distance from the employee's office to the travel destination. The employee shall submit a map demonstrating travel distance in order to receive reimbursement for mileage.

In instances of approved private vehicle use, reimbursement will also be made for mileage tolls and parking fees. Receipts are required for toll and parking fees, as well as for taxi cabs, limos, and other modes of transportation. The City will pay for rental vehicles upon written approval of the City Manager.

When employees travel on the same dates with the same itinerary, they must coordinate travel. When four or fewer employees travel on the same itinerary, only one may be reimbursed for mileage. When more than four employees travel on the same itinerary, only one out of every four may be reimbursed for mileage, unless authorized in writing by the City Manager.

Expenses for mileage shall be pre-paid for overnight training only.

Travel Approval – All travel must be approved in advance by the employee's Department Director (or designee) by filling out a Travel Request Form, unless otherwise stated in this policy.

Lodging - Lodging is allowed only for multi-day events where the training and travel status would exceed twelve (12) hours.

Expenses for lodging are to be at the single room rate, unless an employee is approved in advance for double occupancy. Extra charges for room service will not be paid by the City. An itemized hotel receipt must be provided including an itemization for any room service charges to be paid/ reimbursed by the City.

Meal Allowance – Expenses for meals shall be pre-paid for overnight training only. The employee must complete a reimbursement/per diem form. If the meal is included in a conference registration fee or replaced by a legitimate business meal it is to be deducted from the daily rate. All other meal allowances will be reimbursed at actual cost as supported by detailed receipts. A detailed receipt (a credit card receipt listing the total amount due is not considered a detailed receipt) must accompany the request for reimbursement/per diem form.

Reimbursement shall not exceed \$10 for breakfast, \$15 for lunch, and \$30 for dinner, the base rate per Section 301-11.18 of the Federal Travel Regulation.

Meals eligible for reimbursement include:

- If you depart City of Manor before 7:00 a.m. and return after 9:00 a.m., breakfast is allowed.
- If you depart City of Manor before 11:00 a.m. and return after 1:00 p.m., lunch is allowed.
- If you depart City of Manor before 5:00 p.m. and return after 7:00 p.m., dinner is allowed.

The City of Manor will reimburse in accordance with this policy for meals that are associated with business travel.

The City will not pay for meals for individuals who are not employed by the City of Manor except with the written approval of the City Manager stating the business purpose of the meal. If an exception is granted, an itemized meal receipt with attendee names must be attached to the Employee Expense Report.

Social, recreational, or optional conference functions that are separately ticketed events, not included in the base conference registration fee, are not subject to reimbursement or payment by the City.

Meal related tips are included in the reimbursement rate total. The City will not pay for gratuity in excess of 20%.

Non-Allowable Expenses - Expenses or charges for the following will normally not be reimbursed and must be paid for by the employee:

- In-hotel pay television and movies;
- Dry cleaning and laundry;
- Health club and spas;
- Expenses of a spouse or any person not on City business;
- Alcoholic beverages;
- Personal long-distance telephone calls;
- Excess baggage charge for personal belongings;
- Entertainment costs, expenses or fees; and
- Other items of a personal nature.

Request for Reimbursement and Return of Unexpended Funds - Upon return to the City, the employee may submit a reimbursement for parking and other authorized charges. A detailed receipt must accompany the request for reimbursement. Any receipts for charges applied to the city credit card must be detailed and submitted to the Director.

Travel to Training - The current mileage reimbursement will be paid to employees who must use their personal vehicles to travel to a training destination further than their designated work location or other City locations and/or facilities unless the employee receives a vehicle allowance. Reimbursement will be made only for the difference in miles from the normal work location to the further training location.

Expenses Not Covered in Policy - The City Manager's approval must be obtained prior to any expenditure of funds for items or changes which are not specifically addressed in the travel policy.

Compliance - Abuse of this policy, including falsifying expense reports or submitting false claims, will result in disciplinary action, up to and including termination of employment.

Vehicle Allowance – At the discretion of the City Manager, certain employees may be eligible to receive a monthly vehicle allowance in lieu of receiving actual mileage reimbursement. The monthly vehicle allowance is intended to cover expenses of driving a vehicle on City business in the Manor/Austin area.

FLSA "Hours Worked"— For purposes of computing the total number of hours worked by an employee during a single work week:

- Time spent commuting to and from work are not "hours worked."
- Any time spent traveling during the employee's normal workday is "hours worked."
- When an employee is requested to travel from his or her normal workplace during a single business day, all of the time spent in travel and work on that day is counted as "hours worked" except for the lunch hour (unless work is actually performed at that time) and time spent in commuting to and from the normal workplace if the employee is required to begin and/or end the day trip at the normal workplace.
- When an employee makes an overnight trip for the City, time spent traveling to and from the airport or other means of public transportation as well as time spent as a passenger in traveling on an airplane, train, boat, bus, or automobile will not count as "hours worked" unless the time spent is during the employee's normal work day.
- If an overnight trip requires the employee to travel on a Saturday or Sunday, hours spent in travel during what would be the employee's normal working hours will be considered "hours worked." For example, if an employee normally works from 8:00 a.m.

to 5:00 p.m. Monday through Friday and is required to travel during those hours on a Saturday or Sunday in order to go to or return from an overnight trip for the City, travel time during those hours will be counted as “hours worked” on the Saturday or Sunday.

- If an employee requests to be able to drive a personal vehicle instead of taking public transportation when requested to travel away from home, the City will count as “hours worked” the same amount of time that would have been counted as “hours worked” if the employee had taken the public transportation.
- If an employee makes an overnight trip to a destination for which there is no public transportation available, time spent driving to and from the destination that is outside of the employee’s normal workday will be counted as “hours worked.” Time spent traveling as a **passenger** in a personal automobile is not counted as “hours worked” unless the hours are within the normal workday.

All aspects of the travel policy will adhere to the guidelines in the purchasing policy.



TRAVEL REQUEST FORM

| | |
|------------------|--|
| Employee's Name: | |
| Date: | |
| Job Title: | |
| Department: | |

Name of Conference/Meeting _____

Destination _____ Dates _____

Purpose for travel/ Justification for attending and benefit to the City of Manor:
(Attach a copy of conference/meeting information)

Registration Fee: \$ _____

Fares: \$ _____

Hotel: \$ _____

Meals (Do not include meals served as part of the Registration Fee) \$ _____

TOTAL Estimated Travel Expenses \$ _____

Estimated Travel Expenses charged to city credit card \$ _____

Estimated Travel Expenses reimbursed to Employee \$ _____

Estimated Travel Expenses paid to Other _____ \$ _____

Employee: _____ Date: _____

MANAGER/SUPERVISOR ACTION

☐ Request Approved

☐ Request Denied

Supervisor/Manager: _____ Date: _____

Department Director: _____ Date: _____

CITY OF MANOR REIMBURSEMENT/PER DIEM FORM

| | |
|---------------------------------|--------------------------|
| Name | Date Submitted |
| Department | Employee Signature |
| Reimbursement Per Mile = \$0.58 | Approved by Dept. Head |
| Total Reimbursement Due: | Approved by City Manager |

**** PLEASE TAPE ALL RECEIPTS TO A BLANK PAPER WITH EXPLANATION IF NECESSARY*****

TRAVEL EXPENSES:

| Date | Description of Expenditure (Meals, Hotels, Air Fare, etc.) | Mileage | Miles x \$0.58 | Receipt Totals | GL Distribution | Total \$ |
|--------|--|---------|----------------|----------------|-----------------|----------|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| Totals | | | | | | |

REIMBURSEMENT:

| Date | Description of Items Purchased | Cost | Receipt Totals | GL Distribution | Total \$ |
|--------|--------------------------------|------|----------------|-----------------|----------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| Totals | | | | | |

EDUCATION:

| Date | Name of Seminar or School | Cost | Receipt Totals | GL Distribution | Total \$ |
|--------|---------------------------|------|----------------|-----------------|----------|
| | | | | | |
| | | | | | |
| | | | | | |
| Totals | | | | | |

Item A.

UNPAID LEAVE OF ABSENCE

In extraordinary circumstances, the City may grant employees an unpaid leave of absence (LOA). All requests for LOA must be submitted on the Leave Request form and must be authorized by the City Manager. The employee may seek extensions of leave, up to a maximum of six months away from work. This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act. A LOA will not be authorized unless there is a reasonable expectation that the employee will return to employment with the City at the end of the approved leave period.

Use of All Other Available Leave – All accrued leave, compensatory time, and FMLA leave (if applicable) must be exhausted and runs concurrently with an authorized Leave of Absence. The six-month maximum absence includes all paid and unpaid days of leave.

Criteria - Factors considered by the City in granting a LOA include the reason for the leave; departmental work requirements; the employee's length of service, work performance and disciplinary history.

Reasons for LOA - A LOA may be considered in the following circumstances:

- Recovery from extended illness, injury or temporary disability.
- Extended care for immediate family members.
- Educational purposes when successful completion will contribute to the work of the City.
- Public service assignment.
- Personnel exchange programs which emphasize intergovernmental relations.

