



# **CITY OF ROWLETT EMPLOYEE HANDBOOK**

*Effective: September 1, 2019*

# INTRODUCTION

Welcome to the City of Rowlett. Here is a copy of the Employee Handbook (hereon referred to as “Handbook”). This is the Handbook approved by the City Manager. It covers information you will need to know, and it should answer many of your questions. While all questions cannot be answered by a Handbook, ours is flexible enough to address specific questions and situations you may encounter during your employment. Most of the policies are easy to read and understand. Others may seem very formal. So, please talk to your supervisor, department director, or Human Resources if you would like clarification on any of the policies.

**What is CORE life 360?**

CORE life 360 stands for City of Rowlett Employee life 360. It is a model to develop well rounded employees who are able to give their very best over their career.

CORE life 360 is a declaration that Rowlett employees are our most valuable assets. Without you, we cannot accomplish our mission and make a difference in the lives of our citizens. We don’t build or sell merchandise. Instead, we serve. That is our CORE product! That is our purpose!



<p><b>SERVICE</b></p> <p><i>I am here to serve! That is my purpose.</i></p> <p>This means that I am the face of Rowlett to my customer; I advocate for the customer to meet their needs; I communicate with my customer to keep them informed because they have a right to know; and I take the initiative to look for solutions that may be necessary to solve unique problems.</p>	<p><b>WELLNESS</b></p> <p><i>My physical and mental health makes a real difference in my ability to serve!</i></p> <p>This means that I will take care of myself so that I am able to serve; I participate in wellness activities to live a healthy lifestyle because it is important to me; and I take an active interest in my own medical health because it is my future.</p>
<p><b>GROWTH</b></p> <p><i>Training and development sharpens my skills for today and shapes my future for tomorrow.</i></p> <p>This means that I will take training seriously to improve my skills for today and better prepare me for future role(s) with the City of Rowlett.</p>	<p><b>RESULTS</b></p> <p><i>I perform my job to the best of my abilities! I own it! It’s my job!</i></p> <p>This means that I take pride in working for Rowlett; I perform well because how well I do my job matters to my customers; and I am accountable for my actions.</p>

Follow these core values and we will all be successful every day making the City of Rowlett both a great place to live, and a great place to work! Welcome to the Rowlett Team!

Sincerely,

  
 Brian Funderburk, City Manager

## TABLE OF CONTENTS

CHAPTER 1: GENERAL GUIDELINES	7
1.0 PURPOSE	7
1.1 AUTHORITY	7
1.2 AMENDMENT PROCESS	8
1.3 NON-DISCRIMINATION	8
CHAPTER 2: CONDITIONS OF EMPLOYMENT	9
2.0 CODE OF ETHICS	9
2.1 CONFLICT OF INTEREST	10
2.2 NEPOTISM	10
2.3 INTERPERSONAL RELATIONSHIPS AND FRATERNIZATION	11
2.4 PHYSICAL FITNESS/MENTAL HEALTH	12
2.5 RESIDENCY REQUIREMENT/CURRENT ADDRESS	13
2.6 OUTSIDE EMPLOYMENT	13
CHAPTER 3: EMPLOYEE RECORDS	15
3.0 PURPOSE	15
3.1 PERSONNEL FILES	15
3.2 ACCESS TO PERSONNEL FILES	16
3.3 DISPUTED INFORMATION	17
3.4 RECORDS RETENTION	17
CHAPTER 4: EMPLOYEE INTRODUCTORY PERIOD	18
4.0 PURPOSE	18
4.1 LENGTH OF EMPLOYEE INTRODUCTORY PERIOD	18
4.2 PERFORMANCE FEEDBACK DURING INTRODUCTORY PERIOD	18
4.3 CONCLUSION OF INTRODUCTORY PERIOD	18
4.4 INTRODUCTORY PERIOD EXCLUSIONS	19
4.5 APPEALS	19
CHAPTER 5: REDUCTION IN FORCE	20
5.0 POLICY	20
5.1 GUIDELINES	20
CHAPTER 6: COMPENSATION	21
6.0 DEFINITIONS	21
6.1 OVERTIME	21
6.2 COMPENSATORY TIME	22
6.3 ON-CALL/CALLBACKS	22
6.4 ADVANCE PAY	23
6.5 DEFERRED COMPENSATION	23
6.6 CONFERENCES AND TRAINING	23
6.7 COMPENSABLE TRAVEL TIME	23
6.8 OUT OF CLASS PAY	24
6.9 RELOCATION EXPENSE REIMBURSEMENT	24
CHAPTER 7: BENEFITS	26
7.0 POLICY	26