Documentation - Requests for LOA without pay must be made in writing to the employee's supervisor as far in advance as possible prior to the requested leave date. Requests for an extension of leave must also be in writing and submitted to the Department Director, who will forward the request to the City Manager's office and the Human Resources Department. The need for a medical LOA must be supported by documentation acceptable to the City, including but not limited to a doctor's explanation of why the employee cannot perform his/her duties, when he/she is expected to return to work, and periodic updates regarding the employee's ability or inability to return to work. The Human Resources Director and/or City Manager may require that the employee on leave periodically contact a designated supervisor to report on his/her condition or status. Before returning to work from a medical LOA, the employee may be required to submit a letter from his or her doctor stating that the employee is able to resume his or her normal job duties. The City may also impose additional return to work requirements as set out in the City's Health/Fitness policy.

Other Employment During Leave - Under no circumstances may an employee on an authorized LOA without pay work another job, whether for pay, as a volunteer or as self-employment, unless expressly authorized in writing by the Department Director and the Human Resources Department.

Reinstatement - Employees returning from a LOA will be reinstated to their same position if the position is available. If the employee's previous position is not available, the City will use its best efforts to place the employee in a position of similar pay and status. If the same job or one of similar pay and status is not available, reinstatement may, at the City's discretion, be deferred until a position is available. If reinstatement to an employee's previous position is required by law, the City will comply with the law. An employee who fails to return to work at the conclusion of an approved LOA will be considered to have voluntarily resigned his or her employment with the City.

Benefits/Premium Payments - All LOA's are unpaid except for any period in which accrued, paid leave is used during the LOA. Vacation, sick leave, holiday pay, and other benefits do not accrue during an unpaid LOA. Any benefit continuation during a LOA must be approved in advance by the Human Resources Department and the City Manager.

Any insurance premiums, or partial premiums, normally paid on behalf of the employee by the City will not be paid by the City beginning the first day of the month following the starting date of a LOA. Employees who have group health or any other kind of insurance through the City continue to be responsible for paying their portion of the premiums while on a LOA. An employee's failure to pay either his or her or the City's portion of insurance premiums during a LOA may result in cancellation of coverage.

Revocation - The City Manager may revoke authorized leave without pay at any time. Failure to return to work after the expiration of an authorized LOA or failure to provide required medical status reports, physician's statements, or to contact the City per the required schedule, will likely result in revocation of the LOA and/or disciplinary action up to and including dismissal.

VACATION LEAVE

Regular full-time employees accrue vacation leave each pay period at a rate of 3.69 hours for each pay period worked which yields 96 hours or 12 work days annually:

- After five years of employment, regular full-time employees shall earn 4.62 hours each pay period worked which yields 120 hours or 15 work days annually.
- After ten years of employment, regular full-time employees shall earn 6.15 hours each pay period worked which yields 160 hours or 20 work days annually.
- After fifteen years of employment, regular full-time employees shall earn 7.69 hours each pay period worked which yields 200 hours or 25 work days annually.
- After twenty years of employment, regular full-time employees shall earn 9.23 hours each pay period worked which yields 240 hours or 30 work days annually.

Employees may not “borrow” unearned vacation time; employees may receive payment of vacation in lieu of taking time off, as approved by the City Manager except as provided below.

Regular part-time, temporary, and seasonal employees do not earn vacation leave. Official City-observed holidays occurring while an employee is on approved paid leave are considered paid holidays and do not affect vacation leave balances. Paid vacation leave is not considered hours worked for purposes of performing overtime calculations. Only scheduled working days taken off shall be counted as vacation days.

Newly hired employees still on probationary status will not be eligible to use any accrued vacation time until after their first ninety (90) days of employment. If separated from employment during the probationary period (six-month training) payment of any accrued hours will be voided.

Use and Scheduling of Vacation Leave - Vacation leave is an earned benefit intended to provide employees with paid time away from the work environment to pursue activities that will promote the well-being of the individual. Vacation leave may also be used for purposes of attending to personal business, extension of sick leave when sick leave is exhausted, inability to get to work because of inclement weather, or for other purposes, and may be taken in hourly increments. Employees will complete a Leave Request form to be eligible for any vacation leave, if the form is incomplete or is not submitted in a timely manner, or the employee has not accrued the amount of time being requested, the request will be returned to the employee or to the supervisor who will notify the employee that it is unaccepted. All employees must make sure they have an approved Leave Request form on file before leaving for vacation.

All requests for vacation will be made a minimum of 10 days in advance.

Employees with seniority will have first option to request a vacation time slot, but that request must be submitted no later than April 15th each calendar year, after that, vacation requests will

be approved on a first come first serve basis.

Department Directors must be certain that vacations do not interfere with the normal functions and activities of department operations. No more than ten consecutive work days of vacation time may be taken off, unless the City Manager grants an exception. Non-exempt employees may not be paid over 40 hours including the vacation leave within the same work week.

Maximum Accruals – The maximum number of vacation hours that may be accumulated from one fiscal year to the next is 510 hours. Once the maximum number of vacation hours have accumulated you will no longer accrue time until the total number hours fall under 510. If the needs of the City and/or Department preclude the taking of a scheduled vacation, the Department Director may defer an employee's scheduled vacation leave. In such cases, the Department Director may seek approval from City Manager to pay an employee for "deferred" vacation (vacation that was unable to be taken by the employee due to an operational necessity of the City) but this is determined on a case by case basis and at the sole discretion of the City Manager.

Compensation for Vacation Leave - Vacation is paid at the employee's base rate at the time of vacation. It does not include overtime or any special forms of compensation. Vacation time is paid only for hours the employee would ordinarily have worked. Employees will not be paid for any unused vacation, except upon separation of employment, or if an employee is precluded from taking a scheduled vacation due to City and/or department needs as set out above. Upon termination, retirement, or resignation an employee shall be paid for accrued vacation leave up to a maximum of 510 hours at the rate of pay the employee was receiving at the employee's estate.

Definitions

Compensable Hours - The hours worked or taken in a pay period must equal 80 hours for full-time employees before vacation hours will be accrued.

Vacation Day – A "vacation day" is defined as a period of exemption from work granted for all regular full-time employees. Employees are not required to take a full day of vacation; they may take vacation in one-hour increments.



Request for Leave

| | |
|----------------------------|--|
| Employee Name: | |
| Department: | |
| Dept. Head: | |
| Balance of Leave requested | |
| | |

| Leave Type (S) Sick (V) Vacation (P) Personal day | Start Date | End Date | Days | Hours with Pay | Hours without Pay |
|---|------------|----------|------|----------------|-------------------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

** All requests for vacation will be made a minimum of 10 days in advance, except in cases of an emergency**

| |
|--|
| |
|--|

Employee Signature: _____ Date: _____

Approved by: _____ Date: _____

☐ Denied due to: _____

VALID DRIVER'S LICENSE

The City requires that every employee who operates a City owned [or leased] vehicle, or who drives a privately-owned vehicle while carrying out job duties, must maintain a current valid Texas driver's license and an acceptable driving record as determined by the City.

Driving records will be checked prior to employment and periodically throughout the course of employment. More than 3 moving traffic violations that result in final convictions in a 24-month period is considered excessive and will result in failure to hire in the case of prospective employees, and will likely result in disciplinary action, up to and including termination, of an active employee. The Police Department may have stricter standards imposed.

Employees are required to report any driving citation received or driver's license suspensions to their Department Directors within twenty-four (24) hours of the suspension or citation. The City shall not be responsible for the payment or defense of such a citation received if received while on duty. The severity of a citation and/or the frequency of receiving citations may result in disqualifying an employee from operating city vehicles or equipment. This may result in disciplinary action including termination if driving is an essential function of the employee's job.

When a special classification of driver's license is required to operate City equipment, it is the employee's responsibility to maintain the required license.

VOLUNTEERS

All City volunteers are subject to this Employee Policies & Procedures Handbook except that volunteers are not entitled to any employee benefits including paid leave and may not utilize the Complaint Resolution process.

WEAPONS CONTROL

The City strives to provide a safe and secure working environment for its employees. This policy is designed to help prevent incidents of violence from occurring in the workplace and to provide for the appropriate response when and if such incidents do occur.

Zero Tolerance - Harassment, intimidation, threats, threatening behavior, violent behavior or acts of violence between employees or such action between an employee and another person that arises from or is in any manner connected to the employee's employment with the City, whether the conduct occurs on duty or off duty, is prohibited.

City's Response to Threats or Acts of Violence - The City will attempt to respond appropriately to any person who threatens use of force or violence or threatens an unlawful act, exhibits threatening behavior, or engages in violent acts. The City's response will normally be coordinated by the Human Resources Department, and where applicable, the City's Police Department or other appropriate law enforcement agency. The Human Resources Department will evaluate the severity of the situation and the need for additional resources (*e.g.*, law enforcement, Emergency Medical Services) to minimize risk and further violence, and will work with the appropriate Department Director(s) in an effort to ensure that appropriate administrative actions are taken. If such conduct occurs on City property, the offending person will typically be removed from the premises pending the outcome of an investigation. The City may also suspend and /or terminate the employment relationship, reassign job duties, mandate counseling with a psychologist or other mental health care provider of the City's choosing, initiate criminal prosecution of the person or persons involved, and/or other actions as determined by the City to be appropriate under the circumstances.

No existing City policy, practice, or procedure will be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing.

Weapons Control - No employee, other than a City licensed peace officer, shall carry or possess a firearm or other prohibited weapon on City property. Prohibited weapons include firearms, clubs, explosive devices, knives with blades exceeding 5 ½ inches, switchblades, etc. Employees do not have an expectation of privacy and the City retains the right to search for firearms or other weapons on City property.