7.1	HOLIDAYS	26
7.2	EMPLOYEE ASSISTANCE PROGRAM	28
7.3	INSURANCE	29
7.4	COBRA	29
7.5	LONGEVITY PAY	30
7.6	SERVICE AWARDS	30
7.7	DIRECT DEPOSIT	30
CHAPTER 8: LEAVE		31
8.0	POLICY	31
8.1	VACATION LEAVE	31
8.2	SICK LEAVE	33
8.3	CATASTROPHIC LEAVE SHARING PROGRAM	36
8.4	MILITARY LEAVE AND REEMPLOYMENT	37
8.5	COURT LEAVE	39
8.6	LEAVE WITHOUT PAY	39
8.7	BEREAVEMENT/FUNERAL LEAVE	40
8.8	EMERGENCY LEAVE	40
8.9	ADMINISTRATIVE LEAVE	40
CHAPTER 9: FAMILY AND MEDICAL LEAVE		41
9.0	ELIGIBILITY	41
9.1	DESIGNATION	41
9.2	FMLA DESIGNATION SCENARIOS	41
9.3	MILITARY FAMILY LEAVE ENTITLEMENT	42
9.4	MEDICAL CERTIFICATION	42
9.5	EXTENDED MEDICAL LEAVE	43
9.6	RETURN TO WORK	43
9.7	USE OF PAID LEAVE	43
9.8	CONTINUATION OF INSURANCE BENEFITS	44
CHAPTER 10: WORKERS' COMPENSATION		45
10.0	POLICY	45
10.1	MODIFIED DUTY	45
10.2	RETURN TO FULL DUTY	46
10.3	TERMINATION	46
10.4	SALARY CONTINUATION PAYMENTS	46
CHAPTER 11: STANDARD OF CONDUCT		49
11.0	UNACCEPTABLE CONDUCT	49
11.1	POLITICAL ACTIVITY	51
11.2	CARRYING OF FIREARMS	51
11.3	CRIMINAL ACTIVITY	52
11.4	TATTOOS	52

CHAPTER 12: HARASSMENT-FREE WORKPLACE	53
12.0 POLICY	53
12.1 DEFINITIONS	53
12.2 ADMINISTRATIVE PROCEDURES	54
CHAPTER 13: DRUG FREE WORKPLACE	55
13.0 PURPOSE	55
13.1 POLICY	55
13.2 TESTING	56
13.3 NOTIFICATION	57
13.4 OVER-THE-COUNTER/PRESCRIPTION DRUGS	57
13.5 REHABILITATION	57
13.6 REFUSAL	57
13.7 POSITIVE RESULTS	57
CHAPTER 14: PERFORMANCE MANAGEMENT	59
14.0 PURPOSE	59
14.1 CORRECTIVE ACTION	59
14.2 PRE-DISCIPLINARY CONFERENCE	61
CHAPTER 15: APPEALS AND GRIEVANCES	62
15.0 POLICY	62
15.1 EMPLOYEE APPEALS	62
15.2 EMPLOYEE GRIEVANCES	64
CHAPTER 16: SEPARATION OF EMPLOYMENT	65
16.0 INVOLUNTARY SEPARATION OF EMPLOYMENT	65
16.1 RESIGNATION	65
16.2 INCAPACITY	66
CHAPTER 17: VEHICLE USE	67
17.0 POLICY	67
17.1 OFFICIAL BUSINESS	67
17.2 OPERATOR STANDARDS	67
17.3 INSURANCE	68
17.4 REPORTING CITATIONS	69
17.5 ACCIDENT PROCEDURES	69
17.6 TAKE HOME A VEHICLES	69
17.7 VEHICLE ALLOWANCE	69
CHAPTER 18: TOBACCO FREE WORKPLACE	70
18.0 PURPOSE	70
18.1 POLICY	70
18.2 EXCLUSIONS	70
CHAPTER 19: RISK MANAGEMENT	71
19.0 PURPOSE	71
19.1 SAFETY RESPONSIBILITIES	71

19.2	ACCIDENT/INCIDENT ANALYSIS	72
19.3	SAFETY AUDIT/INSPECTION	72
19.4	POST-INCIDENT REVIEW TEAM	72
CHAPTER 20: TRAVEL		73
20.0	PURPOSE	73
20.1	POLICY	73
20.2	TRAVEL/TRAINING	73
20.3	ACCOUNTABILITY FOR TRAVEL EXPENSES	73
20.4	TRAVEL PAY ADVANCES	73
20.5	TRANSPORTATION REIMBURSABLES	74
20.6	OTHER RELATED EXPENSES	75
20.7	TIPS	76
20.8	PARKING FEES	76
20.9	MISCELLANEOUS CHARGES	77
20.10	TAXES	77
20.11	REPORTING EXPENSES AND REQUESTING REIMBURSEMENT	77
CHAPTER 21: WIRELESS COMMUNICATIONS		78
21.0	PURPOSE	78
21.1	POLICY	78
21.2	PERSONAL USE	78
21.3	EMPLOYEE RESPONSIBILITY	79
CHAPTER 22: INFORMATION TECHNOLOGY		80
22.0	POLICY	80
22.1	PRIVACY	80
22.2	HARDWARE	80
22.3	SOFTWARE	80
22.4	ELECTRONIC MAIL	80
22.5	INTERNET	80
22.6	PASSWORDS	81
22.7	VIRUS PROTECTION	81
22.8	STATE-MANDATED PROCEDURES	81
CHAPTER 23: HUMAN RESOURCES EMPLOYMENT PROCESS		82
23.0	PURPOSE	82
23.1	POLICY	82
23.2	POSTING VACANT POSITIONS	82
23.3	POSTING NEW POSITIONS	82
23.4	POSTING RE-CLASSIFIED POSITIONS	83
23.5	CRITERIA FOR HIRING FROM PREVIOUS POSTINGS	83
23.6	FILLING RECURRING SEASONAL POSITIONS	84
23.7	APPLICANT SCREENING	84
23.8	SELECTION PROCEDURES	84
23.9	DISCUSSION OF SALARY	85
23.10	NEW EMPLOYEE IN-PROCESSING	85
CHAPTER 24: INCLEMENT WEATHER		86
24.1	POLICY	86
24.2	PROCEDURE	86

# CHAPTER 1

## GENERAL GUIDELINES

### 1.0 PURPOSE

This Handbook has been prepared for the purpose of providing information and setting guidelines. Consistent and fair application of policy is essential to any efficient organization. The purpose of this Handbook is to provide a foundational set of guidelines for managers, supervisors and employees. Clearly, no written Handbook will provide 100% resolution to every scenario. However, a well-written policy provides the framework that outlines the City's standard for a wide array of personnel issues. In no way does this Handbook establish a contract between the City of Rowlett and its employees. Employment by the City is **at-will** and may be ended by the City or the employee at any time for any reason.

Statements of specific grounds for termination set forth in this manual or in any other City documents are examples only, are not all-inclusive lists, and are not intended to restrict the City's right to terminate **at-will**. The stated grounds and procedures for disciplinary action and termination provide opportunities, not rights, to employees to ensure that disciplinary action or an involuntary separation from employment is done fairly and evenly and to minimize the possibility of incorrect decisions. They exist for the benefit of the City as an organization, not as rights conferred to employees.

This Handbook applies to all employees unless superseded by the state and federal constitutions, state and federal legislation and/or regulations, City Charter, and City of Rowlett Code of Ordinances. Failure to comply with these policies may be cause for appropriate corrective action. All City employees are charged with being familiar with the provisions of this Handbook.

### 1.1 AUTHORITY

With the exception of matters reserved to the City Council, the City Manager may modify provisions of this Handbook within the law to the extent deemed necessary in order to more effectively and efficiently promote the interests of the City and its employees. Each Department Director is responsible for enforcing the provisions of these policies. These policies may also be supplemented by Department Directors, although Departmental policies will not be less restrictive than those contained in this Employee Handbook. In all instances where City Policy and Departmental guidelines come into conflict, provisions of the Handbook take precedence.