Mandatory Reporting - Each City employee must immediately notify his/her supervisor, Department Director, the Human Resources Department and /or the Police Department of any act of violence or of any threat involving a City employee that the employee has witnessed, received, or has been told that another person has witnessed or received. Even without an actual threat, each City employee must also report any behavior that the employee regards as threatening or violent when that behavior is job-related or might be carried out on City property, a City- controlled site or City job site, or when that behavior is in any manner

connected to City employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the target of the threatening behavior. A supervisor who is made aware of such a threat or other conduct must immediately notify his/her Department Director and the Human Resources Department.

Protective Orders - Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas must immediately provide to the Human Resources Department and the City's Police Department a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. City employees must immediately advise their Department Director and the Human Resources Department of any protective or restraining order issued against them.

Confidentiality - To the extent possible, while accomplishing the purposes of this policy, the City will respect the privacy of reporting employees and will treat information and reports confidentially. Such information will be released or distributed only to appropriate law enforcement personnel, City management, and others on a need-to-know basis and as may otherwise be required by law.

City Property - For purposes of this policy, City property includes but is not limited to owned or leased vehicles, buildings and facilities, entrances, exits, break areas, parking lots and surrounding areas, recreation centers, swimming pools, and parks.

Documentation - When appropriate, threats and incidents of violence will be documented. Documentation will be maintained by the Human Resources Department and/or the Police Department.

Policy Violations - Violations of this policy may lead to disciplinary action, up to and including termination of employment. Policy violations may also result in arrest and prosecution.

ACKNOWLEDGMENT OF RECEIPT AND UNDERSTANDING

The undersigned employee of the City of Manor, Texas, hereby acknowledges that I have received or know where to locate a full, current, and complete copy of the City of Manor's Personnel Policies & Procedures Handbook, and if a uniformed officer the Police Personnel Policy Manual; that I understand such policies; and further that I have had opportunity to ask questions about the terms, provisions, meanings, application, and enforcement thereof.

I have also read and understand the following Statement of Policy by the City of Manor.

"The City of Manor is an at-will employer, and all employees are subject to termination for any reason or no reason at all, either voluntarily or involuntarily. I understand that this policy manual is a general guide and that the foregoing provisions of this policy manual do not alter my at-will employment or constitute an employment agreement or contract, nor does it guarantee continued employment. I understand the City of Manor reserves the right to change, modify, add or eliminate any provisions within this policy manual at any time without notice. I understand that the provisions contained in this policy manual are applicable to me. Any promises made to me, which conflict with the provisions of this manual, are effective only if in writing and signed by the City Council. I further understand that employees shall have the right to administratively appeal and file grievances with respect to disciplinary decisions and actions affecting their employment; provided that, consistent with such policy, the decision of the City Manager shall be final, subject only to an appeal to the City Council by city officers who are appointed by the City Council as provided in the Personnel Policy and the City Charter. The decision of the City Manager or the City Council, as applicable, shall be final and unappealable."

I understand the City will attempt to apply its policies and regulations in a fair and impartial manner. However, I also understand such policies and regulations do not create any contract or due process rights for employees; are intended as a guide only for use and application within the City organization; and that a decision by the City Manager or the City Council, as applicable, with respect to any employment issue controlled by such policies and regulations, will be final and unappealable.

Date Signed: _____

[Signature of Employee]



Last updated:

City of Manor History

The City of Manor, founded in 1872, was located on the Houston and Texas Central Railway, giving residents easy access to markets. The City was named for James B. Manor who settled on Gilleland Creek, west of present-day downtown Manor. By the mid-1880s Manor had a district school, three churches, six general stores, and a population of 125. Cotton, cottonseed, and grain were the principal commodities shipped from the area. The community grew rapidly in the late nineteenth and early centuries, with population estimates reaching 500 by 1892 and 900 by 1914. In the late 1920s, Manor had 1,000 residents but the onset of the Great Depression led to a decline. Manor continued to serve as a commercial center for area farmers, many of whom used the railroad to ship livestock and dairy products. Based on the Decennial Census, the 2000 population was 1,200 persons. Today, the City of Manor's population exceeds an estimate of 12,000 residents.

Over the next decade, the City of Manor is poised to see explosive growth as its proximity to Austin, its affordable land, and its location at an interchange of the SH130 toll-road set the stage for this growth. Many new subdivisions offer a variety of housing types for first-time home buyers to retirees. In addition, the possibility that the still-active rail line might be used for commuter rail has increases Manor's growth prospects.

In conjunction with the current boom in residential growth, commercial retail and service providers are discovering that the City of Manor has affordable land, along with streamlined development processes created to welcome new development.

Your City Government

The City of Manor is a "Home-Rule" city which operates as Council-Manager form of government. Manor's governing body is made up of six Council Members and the Mayor, all of whom have an equal vote in making decisions for the City. The Mayor and the Council Members are elected at-large, by Place. Each seat on the council, except for the position of mayor, are numbered as Place 1 through Place 6. The Council Member occupying a particular seat is identified by the Place number assigned to that council seat.

Welcome

Welcome to City of Manor! We are delighted that you have chosen to join our organization and hope that you will enjoy a long and successful career with us. As you become familiar with our culture and mission, we hope you will take advantage of opportunities to enhance your career and further the City's goals.

You are joining an organization that has a reputation for outstanding leadership, innovation, sustainability, and diversity. Our team uses their creativity and talent to invent new solutions, meet new demands, and provide quality services. With your active involvement, creativity, and support, the City will continue to achieve its goals. We sincerely hope you will take pride in being an important part of City's success.

Please take time to review the policies contained in this handbook. If you have questions, feel free to ask your supervisor or to contact the Human Resources (HR) department.

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****This personnel policy should not be considered all-inclusive. The absence of a specific policy covering any act of the employee of the City of Manor does not mean that act is condoned, permissible, or would not call for disciplinary action.**

****This Personnel Policies & Procedures Handbook does not constitute a contract of employment. Nothing in this handbook is intended to alter the continuing at-will status of employment with the City.**

Equal Opportunity and Commitment to Diversity

1.1 Employment at Will

Employment in the City is on an at-will basis unless otherwise stated in a written individual employment agreement signed by the City Manager.

This means that the employee or the City may terminate the employment relationship at any time, for any reason, with or without notice.

Nothing in this employee handbook creates or is intended to create an employment agreement, express or implied. Nothing contained in this, or any other document provided to the employee, is intended to be, nor should it be, construed as a contract that employment or any benefit will be continued for any period. In addition, no City representative is authorized to modify this policy for any employee or to enter into any agreement, oral or written, that changes the at-will relationship.

Any salary figures provided to an employee in annual or hourly terms are stated for convenience or to facilitate comparisons and are not intended to and do not create an employment contract for any specific period.

Nothing in this statement is intended to interfere with, restrain, or prevent concerted activity as protected by the National Labor Relations Act (NLRA). Such activity includes employee communications regarding wages, hours, or other terms or conditions of employment. City employees have the right to engage in or refrain from such activities.

City Council must approve amendments and additions to the Personnel Policies & Procedures Handbook. The Human Resource Department produces all personnel policies, while the City Manager is responsible for the implementation of the policies.

1.2 Equal Opportunity

The City provides equal employment opportunities to all employees and applicants for employment without regard to race, color, creed, ancestry, national origin, citizenship, sex or gender (including pregnancy, childbirth, and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, religion, age, disability, genetic information, service in the military, or any other characteristic protected by applicable federal, state, or local laws and ordinances. Equal employment opportunity applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

The City expressly prohibits any form of unlawful employee harassment or discrimination based on any of the characteristics mentioned above. Improper interference with the ability of other employees to perform their expected job duties is not tolerated.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Human Resources Department. The City will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. Employees who feel they have been subjected to any such retaliation should bring it to the attention of their direct Supervisor and the Human resources Director.

1.3 Commitment to Diversity and Inclusion

The City of Manor is committed to creating, fostering, cultivating, and preserving a workplace culture in which all employees can participate and contribute to the success of the operations and are valued for their skills, experience, and unique perspectives. This commitment is embodied in the City's policy and how we do business and is an essential principle of sound management.

The City's diversity initiatives are applicable—but not limited—to our practices and policies on recruitment and selection, compensation and benefits, professional development and training, promotions, transfers, social and recreational programs, layoffs; terminations, and the ongoing development of a work environment built on the premise of gender and diversity equity that encourages and enforces:

- Promoting open, effective communication, as well as clear channels for feedback for all employees.
- Establish clear written employment policies and guidelines that address penalties for discriminatory treatment or behavior, harassment, and retaliation.
- Established a transparent process for reporting behaviors that violate these policies.
- Provide training opportunities for all personnel to ensure their commitment to recognizing and avoiding conscious and unconscious bias towards any persons with whom they have contact.
- Establish and maintain staff resources committed to the implementation and coordination of the City of Manor strategic initiatives.
- Employees who believe they have been subjected to discrimination that conflicts with the company's diversity policy and initiatives should seek assistance from a supervisor or the Human Resources Director.