The Director of Human Resources is authorized and directed to interpret, develop and implement necessary procedures for the efficient administration of these policies including but not limited to:

- A. Employee Relations/Equal Employment Opportunity
- B. Compensation and Benefits
- C. Performance Appraisals and Employee Feedback
- D. Policy/Standards Enforcement and Discipline
- E. Employee Hiring and Job Description Development
- F. Personnel Records

- G. Training and Career Development
- H. Health, Safety and Risk Management

## **1.2 AMENDMENT PROCESS**

Suggestions for proposed amendments are welcomed at any time from any employee. These suggestions may be submitted in writing to the City Manager or Human Resources Department for consideration. Any amendments to these policies will be approved by the City Manager, unless specified as requiring City Council approval.

## **1.3 NON-DISCRIMINATION**

The provisions of this policy will be applied equally to all employees, applicants, contractors, volunteers and any other personnel category without regard to age, race, color, religion, gender, national origin, handicap or disability, military service, or status as a Vietnam era, special disabled or other veteran who served on active duty during a war campaign in accordance with federal laws. In addition, the City of Rowlett will comply with all applicable State of Texas laws governing nondiscrimination in employment. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, demotion, discipline, termination, layoff, recall, transfer, leave of absence, compensation and training.



## **CHAPTER 2 CONDITIONS OF EMPLOYMENT**

### **2.0 CODE OF ETHICS**

It shall be the duty of all City employees to comply with statutes of the State of Texas, Rowlett City Charter Section 3.21 and City of Rowlett Code of Ordinance Section 2-473 with respect to the proper and appropriate conduct of their position. Mindful of City goals and objectives, each city employee:

#### **A. Interference and influence.**

1. Shall not receive any additional salary, benefits, or reimbursement for expenses for duties performed.
2. Shall never act or be influenced in a manner that is inconsistent with the employee's lawful authority or their official capacity.
3. Shall never take direction from any elected official other than as provided in the Home Rule Charter.

#### **B. Political activity**

1. Shall not engage in any political activity while on duty or in a uniform, or use their official capacity to influence, interfere with or affect the results of an election in accordance with the political activity provisions of the City of Rowlett Personnel Policies.

#### **C. Conflict of interest**

1. Shall not use City property, facilities, or resources for private or personal gain for themselves, their family or other parties.
2. Shall not use confidential information for their personal gain or benefit or that of their family or other parties.
3. Shall not grant any special consideration or treatment to any citizen beyond that which is available to every other citizen.

#### **D. Acceptance of gifts.**

1. Shall not intentionally solicit or accept, for the performance of any city service or duty, anything of value including, but not limited to, any gifts, loan, favor, or service, given for the purpose of influencing them in discharge of official duties. In no event shall any employee accept any gift or gratuity from a vendor, independent contractor or person conducting business with the city, except as provided in subsection b. hereof.

2. Shall not accept payment for a lunch nor accept products from a vendor or other such person in amount that exceeds \$25.00.

## **2.1 CONFLICT OF INTEREST**

- A.** Employees must avoid and/or resolve all actual or perceived conflicts of interest. No employee should personally profit directly or indirectly or have any monetary interest in any exchange, purchase, or sale of property, goods, or services with the City outside the scope of their official position. No employee should accept any free or preferred services, benefits or concessions from any person or company doing business with the City.
- B.** No employee will represent a group nor appear in front of the City Council or any other City department, agency, commission or board on a matter related to their official duties, except in their official capacity. This does not, however, prohibit an employee from expressing his/her personal views or opinions as an individual citizen of Rowlett in front of the Council.
- C.** Employees will avoid any action or conduct that could create the appearance of:
  1. Using public office for private gain.
  2. Giving preferential treatment to any organization or person.
  3. Losing complete independence or impartiality of action.
  4. Making a government decision outside of official channels; or
  5. Public loss of confidence in the integrity of government.