1.4 Americans with Disabilities Act (ADA) and Reasonable Accommodation

The City of Manor is committed to the fair and equal employment of individuals with disabilities under the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act as Amended (ADAAA). It is the City's policy to provide reasonable accommodation to qualified individuals with disabilities unless the accommodation imposes an undue hardship on the City. The City of Manor prohibits any harassment of, or discriminatory treatment of, employees or applicants based on a disability or because an employee has requested reasonable accommodation.

Under the ADA and ADAAA, reasonable accommodations will be provided to qualified individuals with disabilities to enable them to perform the essential functions of their jobs or to enjoy equal benefits and privileges of employment. An employee or applicant with a disability may request accommodation from the HR department and should specify in writing what accommodation is needed to perform the job and submit supporting documentation explaining the basis for the requested accommodation to the extent permitted and under applicable law. The Human Resources Director then will review and analyze the request within a reasonable amount of time, including engaging in an interactive process with the employee or applicant, to identify if such an accommodation can be made or if any other possible accommodations are appropriate. If requested, the employee is responsible for providing medical documentation regarding the disability and possible accommodation. All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential, maintained in separate medical files, and disclosed only as permitted by law.

It is the policy of the City to prohibit harassment or discrimination based on disability or because an employee has requested reasonable accommodation. The City of Manor prohibits retaliation against employees for exercising their rights under the ADA and ADAAA or other applicable civil rights laws. Employees should use the procedures described in the Harassment and Complaint Procedure to report any harassment, discrimination, or retaliation they have experienced or witnessed.

The City will endeavor to make a reasonable accommodation of an otherwise qualified applicant or employee related to an individual's physical or mental disability, sincerely held religious beliefs and practices, and/or any other reason required by applicable law, unless doing so would impose an undue hardship upon The City's continuity of operations.

1.5 Harassment and Complaint Procedure

It is the City's policy to prohibit intentional and unintentional harassment of or against job applicants, contractors, interns, volunteers, or employees by another employee, supervisor, vendor, customer, or third party based on actual or perceived characteristics including, but not limited to, race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or

gender (including pregnancy, childbirth, and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information, or any other characteristic protected by applicable federal, state, or local laws. The City of Manor will not tolerate such conduct.

Furthermore, retaliation against an individual who has complained about sexual or other harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. The City will take all reasonable steps to prevent and eliminate unlawful harassment and retaliation.

Definition of “unlawful harassment.” “Unlawful harassment” is conduct that has the purpose or effect of creating an intimidating, hostile, or an offensive work environment; has the purpose or effect of substantially and unreasonably interfering with an individual’s work performance; or otherwise adversely affects an individual’s employment opportunities because of the individual’s membership in a protected class.

Unlawful harassment includes, but is not limited to, epithets; slurs; jokes; pranks; innuendo; comments; written or graphic material; stereotyping; or other threatening, hostile, or intimidating acts based on actual or perceived characteristics including, but not limited to race, color, ancestry, national origin, gender, sex, sexual orientation, marital status, religion, age, disability, veteran status, or another characteristic protected by state or federal law.

Definition of “sexual harassment.” While all forms of harassment are prohibited, special attention should be paid to sexual harassment. “Sexual harassment” can include all the above actions, as well as other unwelcome conduct, and is generally defined under both state and federal law as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature whereby:

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

Other sexually oriented conduct, whether intended or not, that is unwelcome and has the effect of creating a work environment that is hostile, offensive, intimidating, or humiliating to workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct that, if unwelcome, may constitute sexual harassment depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwanted sexual advances, whether they involve physical touching or not.

- Sexual epithets; jokes; written or oral references to sexual conduct; gossip regarding one's sex life; comments about an individual's body; and comments about an individual's sexual activity, deficiencies, or prowess.
- Displaying sexually suggestive objects, pictures, or cartoons.
- Unwelcome leering, whistling, brushing up against the body, sexual gestures, or suggestive or insulting comments.
- Inquiries into one's sexual experiences; *and*
- Discussion of one's sexual activities.

All employees should note that, as stated above, retaliation against an individual who has complained about sexual or other harassment and retaliation against individuals for cooperating with an investigation of sexual or other harassment complaints violate the City's policy.

Retaliation means adverse conduct taken because an individual reported an actual or a perceived violation of this policy, opposed practices prohibited by this policy, or participated in the reporting and investigation process described below. "Adverse conduct" includes but is not limited to:

- (1) Shunning and avoiding an individual who reports harassment, discrimination, or retaliation.
- (2) Express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination, or retaliation; *or*
- (3) Denying employment benefits because an applicant or employee reported harassment, discrimination, or retaliation or participated in the reporting and investigation process.

Other examples of retaliation include firing, demotion, denial of promotion, unjustified negative evaluations, increased surveillance, harassment, and assault.

Complaints of discrimination should be filed according to the procedures described in the Harassment and Complaint Procedure.

Complaint procedure. If you believe you have been subject to or have witnessed unlawful discrimination, including sexual or other forms of unlawful harassment or other inappropriate conduct, you are requested and encouraged to make a complaint. You may complain directly to your immediate supervisor or department manager, the HR director, or any other member of management with whom you feel comfortable bringing such a complaint. Similarly, if you observe acts of discrimination toward or harassment of another employee, you are requested and encouraged to report this to one of the individuals listed above.

All complaints will be investigated promptly, and confidentiality will be protected to the extent possible. A timely resolution of each complaint should be reached and communicated to the parties involved.

If the investigation confirms conduct that violates this policy, the City will take immediate, appropriate, corrective action, including discipline, up to and including immediate termination.

No reprisal, retaliation, or other adverse action will be taken against an employee for making a complaint or report of discrimination or harassment or for assisting in the investigation of any such complaint or report, whether a finding of harassment is made after an investigation. Any suspected retaliation or intimidation should be reported immediately to one of the persons identified above.

The City encourages all employees to attempt to resolve complaints informally through discussions with the employee's immediate supervisor or other member of management the employee is comfortable with. If an employee cannot resolve a complaint subject to this policy with his or her immediate supervisor, the employee shall submit a written complaint to the employee's Department Director. A written complaint to a Department Director for actions other than sexual harassment must be made within 30 days of the event or action complained of or the latest event or action if the complaint is regarding a series of actions. If an employee's complaint is not resolved to his or her satisfaction within ten days of filing a written complaint with the Department Director, the employee may present his or her written complaint to the Human Resources Department, who will forward the written complaint to the City Manager. The decision of the City Manager may be conveyed to the employee orally or in writing and is final.

1.6 Pregnant Workers Fairness Act

The U.S. Senate passed two acts that help working moms who are pregnant or breastfeeding. The Pregnant Workers Fairness Act and the Providing Urgent Maternal Protections for Nursing Mothers Act (the PUMP Act) were added to the 2023 omnibus spending bill, which has now passed the Senate and is headed for a House vote.

The PUMP Act: The PUMP Act for nursing mothers requires organizations to provide time and space for breastfeeding parents. The Affordable Care Act of 2010 already requires that employers provide reasonable time to express breast milk and provide a place for pumping, other than the bathroom, that is shielded from view and private.

Pregnant Workers Fairness Act: The second bill that helps mothers is the Pregnant Workers Fairness Act which requires employers to provide reasonable accommodations for medical conditions related to pregnancy and childbirth. The law states that employers can't deny employment opportunities based on these pregnancy accommodations, and they can't "require employees to take paid or unpaid leave if another reasonable accommodation can be provided."

The Fair Labor Standards Act (FLSA) requires employers to provide reasonable break time for an employee to express breast milk for their nursing child for one year after the child's birth each time such employee has need to express the milk. Employees are entitled to a place to pump at work, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public.

Specifically, the PWFA guarantees workers the affirmative right to receive reasonable accommodations for known limitations stemming from pregnancy, childbirth, and related medical conditions

Reasonable accommodations are changes in the work environment or how things are usually done.

Some examples of possible reasonable accommodations under the PWFA include:

- Additional, longer, or more flexible breaks to drink water, eat, rest, or use the restroom.
- Changing food or drink policies to allow for water bottles or food.
- Changing equipment, devices, or workstations, such as providing a stool or a way to do work while standing.
- Change uniforms or dress codes or provide safety equipment that fits.
- Changing a work schedule, such as having shorter hours, part-time work, or a later start time.
- Telework.
- Temporary reassignment.
- Temporary suspension of one or more essential functions of a job.
- Leave for health care appointments.
- Light duty or help with lifting or other manual labor or
- Leave to recover from childbirth or other medical conditions related to pregnancy or childbirth.

This list provides some examples; many other reasonable accommodations may exist. Also, a worker may need different accommodation at different times during the pregnancy or after childbirth.

Conflict of Interest and Confidential Information

2.1 Conflicts of Interest

The City of Manor expects all employees to conduct themselves in a manner that reflects the highest standards of ethical conduct and in accordance with all federal, state, and local laws and regulations. This includes avoiding actual and potential conflicts of interest.

What constitutes a conflict of interest, or an unethical business practice is both a moral and a legal question. The City recognizes and respects the individual employee's right to engage in private activities outside of employment that do not in any way conflict with or reflect poorly on the City.

Defining all the circumstances and relationships that might create a conflict of interest is impossible. If a situation arises with a potential conflict of interest, the employee should discuss this with a manager for advice and guidance on how to proceed. The list below suggests some of the types of activities that indicate improper behavior, unacceptable personal integrity, or unacceptable ethics:

1. Holding a substantial interest in, or participating in the management of, a firm to which the City makes sales or from which it makes purchases.
2. Accepting substantial gifts or excessive entertainment from an outside organization or agency (value of over \$50).
3. Speculating or dealing in materials, equipment, supplies, services, or property purchased by the City.
4. Participating in civic or professional organization activities in a manner that divulges confidential City information.
5. Misusing privileged information or revealing confidential data to outside vendors, organizations, agencies, citizens, and/or contractors.
6. Using one's position in the City or knowledge of its affairs for personal gains; *and*
7. Have any financial or other interest, directly or indirectly, in any proposed or existing contract, purchase, work, sale or service to, for, with or by the City.
8. Use City employment, authority, or influence in any manner for his/her personal betterment, financial or otherwise.
9. Have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or services.
10. Discussions or participate in decisions of any City agency, board, commission, or instrumentality if the employee has any personal economic interest or is employed, directly or indirectly, by the person or entity that is the subject of the discussion or decision.
11. Accept other employment or engage in outside activities incompatible with the performance of duties and responsibilities as a City employee or that might impair independent judgment in performing duties to the City.

*For additional information regarding outside employment, refer to the Outside Employment section of this Handbook.

12. Accept remuneration or provide services for compensation, directly or indirectly, to a person or organization requesting an approval, investigation, or determination from the City.

Any potential conflicts of interest must be disclosed to the City Manager immediately and the potential or conflicted employee must be isolated from the transaction. An employee may not knowingly participate in a decision of any matter involving a business entity or real property with which he/she has substantial interest if the decision on the matter will have a special economic effect on the business entity or real property which is distinguishable from the general public or that may be controlled by Chapter 171, Regulation Of Conflicts Of Interest Of Officers Of Municipalities, Counties, And Certain Other Local Governments, Texas Local Government Code as may be amended from time to time. A “substantial interest in a business entity” is defined as an employee owning 10% or more of the voting stocks or shares of the business entity, the employee owns either 10% or more or \$15,000 or more of the fair market value of the business entity or the funds received by the employee exceeds 10% of the employee’s gross income for the previous year. A “substantial interest in real property” is defined as an employee owning \$2,500 or more in real property and/or if a person related to the employee in the first degree has a substantial interest.

Violations of this policy may result in disciplinary action up to and including termination of employment. Employees should direct questions regarding the prohibitions imposed by this policy to your Department Director, the Human Resources Department, or the City Manager’s office.

2.2 Confidential Information

Confidential information is all information disclosed to or known by you because of employment with the City that is not generally known to people outside the City about its business.

An employee who improperly uses or discloses confidential information will be subject to disciplinary action up to and including termination of employment and legal action, even if the employee does not actually benefit from the disclosed information.

Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. The Human Resources Department maintains these confidential medical files. Examples of information that may be provided to the City by an employee’s health care provider, and maintained in the confidential medical file, include:

- A note to justify an absence.
- A note to request leave.
- A note to verify the employee’s ability to return to work.

- Medical records to support a claim for sick pay or disability benefits.
- Insurance records and Workers' compensation records.

It is essential that employees understand that the records are confidential, but that confidentiality may be waived when the employee provides medical information to his/her supervisor or the Human Resources Department. When an employee provides information to his/her supervisor, the supervisor is expected to share the information only on an "as needed" basis with other members of management.

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their coworkers' medical information. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors, or anything else that may constitute an invasion of a coworker's privacy or breach of confidence.

Any employee who is subpoenaed or otherwise potentially legally compelled to provide is encouraged to notify the human resources department prior to providing any information.

2.3 Employee Privacy

It is the City's goal to respect the individual privacy of its employees and at the same time maintain a safe and secure workplace. When issues of safety and security arise or reasonable suspicion, you may be requested to cooperate with an investigation. The investigation may include the following procedures to safeguard the City and its employees: searches of personal belongings, searches of work areas, searches of private vehicles on company premises, medical examinations, drug testing, breathalyzer testing, and of the like. Failure to cooperate with an investigation is grounds for termination. Providing false information during any investigation may lead to discipline, including termination.

Employees are expected to make use of city facilities only for the business purposes of the City of Manor. Accordingly, materials that appear on city hardware or networks are presumed to be for business purposes, and all such materials are subject to review by the IT Department at any time without notice to the employees. Employees do not have to have any expectation of privacy with respect to any material on city property. The City of Manor regularly monitors its communications systems and networks as allowed by law. Monitored activity may include voice, e-mail, and text communications, as well as Internet search and browsing history. Employees who make excessive use of the communications system for personal matters are subject to discipline. Employees are expected to keep personal communication to a minimum and to emergency situations.

Video surveillance. As part of its security measures and to help ensure a safe workplace, the City has positioned video cameras to monitor various areas of its facilities. Video cameras will not be used in private areas, such as break rooms, restrooms, locker/dressing rooms, etc. Video equipment will not include an audio component.

2.4 Privacy—Social Security Numbers

It is the City's policy that Social Security numbers obtained from employees, vendors, contractors, customers, or others are confidential information. Social Security numbers will be obtained, retained, used, and disposed of only for legitimate business reasons and in accordance with the law and this policy.

Documents or other records containing employee Social Security numbers generally will be requested, obtained, or created only for legitimate business reasons consistent with this policy. For example, Social Security numbers may be requested from employees for tax reporting purposes (i.e., Internal Revenue Service (IRS) Form W-4), for new hire reporting, background investigations or for purposes of enrollment in the City's employee benefit plans.

All records containing Social Security numbers (whether partial or complete) will be maintained in secure, confidential files with limited access.

Any employee who obtains, uses, or discloses Social Security numbers for unauthorized purposes or contrary to the requirements of this policy and procedure may be disciplined, up to and including discharge. The City will cooperate with government investigations of any person alleged to have obtained, used, or disclosed Social Security numbers for unlawful purposes.

Employment Relationship

3.1 Employment Classification

The City of Manor classifies its employees as shown below to determine eligibility for benefits and overtime status and ensure compliance with federal and state laws and regulations. The City may review or change employee classifications at any time.

Exempt. Exempt employees are typically paid on a salary basis and are not eligible for overtime pay. The average exempt employee, however, normally does not often exceed 40 to 45 hours per week.

Nonexempt. Nonexempt employees are paid hourly and are eligible to receive overtime pay for overtime hours worked after forty hours per week.

Regular, full-time. Employees not in a temporary status work a minimum of 36 hours weekly and maintain continuous employment status. Generally, these employees are eligible for the full-time benefits package and are subject to the terms, conditions, and limitations of each benefits program.

Regular, part-time. Employees who are not in temporary status and who are regularly scheduled to work less than 30 hours weekly but at least 20 hours weekly and who maintain continuous employment status. Part-time employees are not eligible for the benefits offered by the City.

Temporary, full-time. Employees who are hired as an interim replacement or, participating in an internship program, or is required to pass a specialized instruction course to proceed to a regular, full-time position, or a position to assist in the completion of a specific project and who are temporarily scheduled to work the company's full-time schedule for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status unless notified by the Human Resources Department. Temporary, full-time employees are not eligible for the benefits offered by the City.

Temporary, part-time/seasonal- Employees who are hired as an interim replacement or participating in an internship program or a position to assist in the completion of a specific project and who are temporarily scheduled to work the company's full-time schedule for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status unless notified by the Human Resources Department. Temporary, part-time, and seasonal employees are not eligible for the benefits offered by the City.

Reserve personnel. The City of Manor may hire reserve personnel for specific positions that require identifiable staffing requirements to maintain service levels. Reserve personnel are employees of the City of Manor and, as such, are subject to all the same recruitment, hiring, and personnel policies as all other City employees, including, without limitation, criminal background checks and drug screenings. The services of Reserve Personnel are performed on an "as-needed" basis as determined by the Department Director.

Volunteers. Volunteers are not employed by the City in any capacity. Volunteers elect to donate their time and services as a volunteer for the City without any expectation of compensation. Volunteers are not paid and are not entitled to any benefits.

Interns: Unpaid- Are considered volunteers and are not employed by the City in any capacity.

Paid (By the City)- These are considered part-time employees and are not eligible for any benefits offered by the City but may represent the City in an official capacity.

3.2 Compensation

Compensation. The City strives to provide exemplary service to the community by being a model for Municipal Government. Recognizing the centrality of our workforce of dedicated and talented professional staff, the City of Manor is committed to promoting organizational and community values that include exceptional service to the public, consistent and excellent performance, innovation, good fiscal, social, and environmental stewardship, and ethical behavior. The compensation program is aimed to retain and attract high-skilled, high-performing staff capable of delivering the highest standards of public service to our community. The City will expect all staff to consistently perform to those high standards in their work performance, customer service, ethics, and passion for public service. The City will also strive to administer pay and benefits in a way that is fair and transparent to all, that provides equal pay for equal work, and that does not take into consideration race, ethnicity, religion, sex, gender, sexual orientation, gender identity or expression, or other factors unrelated to work performance. To provide competitive, sustainable, and responsible compensation, the City will consider the following:

Total compensation consists of, but is not limited to, direct compensation, such as salary; and indirect compensation such as certification pay, health insurance, retirement, professional development, and time-off benefits.

In evaluating competitive compensation, the City will consider financial sustainability, relevant labor market, internal relationships, transparency, and other relevant factors.