## **2.2 NEPOTISM**

- A.** In accordance with Texas Local Government Code Chapter 573 and Rowlett City Charter Section 11.03, no person related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to the Mayor, any Council member or the City Manager shall be employed by or contracted with the City. This shall not apply to the following:
  1. Any person employed by the City prior to the person related in the above degree filing to run for elective office or being nominated for an appointment;
    - i. 30 days prior to the appointment if related to the City Manager.
    - ii. held his/her position for at least 6 months prior to the election if related to the Mayor or a Council member
  2. Any person who is a seasonal employee or intern of the City.
- B.** No person related by third degree by blood or within second degree by marriage to any member of the Executive Team, Assistant Department Directors or their direct reporting managers may work in the same division as that employee or within the department where there is a close

working relationship that could potentially impact the organizational morale or efficient operations of the City.

- C. No person related within the third degree by blood or within the second degree by marriage to any other City employee may work in the same division as that employee or within the department where there is a close working relationship that could impact the organizational morale or efficient operations of the City.

First Degree	Second Degree	Third Degree
Spouse	Brothers	Great-Grandparent
Children	Sisters	Uncles
Mother	Grandparents	Aunts
Father	Spouse's Mother	Nephews
	Spouse's Father	Nieces
	Spouse's Sisters	
	Spouse's Brothers	
	Spouse of Adult Child	

- D. If the marriage of an employee creates a case of nepotism as stated above, the matter must be resolved by transfer or termination within a reasonable time, not to exceed six (6) months from the date of discovery. The employees involved will be allowed to make the decision as to which employee will seek a transfer or be terminated. The Director of Human Resources will facilitate a resolution to these matters.

### 2.3 INTERPERSONAL RELATIONSHIPS AND FRATERNIZATION

A. The City encourages a mutually respectful and supportive atmosphere at work for its employees. Interpersonal relationships between employees may become a concern if they have the effect of impairing the work of any employee; harassing, demeaning, or creating a hostile working environment for any employee; disrupting the smooth and orderly flow of work; or harming the goodwill and reputation of the City among its customers or in the community at large. For this reason, the City reminds its employees that the following guidelines apply in their relations with other employees, both on and off duty:

1. A supervisor should not engage in any form of relationship with a subordinate employee that could potentially have the appearance of creating or promoting favoritism or special treatment for the subordinate employee. In the event of such a relationship, the employees involved will be given the opportunity to choose which of them will be reassigned to an alternative position where the appearance of favoritism or special treatment will not be an issue, or one or both employees may be subject to dismissal, depending upon the nature of the situation. All employees, especially managers, are reminded that the qualities of good judgment, discretion, and compliance with guidelines are all taken into account when considering future advancement.
2. If a relationship or social activity between two or more employees:

- a. has the potential or effect of involving the employees, their coworkers, or the City in any kind of dispute or conflict with other employees or third parties;
- b. interferes with the work of any employee;
- c. creates a harassing, demeaning, or hostile working environment for any employee;
- d. disrupts the smooth and orderly flow of work, or the delivery of services to the City's citizen's or customers
- e. harms the goodwill and reputation of the city in the community at large; or
- f. tends to place in doubt the reliability, trustworthiness, or sound judgment of the persons involved in the relationship,

the employee(s) responsible for such problems will be subject to counseling and/or disciplinary action, up to and potentially including termination of employment, depending upon the circumstances.

- 3. No employee may use City equipment or facilities for furtherance of non-work-related social activities or relationships.
- 4. Employees who conduct themselves in such a way that their actions and relationships with each other become the object of gossip among others in the office, or cause unfavorable publicity in the community, should be concerned that their conduct may be inconsistent with one or more of the above guidelines. In such a situation, the employees involved should request guidance from Human Resources to discuss the possibility of a resolution that would avoid such problems. Depending upon the circumstances, failure to seek such guidance may be considered evidence of intent to conceal a violation of the policy and to hinder an investigation into the matter.

**B.** City friendships and social contacts between employees are not a matter of concern as long as they are consistent with the above guidelines. Employees may address any questions on this policy to Human Resources.

## **2.4 PHYSICAL FITNESS/MENTAL HEALTH**

- A.** All employees will maintain the standards of physical fitness required to perform the duties of their positions. When it is suspected that the mental or physical condition of an employee affects his/her ability to perform the job safely and effectively, or to perform the essential functions of the job, he/she may be instructed to undergo an occupational physical and/or mental health assessment. Because directing these assessments are not disciplinary in nature, and is in the best interests of the City, the employee is not afforded the opportunity to appeal the decision. The City will pay for these examinations.
- B.** Departments are authorized to direct employees to undergo periodic occupational physical and/or mental health assessments as part of their continued employment,

provided those examinations are consistent with the requirements of the position. The City will pay for these examinations.