Pay Scale. Subject to approval by the City Council, the Human Resources department shall prepare and administer a written compensation plan for City employees. City employees shall be paid hourly wages or salaries in accordance with the matrix formula of such said compensation plan. Along with a competitive compensation plan a Compensation System policy has been adopted by Resolution of the City Council for a consistent and formatted process across all departments.

3.3 Introductory Period

Introduction period. The city policy is that all new, presently transferred, or promoted employees' work be carefully monitored and evaluated for an initial introductory period of six (6) months; City of Manor Police Officers will be required to complete an introductory period of one (1) year.

An employee may be discharged at any time during the introductory period for any reason, and no reason need be assigned by the City.

Purpose. Department supervisors shall use the introductory period to observe and evaluate the work and fitness of employees closely and to encourage adjustment to their jobs and the City service. Only those employees who meet acceptable standards during their introductory period shall be retained. In the case of appointing or promoting a department supervisor, the introductory period shall be evaluated by the department director.

Failure to complete the introductory period. An employee shall fail the introductory period when, in the judgment of the department director and the Human Resources department, the employee's fitness and/or quality of work is not such as to merit continuation. Termination during the introductory period may occur at any time and shall not be considered part of the disciplinary process.

If desirable and feasible, the employee may be administratively transferred to a more suitable position. A newly promoted or transferred employee who fails in the introductory period may be returned to his/her former classification if a position is available and will be eligible for future advancement. Documentation is required regarding the failure of the introductory period.

3.4 Workweek and Hours of Work

Regular work hours. Non-exempt employees of the City typically work 40 hours in a seven-day work week. Exempt employees may be required to work more than 40 hours in certain weeks. The work week begins at 12:00 a.m. (midnight) on Sunday and ends at 11:59 p.m. the following Saturday. The regular workday normally begins at 8:00 a.m. and ends at 5:00 p.m. although employees in some departments may have different work hours. (For example, most non-exempt police officers work a 12-hour shift.) In times of disaster or emergency, work hours shall be determined by the City Manager. A workday as defined by the City is eight (8) hours for most positions.

Adjustment to work hours. - To ensure the continuity of City services, it may be necessary for Department Directors to establish other operating hours for their departments with consideration by the City Manager and Human Resources Director. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of work with the City includes the employee's acknowledgment that changing shifts or work schedules may be required and includes that he/she will be available to do such work.

3.5 Hybrid Working

When possible, the City of Manor supports alternate work schedules to promote and support a high-quality work-life balance while maintaining the continuity of operations with the highest expectation of customer services for the public. The City's core business hours are Monday through Friday from 8:00 a.m. to 5:00 p.m., a forty (40) hour work week.

Each City Department wishing to establish a Hybrid Schedule must develop a “Hybrid Staffing Plan” Directive that the Human Resources Director and the City Manager must approve. Each plan must adhere to all factions of the City’s policy. The Schedule will not require the City to expand extra unbudgeted funds. The Hybrid schedule CANNOT be used in place of leave time. All employees' leave accrual will be charged according to the leave policies of the City, i.e., vacation, sick leave, personal, comp. time, FMLA, etc.

The Department Director or the City Manager may terminate the Hybrid Staffing Plan for any reason and at any time. The City will provide the impacted employee(s) with advance notice of termination of the Hybrid Staffing Schedule. Failure to adhere to the policy may provide cause for discipline.

Working remotely may be determined by the approval of the Department Director, Human Resources Director, and the City Manager on a case-by-case basis. This will be a temporary, short-term, hybrid plan to adhere to ADA and EEOC requirements. The ad-hoc telework can allow telework-ready employees to work from a pre-determined location, with VPN and other safeguards to ensure the integrity of the City’s networks.

3.6 Meal and Rest Breaks

Meal periods. Full-time, non-exempt employees (excluding most non-exempt police officers) are provided a one-hour unpaid meal break near the middle of the workday. The department Director may stagger meal periods to minimize departmental interruption. Supervisors will provide employees with the starting and ending times of their specific meal periods. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period. The supervisor must approve missed meal periods.

3.7 Time Records

All exempt and nonexempt employees are required to complete accurate weekly time reports showing all time worked. Time will be calculated on the hour and rounded to the nearest quarter, i.e., 10:42 10.75. These records are required by governmental regulations and are used to calculate regular and overtime pay. At the end of each week, you and your supervisor must sign the time sheet attesting to its correctness before forwarding it to the HR department.

Attendance and punctuality. Employees shall attend to their work in accordance with the rules regarding hours of work, holidays, and leaves. If an employee has an unexpected absence, the employee shall call or notify his/her supervisor within the hour prior to when the employee is to report to work. Failure to notify the supervisor may result in disciplinary action. Excessive tardiness, neglect of duties, or unauthorized absences will be grounds for dismissal. If the immediate supervisor is not available to report an unexpected absence, the employee shall report to the Human Resources Director or designee directly. All Department Directors shall report all expected absences for training, vacation, and other planned leave as soon as known but not later than two weeks prior to such leave, unless good cause exists for less notice. All Department Directors shall report to the Human Resources Department, or designee, any sick leave to be taken as soon as such is known. The Human Resources Department and Department Director shall ensure adequate supervision of the department in the absence of the Department Director. If no other supervisor exists in the department, the Human Resources Director shall

supervise the department's attendance in the Department Director's absence and designate a supervisor for such department. All Department Directors shall keep daily attendance records of employees and all absences shall be reported on a leave form and turned in with the department time sheets each pay period. Department Directors shall report personal, vacation time and sick time used each pay period to the City Manager and Human Resources Director. Department Directors shall be responsible for keeping true and accurate attendance records for each employee and ensuring each employee's attendance complies with this policy manual. The Human Resources Department, or designee, may check time sheets for any department for accuracy. In most cases, an employee who fails to properly notify his/her supervisor in advance of an absence or tardy will be subject to disciplinary action up to and including termination of employment. An employee who fails to notify the City of an absence of five days or more will have voluntarily resigned his/her employment.

Absent from work for more than 180 days. Any employee who is absent from work on a leave of absence for a period of 180 calendar days, regardless of the reason, and is unable to return to work after 180 calendar days will be terminated. This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act, USERRA, and FMLA.

3.8 Overtime

Non-exempt employees. Due to the City's needs, you may be asked to work overtime when required. Overtime is actual hours worked more than 40 in a single workweek. Nonexempt employees will be paid overtime compensation at the rate of one and one-half their regular pay rate for all hours over 40 worked in a single workweek. Paid leave, such as holiday, sick time, bereavement time, and jury duty, does not apply toward work time. All overtime work must be approved in advance by a supervisor or manager. Police officers are paid overtime based on the work cycle adopted by their Department under Chapter 142 of the Texas Local Government Code.

3.9 On-Call and Call-Back Compensation

On-Call. The City provides for after-hour service needs by allowing some departmental operations to designate certain non-exempt employees to be on-call. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by their Department.

For a non-exempt employee to be designated as officially on-call:

- The employee must have completed the training and certification required for their position.
- The employee must have a city cell phone for City communication purposes.
- The employee must respond within 30 minutes to their department or scene.
- The employee must be the designated on-call personnel on a schedule approved by their department supervisor.

- The employee cannot be on any leave for the assigned day to be eligible for on-call pay, i.e.... Sick leave, vacation, administrative leave, Worker's Compensation, etc.

After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a callback (via paging, telephone, or radio) within designated guidelines set by their Department. Employees designated as on-call must be fit, both mentally and physically, to provide on-call services needed within the required time frame. Any employee scheduled to be on call who is called out is governed by this policy.

On-Call Compensation. On-call status is not considered time worked, a daily stipend of \$25.00 per day shall be paid to those employees designated as on-call employees.

On-call employees called out to the workplace will be paid at their regular rate of pay for actual hours worked. Time worked immediately after regularly scheduled working hours at the request or approval of the supervisor will not be considered on-call and is paid at the employee's regular rate of pay until overtime requirements are met. Continuing work on a call-out that extends beyond the one-hour minimum and into a day off does not entitle the employee to additional premium pay. Travel time to and from a call-out is compensable under this policy if the call-out is due to a situation that requires immediate attention and is unscheduled. Travel time to and from the work site performing regularly scheduled rounds is not compensable. On-call procedures will be conducted in accordance with departmental policy and such a policy must be approved by the City Manager. In all cases, employees must report their actual hours worked on their time sheets. Employees exempt from overtime are not eligible for compensation under the provisions of this policy. The City will pay overtime as required by the Fair Labor Standards Act or other City policies regulating overtime.

Call-Back Compensation. Some instances require an employee to be "called back" to assist with the needs of the City, this is not for regularly scheduled working hours, on-call schedules, or events, this pay guarantees the individual a two (2) hour minimum worked time at the employee's regular rate of pay until overtime requirements have been met, even if the work was less than two (2) hours.

3.10 Deductions from Pay/Safe Harbor Exempt Employees

The City of Manor complies with the salary basis requirements of the Fair Labor Standards Act (FLSA). Employees classified as exempt from the overtime pay requirements of the FLSA will be notified of this classification at the time of hire or change in position.

Permitted deductions. The FLSA limits the types of deductions that may be made from the pay of an exempt employee. Deductions that are permitted include:

- Deductions that are required by law, e.g., income taxes.
- Deductions for employee benefits when authorized by the employee.

- Absence from work for one or more full days for personal reasons other than sickness or disability.
- Absence from work for one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy, or practice of providing compensation for salary lost due to illness.
- Offset for amounts received as witness or jury fees or for military pay.
- Unpaid disciplinary suspensions of 1 or more full days imposed in good faith for workplace conduct rule infractions *and*
- Any full workweek in which the employee does not perform any work.

During the first week, an exempt employee begins work for the City or during the last week of employment, the employee will only be paid for actual hours worked. In addition, an employee may be paid only for hours worked during a period when the employee is using unpaid leave under the Family and Medical Leave Act (FMLA). Exempt, salaried employees are required to use vacation, sick leave, or compensation time when away from their specified facilities on personal business, more than two (2) hours, as this does not change their total monetary compensation or exempt status.

Compensatory time off may be granted to exempt positions. There is no legal requirement or obligation of the City of Manor to grant compensatory time to exempt employees. The City Manager may choose to grant compensatory time off to exempt employees who are required to work more than forty- four (44) hours per week for special projects i.e., unscheduled meetings requiring attendance past four (4) hours beyond their regular daily schedule, or during weekends, or any other normally scheduled time off, such as the city observed holiday. As with non-exempt employees, working during lunch only constitutes workable hours if it is a working luncheon and must be pre-approved. As with flexible hours, coming early and staying late does not allow for unused leave time; this is considered regular attendance.

Improper deductions. If an employee classified as exempt believes that an improper deduction has been taken from the employee's pay, the employee should immediately report the deduction to the HR department. The report will be promptly investigated, and if it is found that an improper deduction has been made, the City will reimburse the employee for the improper deduction.

3.11 Paychecks

All City employees will be paid bi-weekly (every two weeks) on Wednesday by the end of regular business hours. Pay dates falling on an observed holiday will be scheduled for the preceding day. Paychecks are directly deposited into your checking and/or savings accounts.

3.12 Longevity Pay

The City provides regular full-time employees with longevity pay. All regular full-time employees who have been continuously employed for two (2) years or more each calendar year shall be eligible for additional compensation at a rate of one hundred (\$100.00) per year for each full year of continuous service with the City up to a maximum of twenty-five (25) years. Longevity pay

will be awarded annually, as a lump sum, on the anniversary of the hire date. Longevity pay is not an accrued benefit payable upon termination of employment.

Police Department Members- per Texas Government Code 141.032, in a municipality with a population of 10,000 or more, each member of the police department is entitled to receive, in addition to all other monies paid for services rendered in the department, longevity pay of \$4 a month for each year of service in the department, not to exceed twenty-five (25) years.

3.13 Access to Personnel Files

Employee files are maintained by the HR department and are considered confidential. Managers and supervisors may only have access to personnel file information on a need-to-know basis. Employees may inspect their own personnel files and may copy them but may not remove documents from their files. Inspections by employees must be requested in writing to the HR department and will be scheduled at a mutually convenient time or as required under state law. Personnel files are to be reviewed in the HR department. Representatives of government or law enforcement agencies, in the course of their duties, may be allowed access to file information.

3.14 Employment of Relatives and Domestic Partners

Relatives and domestic partners may be hired by the City if (1) the persons concerned will not work in a direct supervisory relationship, (2) the employment will not pose difficulties for supervision, security, safety, or morale, and (3) it is recommended relatives work in different City departments for absence and conflict of interest purposes. For the purposes of this policy, “relatives” are defined as spouses, children, siblings, parents, or grandparents. A “domestic partnership” is generally defined as a committed relationship between two individuals who are sharing a home or living arrangements.

Relatives and domestic partners may not be hired by the City if related to a current City Manager or active City council member.

Current employees who marry each other or become involved in a domestic partnership will be permitted to continue employment with the company provided they don’t work in a direct supervisory relationship with each other or otherwise pose difficulties as mentioned above. Suppose employees who marry or live together do work in a direct supervisory relationship with each other. In that case, the Human Resources Department will attempt to reassign one of the employees to another position for which the employee is qualified if such a position is available. If no such position is available, the employees will be permitted to determine which one of them will resign from the City.

3.15 Separation from Employment

Resignation. In all cases of voluntary resignation (one initiated by the employee); employees are asked to provide a written notice to their supervisors at least two (2) weeks in advance of the last day of work. Holidays and PTO will not be counted toward the two (2) weeks’ notice. Employees who provide the requested amount of notice will be considered to have resigned in good standing and generally will be eligible for rehire. Employees who fail to give or complete the two (2) weeks’

notice are typically not eligible for rehire. **Once the resignation notification is given NO sick leave or floating holiday leave (personal) time will be allowed to be used.**

Retirement. An employee who intends to retire must notify his/her immediate supervisor, Department Director, and the Human Resources Department in writing, thirty (30) days prior to the date of retirement. This 30-day requirement is necessary to ensure that the required paperwork is submitted to Texas Municipal Retirement System (TMRS). The City shall offer employees retiring with the City the option to purchase continued health benefits coverage, as outlined in Texas Local Government Code §§ 175.001 et seq., as amended. **Once the retirement notification is given, NO sick leave or floating holiday leave (personal) time will be allowed.**

Dismissal/ Termination. City employees are at-will employees. Employment may be terminated by the employee or by the City for any reason or no reason. At its discretion, the City may terminate an employee's employment because of unsatisfactory attendance, unsatisfactory performance, or conduct, and/or violation of City policies or procedures. City employees who are terminated or who resign in lieu of termination due to unsatisfactory performance or conduct and /or violation of City policies or procedures are not eligible for rehire without approval of the City Manager.

Job abandonment. If an employee fails to properly notify the City of his/her absence from work or if an employee is absent without authorization and/or notification for five (5) consecutive days, the City will consider the employee to have abandoned his/her employment, and he/she will be terminated.

In most cases, HR will conduct an exit meeting on or before the last day of employment to collect all company property and to discuss final pay and applicable benefits continuation. If applicable, information regarding benefits continuation through the Consolidated Omnibus Budget Reconciliation Act (COBRA) will be sent to the employee's home address.

Should it become necessary because of business conditions to reduce the number of employees or work hours, this will be done at the discretion of the City.

3.16 Certification Pay

Certification pay is paid as additional compensation for those employees who receive a certification issued by an accredited agency that directly relates to their jobs. The certification will be needed to meet regulatory requirements within the department's operations. The Human Resources Director and Department Director will make any recommendations to add or remove certifications to the list of eligible certifications as needed. These recommendations will be presented for Council consideration. Certification payment will not be paid until approved or removed from the list by City Council Action and within the approved budget.

Specific certifications that are required for a position are not eligible for certification pay as it is considered in the matrix of the compensation scale.

3.17 Promotion, Demotion, and Transfers

Promotions. A promotion is the movement of an employee from a position in one Pay Grade to a different position in a higher Pay Grade.

Employment notices will be posted internally for three (3) days for qualified employees. Employees will follow the City's application process and a goals and expectations interview.

A promoted employee may be placed within the new Pay Grade at the rate of pay that provides up to a 3% increase or the Minimum Rate, whichever is greater. The Human Resources Director may authorize up to a 10% increase if necessary for compression purposes. However, other salary ranges and Classifications of employees must also be considered to avoid in-range compression.

The first work date in the new position shall be the effective date for pay increases due to promotion.

Demotions. Demotion is the movement of an employee from one Pay Grade to a lower Pay Grade resulting from a disciplinary measure, as a request for voluntary demotion, or in response to position/department changes.

For demotions that occur because of position changes, position consolidations, or an administrative reason (not based on the performance of the employee), the salary will be placed at the rate closest to their current rate in the new Salary Range for a maximum of one (1) year.

For demotions that occur because the employee voluntarily applied for and accepted a position in a lower Pay Grade, the salary will be reduced within the new Salary Range to the current placement (For example, a Pay Grade 55, moving to a Pay Grade 45) and place at the rate closest to their current rate in the new Salary Range, based on qualifications and service time. The salary shall be "red circled" and frozen at that level until the Salary Range of the new Pay Grade catches up to the employee's salary.

For demotions that is a result of the employee's performance or discipline, the employee's salary is decreased to within the Salary Range of the new Pay Grade, as determined by the Human Resources Director.

Transfers. A transfer is the movement of an employee from one position to another in the same Pay Grade. There shall be no salary adjustment whenever an employee transfers to another position.

3.18 Sign-on and Retention Bonus

Workplace Safety

4.1 Drug-Free and Alcohol-Free Workplace

The City of Manor's policy is to maintain a drug—and alcohol-free work environment that is safe and productive for employees and others doing business with the City.

The unlawful use, possession, purchase, sale, or distribution of or being under the influence of any illegal drug or controlled substance (including medical marijuana) while on City premises or performing services for the City is strictly prohibited. The City of Manor also prohibits reporting to work or performing services under the influence of alcohol or consuming alcohol while on duty or during work hours. In addition, the City prohibits off-premises abuse of alcohol and controlled substances (including medical marijuana) and the possession, use, or sale of illegal drugs when these activities adversely affect job performance, job safety, or the City of Manor's reputation in the community.

To ensure compliance with this policy, substance abuse screening may be conducted in the following situations:

Pre-employment: as required by the City for all prospective employees who receive a conditional offer of employment. The applicant will be given seven (7) business days to complete the drug screen; if not done in the allotted time, the conditional offer of employment will be rescinded, with no exceptions.