- C. Any employee who becomes aware of any physical/mental disability, including the requirement to take prescription medication that may affect their ability to function safely in the workplace must notify their Department Director immediately. Department Directors, in concurrence with the Director of Human Resources, will consider appropriate temporary assignments, modified duties, and other actions of reasonable accommodation to the best extent possible.
- D. An employee may be involuntarily terminated from employment with the City for incapacity for medical reasons when the employee no longer meets the standards of fitness required for the position with or without reasonable accommodation. Employees will be afforded the opportunity to appeal these decisions.

## **2.5 RESIDENCY REQUIREMENT/CURRENT ADDRESS**

- A. There are no residency requirements for City employment that require an employee to reside within the City's limits, with the exception of the City Manager, who must be a Rowlett citizen per City of Rowlett Charter.
- B. Employees who may be called in to work in cases of emergency, or whose position involves on-call status, may be required to reside within a reasonable commuting distance from the City as specifically stated in their Job Descriptions.

## **2.6 OUTSIDE EMPLOYMENT**

- A. Employees must receive written approval from their Department Directors before beginning or undertaking any outside employment.
- B. There are no specific prohibitions on City employees having outside employment. However, the following requirements apply:
  - 1. Work hours of outside employment may not conflict with the assigned work hours of the employee's City job. "Assigned work hours" includes those associated with on-call and emergency response requirements.
  - 2. The nature of the work does not create a conflict of interest as outlined in this Handbook, Paragraph 2.0 or 2.1, *Code of Ethics & Conflict of Interest*.
  - 3. The nature of the work is not illegal.
- C. To support scheduling and potential liability issues, Departments will require employees to submit "Off-Duty Employment" request forms.
  - 1. Department Directors who disapprove an employee's request for outside employment will issue their decision along with rationale to the employee in writing.

2. In the event an employee's request is disapproved, the employee can appeal the decision in writing to the City Manager through the Director of Human Resources. The City Manager's decision is final.
- D.** Unless specifically authorized by the Department Director, an employee will not represent himself/herself as a City of Rowlett employee.
  - E.** Employees injured while performing outside employment are not eligible to receive Worker's Compensation from the City. Any lost time incurred as a result of injuries while performing outside employment will be charged as sick leave, then comp time and, last, vacation time.
  - F.** The Chief of the Police Department and the Fire Chief may adopt and enforce orders or internal departmental policies that further restrict or limit outside employment, or impose additional requirements, within their respective departments.

## **CHAPTER 3 EMPLOYEE RECORDS**

### **3.0 PURPOSE**

The City maintains several record sets on employees. Aside from training records and Police- and Fire-unique records which are maintained in those respective Departments, the Human Resources Department is charged with housing and maintaining:

- A.** Personnel Files
- B.** Medical Files
- C.** Workers' Compensation Files
- D.** Driving Record Files (Department of Public Safety reports)
- E.** Job Applicant Interview Files
- F.** Wellness Accountability Program Files

Access to these files is extremely restricted based on federal and state law. The Director of Human Resources is charged with ensuring only those with proper authority have access to these records.

### **3.1 PERSONNEL FILES**

- A.** Personnel files are the only “official” files that exist in the City and, as such, will be the sole sources for:
  - 1.** Personnel actions, to include separation documentation
  - 2.** Employment and work eligibility verification
  - 3.** Personnel management actions, including evaluations, employee feedback forms, signed acknowledgements and performance improvement plans
  - 4.** Corrective and disciplinary documentation
- B.** The Director of Human Resources will determine what documentation will be included in personnel files.
- C.** Employees are responsible for the accuracy of personal contact information (name, address, emergency contact data) in their personnel files

- D. Departments are responsible for ensuring all “official” employment documentation described in this section is forwarded to the Human Resources Department in accordance with established deadlines.