For cause: upon reasonable suspicion that the employee is under the influence of alcohol or drugs that could affect or have adversely affected the employee's job performance.

Random: as authorized or required by federal or state law.

Compliance with this policy is a condition of employment. Employees who test positive or refuse to submit to substance abuse screening will be subject to termination. Notwithstanding any provision, this policy will consistently be enforced per applicable state and local law.

Any employee violating this policy is subject to discipline for the first offense, up to and including termination.

4.2 Smoke-Free Workplace

Smoking is not allowed in City buildings or work areas at any time. In compliance with Ordinance 502 "Smoking" includes the use of any tobacco products (including chewing tobacco), electronic smoking devices, and e-cigarettes.

Smoking is only permitted during break times in designated outdoor areas. Use of smoking products is authorized in an area at least fifteen (15) feet away from ANY entrance to a public building or City facility. Employees using these areas are expected to dispose of any smoking debris safely and properly.

4.3 Workplace Violence Prevention

The City of Manor is committed to providing a safe, violence-free workplace for our employees. Due to this commitment, there is ZERO tolerance for employees engaging in any physical confrontation with a violent or potentially violent individual or from behaving in a threatening or violent manner. Threats, threatening language, or any other acts of aggression or violence made toward or by any employee will not be tolerated. A threat may include any verbal or physical harassment or abuse; attempts to intimidate others; menacing gestures; stalking; or any other hostile, aggressive, and/or destructive actions taken for the purposes of intimidation. This policy covers any violent or potentially violent behavior that occurs in the workplace or at company-sponsored functions.

All City employees bear the responsibility of keeping our work environment free from violence or potential violence. Any employee who witnesses or is the recipient of violent behavior should promptly inform their supervisor, manager, or HR department. All threats will be promptly investigated. No employee will be subject to retaliation, intimidation, or discipline because of reporting a threat in good faith under this guideline.

Any individual engaging in violence against the City, its employees, its elected officials, or its property will be prosecuted to the full extent of the law. All acts will be investigated, and the appropriate action will be taken. Any such act or threatening behavior may result in disciplinary action up to and including arrest.

Adhering to Penal Code 46 and Texas Labor Code 52.061, the City prohibits employees, other than a certified licensed police officer, the possession of weapons on its property, or City vehicles. Additionally, while on duty, employees may not carry a weapon of any type. Weapons include, but are not limited to, handguns, rifles, automatic weapons, knives that can be used as weapons (excluding pocketknives, utility knives, and other instruments that are used to open packages or cut string and for other miscellaneous tasks), martial arts paraphernalia, stun guns, and tear gas. Any employee violating this policy is subject to discipline up to and including dismissal for the first offense.

The City reserves the right to inspect all belongings of employees on its premises, including packages, briefcases, purses and handbags, gym bags, and personal vehicles on City property. In addition, The City of Manor may inspect the contents of lockers, storage areas, file cabinets, desks, and workstations at any time and may remove all company property and other items that are in violation of company rules and policies.

4.4 Commitment to Safety

Protecting the safety of our employees and visitors is the most important aspect of maintaining continuity of operations.

All employees have the opportunity and responsibility to contribute to a safe work environment by using commonsense rules and safe practices and by notifying management of any health or safety issues. All employees are encouraged to partner with management to ensure maximum safety.

All on-the-job accident and incident injuries, however slight or seemingly inconsequential, **must be reported immediately by phone or in person as soon as possible but no later than 24 hours after the accident or incident** to the employee's immediate supervisor and the Human Resources Department. Failure to report any accident or incident immediately with a follow-up formal Accident Statement or Incident Statement report provided within 24 hours of its occurrence without good cause may lead to disciplinary action, including termination of employment. Such reports are necessary so that the City can comply with applicable laws and begin workers' compensation benefit procedures where appropriate.

Employees who violate safety standards, who cause or exacerbate hazardous or dangerous situations, or who fail to report or, where appropriate, correct such situations, will be subject to disciplinary action.

Definitions

Incident- An unplanned, undesired event that hinders task completion and may cause injury, illness, or property damage or some combination of all three in varying degrees from minor to catastrophic; unable to prevent or prepare for.

Accident- Similar to the incident but supports the mindset that it could have been prevented; caused by error. Any workplace injury, accident, or illness must be reported to the employee's supervisor as soon as possible, regardless of the severity of the injury or accident.

Employees involved in an accident while operating a City vehicle or a personal vehicle on City business must immediately notify the proper law enforcement agency (if applicable) and the appropriate Supervisor, Department Director, and Human Resources Department. The employee must file accident reports and any law enforcement report with the Department Director and the Human Resources Department.

ALL employees will be tested for alcohol and illegal and unauthorized drugs after a workplace accident or in connection with any required treatment or rehabilitation. An employee who has an injury incident during his/her official duties is not exempt from mandatory drug and alcohol testing. An on-duty police officer injured while subduing a suspect is required for drug and alcohol testing.

Police Department employees are also subject to any applicable departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.

All accidents and incident drug and alcohol screening will be done at The City of Manor Police Department. If the drug screen or alcohol breathalyzer comes back inconclusive, an outside screen will be required within twenty-four (24) hours.

4.5 Emergency Closings

The City of Manor will always make every attempt to keep facilities open for business. Except for extraordinary circumstances, City offices MAY CLOSE. All City employees, whether exempt

or non-exempt, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations.

If an employee determines that the weather conditions constitute a danger to life and/or property, the employee must notify his/her immediate supervisor and/or Department Director and decide to report to work if weather conditions improve. Any leave taken due to inclement weather will be charged to vacation. Part-time non-exempt employees who have no accrued vacation time available will not be paid for the time missed. The Department Director or immediate supervisor is responsible for seeing that City services are staffed while City offices are open for business during inclement weather or emergency conditions. Any City service that cannot be provided during inclement weather or other emergencies must be immediately reported to the City Manager's Office.

When weather or other conditions are such that the City Manager declares certain City offices/departments officially closed, all affected personnel, i.e., those non-essential employees who were scheduled to work during the time of closure, will be granted "paid administrative leave" for the time the office/department is closed. "Paid administrative leave" will NOT be given to employees when they were previously scheduled off, such as vacation, sick leave, personal time, FMLA, etc. Specific personnel and first responders must report to work even when other City departments are officially closed due to weather or other extraordinary circumstances. Essential personnel required to be on the job regardless of adverse weather or other conditions are designated by the Department Director and the City Manager. Essential personnel who fail to report to work will need to use accrued vacation time and may be subject to disciplinary action up to and including termination of employment. The City Manager MAY authorize emergency pay at the rate of one and one-half times the employee's regular rate of pay for non-exempt essential personnel on a case-by-case basis. Employees are required to sign an acknowledgment form that they have received notice of their designation of essential or non-essential status and the requirement to work during inclement weather at the time of employment.

When either the Judge or the Mayor declares a disaster, all non-exempt employees required to work will be paid one and one-half (1 ½) times their regular hourly rate, and all exempt employees shall accrue compensatory time.

4.6 Visitors

To maintain security and safety for our employees, the City has the following policy with respect to visitors:

All visitors must check in at the front desk and must be escorted by an employee throughout the facility. This applies to anyone who is not an active employee or City Councilmember, including employees on disciplinary or administrative leave, family members, former employees, vendors, and suppliers. Visits from family members shall have very limited access to other areas of facilities and be approved by the Department Director on a case-by-case basis.

When employees have any doubt whether a person can visit, they should contact their immediate supervisor or the HR department.

4.7 Continuity of Operations

In the event of a wide-scale emergency, the City of Manor must balance a variety of objectives when determining best to ensure the continuity of operations, reduce the impact on the workplace, and ensure the safety of all City employees. If an emergency is declared by the City or Travis County that affects the City, and non-essential employees are forced to evacuate their worksite due to the pandemic or other unforeseen circumstances, the City Manager reserves the right to allow for immediate and temporary memorandum changes to certain aspects of the Personnel Policies and Procedures to ensure the safety of all City employees including but not limited to leave balances, administration pay, telecommuting, minimizing or adding to the workforce in specific departments possible vehicle distribution, temporary shelter for essential personnel, economic assistance, and tighter guidelines on sick and vacation leave. Please be placed on notice that in the case of a wide-scale emergency, the situation is fluid and changes will be made to address the situation as it evolves.

This policy will take immediate effect when an emergency or a potential emergency is imminent and is declared, as such, by the City or Travis County. This policy will remain in effect until the City determines that the emergency or potential emergency is no longer a threat to the organization or its employees. No part of this policy will be effective to the extent it conflicts with State or Federal law unless exigent documented reasons exist.

Each department director shall develop department specific plans, procedures, and guidelines regarding determination of essential and non-essential personnel during a state of emergency to see that departmental functions and services close or remain available to our community. This will assist the City Manager with prioritizing essential city services.

Definitions

Non-essential: An employee whose presence at work is not required during an emergency and where the employee is not required to assist the agency and/or division in meeting its operational needs.

Essential: An employee whose presence at work is required during an emergency and where the employee is required to assist the agency and/or division in meeting its operational needs. An essential employee is required to report to their designated work location, to ensure the operation of essential functions or departments during an emergency or the suspension of operations.