### **3.2 ACCESS TO PERSONNEL FILES**

- A. In accordance with State law, most information contained within an employee’s official employee record is considered to be public information, except:
  - 1. Information that, if distributed, would by law constitute an unwarranted invasion of personal privacy, and
  - 2. If proper election is made, home address, telephone number, social security number and information that reveals whether the person has family members.
- B. Information contained in an employee’s record that may be given to the public includes, but is not limited to; an employee’s name, sex, date of hire, position title(s) held, salary(ies), department, date of separation, and eligibility for rehire.
- C. Additional information will be provided to requestors only after receipt of written authorization from that employee specifying the information to be released.
- D. Unless granted by exception, all persons wishing to review records will contact the Human Resources Department at least 24 hours prior of desired review time.

No actual record in part or entirety or copy of an actual record will leave the Human Resources Department without the expressed permission of the Director of Human Resources.

- E. Upon confirmation of eligibility, non-medical personnel files may be reviewed by:
  - 1. City Manager, Assistant City Manager, City Attorney and Human Resources employees performing tasks within the scope of their duties.
  - 2. Members of the public, upon confirmed receipt of an Open Records Request under the Public Information Act.
  - 3. An employee wishing to review his/her own record.
  - 4. A designated agent of an employee, with that employee’s written permission.
  - 5. A City Department Director or the employee’s supervisor, when it is necessary to complete their job duties.
  - 6. City Department Directors may provide written notification to the Director of Human Resources for temporary delegation of limited access to employee records to support special projects.



Those delegated access to review employee records will sign non-disclosure agreements to acknowledge strict requirements to not release any personal information obtained from these reviews.

7. A designee assigned by a court of competent jurisdiction. This includes agents of the federal, state, or other political subdivision of the state when a court order for the record is presented, or an employee has provided voluntary written consent of release.
  8. Auditors and other regulatory agencies acting in their official capacity of verifying employment and other data.
- F. When hard copy duplication is required, the requestor may be responsible for the cost of duplication. The rates for hard copy duplication are:
1. 10 cents per page (Black & White, 8.5-inch x 11-inch paper)
  2. More than 50 pages = \$15.00 per hour, including time required to research, locate, compile and reproduce paperwork

### **3.3 DISPUTED INFORMATION**

When an employee has identified information in his/her employee file which they believe to be in error or otherwise misleading, they may submit a written response to the Director of Human Resources requesting to have the information removed or revised. The Director has sole authority to accommodate any such request.

### **3.4 RECORDS RETENTION**

Official employee records will be stored in a secure off-site facility under the direction of the City Secretary and in accordance with the Texas State Library and Archives Commission Retention Schedule.

Official employee records will be stored on-site in the Human Resources Department for two (2) years after date of separation from the City before being transferred to the off-site storage facility.

## **CHAPTER 4 EMPLOYEE INTRODUCTORY PERIOD**

### **4.0 PURPOSE**

The purpose of the employee introductory period is to provide Department leadership a specified amount of time to assess an employee's performance, job adaptability, and suitability for service to the City of Rowlett.

Introductory periods for all full- and part-time employees will start on the first day of employment (new hires), transfer, promotion, or demotion.

### **4.1 LENGTH OF EMPLOYEE INTRODUCTORY PERIOD**

All regular full- and part-time employees who are newly hired are required to complete a minimum six (6) month introductory period.

After completion of the initial introductory period, 911 dispatchers will undergo an additional 6 months of operational familiarization training. This additional 6-month period is considered part of those employees' continued introductory period.

After completion of the field training period, fire personnel and certified police personnel will continue the introductory period for an additional twelve (12) months.

### **4.2 PERFORMANCE FEEDBACK DURING INTRODUCTORY PERIOD**

During the employee introductory period, the employee and his/her immediate supervisor will periodically meet to discuss job expectations, general satisfaction with job performance, and to outline areas for performance improvement. These feedback sessions will be documented and signed by both the employee and his/her immediate supervisor and will be maintained by the supervisor.

### **4.3 CONCLUSION OF INTRODUCTORY PERIOD**

- A.** Within 30 days of the scheduled completion of the employee introductory period, the Human Resources Department will solicit written decisions from Department Directors authorizing the employee to transition to a "regular" status employee. However, completion of the introductory period does not change the **at-will** employment relationship between the employee and the City.
- B.** When an employee fails to meet the requirements of the introductory period, but it has been determined that he/she has the ability to do so, an employee's introductory status may be extended up to a maximum of three (3) months. These extensions will be served in writing and acknowledged by the employee. Signed forms will be sent to the Human Resources Department.

- C. Department Directors are authorized to terminate the employment of an introductory employee for failure to meet performance expectations at any time during the employee introductory period.

#### **4.4 INTRODUCTORY PERIOD EXCLUSIONS**

##### **A. TEMPORARY EMPLOYEES**

Employees hired as temporary are not regular full- or part-time employees and therefore are not required to undergo an introductory period. Due to the nature of their positions, temporary employees are subject to termination at any time for any or no reason.

##### **B. RECLASSIFIED EMPLOYEES**

Employees in positions that have been reclassified and have successfully completed an introductory period will not be required to complete an additional introductory period.

#### **4.5 APPEALS**

New hire employees who are terminated before completion of their introductory periods (to include extensions) are not eligible to appeal the decision.

Employees who have served with the City for more than 6 months who fail to satisfy job requirements during the initial 6 months after transfer, promotion or demotion are eligible to appeal termination decisions.

## **CHAPTER 5 REDUCTION IN FORCE**

### **5.0 POLICY**

A reduction in force (RIF) may occur as a result of business necessity. Business necessity includes, but is not limited to; fiscal priorities, departmental restructuring of duties to improve efficiency, or changes in service.

### **5.1 GUIDELINES**

The City will follow precise guidelines to implement any RIF decisions.

- A.** After consulting with and approval by the City Manager or Assistant City Manager, the Director of Human Resources will notify Department Directors of any required workforce reductions.
- B.** Department Directors will identify which service and/or position to recommend being deleted. City Manager will have the right to make the final decision.
- C.** Where functions identified for reduction involve positions with multiple incumbents, determination of impacted employee will be considered in the following progression:
  - 1. Prior formal disciplinary actions
  - 2. Time in current position/function
  - 3. Time with the city
- D.** Employees who receive a notice of lay-off will be given preferential consideration for vacant positions, other than promotional positions, through transfers and/or demotions which they are qualified to fill.
- E.** Preferential consideration means the laid off employee will be interviewed before other candidates and, if the individual is not selected, the reasons will be reviewed by the Human Resources Department. No preferential consideration will be given for promotional vacancies.
- F.** Transfers due to the reduction in force will take place from current vacancies or from reclassifications. Impacted employees in senior level positions will not be allowed to displace a junior level position by transitioning to the lower position.

When an employee transitions to a lesser position as a result of the reduction in force, the employee's current pay will be unaffected if it falls within the lesser position's pay range.

If the employee's current pay exceeds the lesser position's pay range, the employee's pay will be established at the maximum of the lesser position's pay range.

- G.** Any position eliminated as a result of a reduction in force may not be refilled for at least six (6) months following the effective date the position was eliminated.

Employees separated from employment, demoted, or reclassified as a result of a reduction in force, are ineligible to appeal the employment decision.

## **CHAPTER 6 COMPENSATION**

### **6.0 DEFINITIONS**

The City of Rowlett recognizes the following definitions as they pertain to compensation:

**Pay Period** – A pay period is designated for accounting purposes only and refers to a period of 2 work weeks. All employees, with the exception of Fire Department Shift Employees, are paid bi-weekly with normal paydays occurring every other Wednesday. Fire Department Shift Employees are paid every 15 days. Exceptions to paydays may occur due to City observed holidays and official City closures.

**Work Week** – A work week is defined as any fixed and regularly recurring period of seven (7) consecutive days.

- A.** The work week for all employees, other than Fire Department Shift Employees, begins at 12:00 am on Thursday and ends at 12:00 am on the following Thursday. The beginning and ending of the work week are subject to change by the City. The usual and customary hours worked per work week for full time, non-exempt employees, except for Fire Department Shift Employees will be 40 hours.
- B.** Fire Department Shift Employees work a recurring fifteen (15) day work period. The work period begins at 7:00 am and concludes at 7:00 am f15 days later.

### **6.1 OVERTIME**

The City will compensate all overtime through pay or compensatory time off in accordance with the Fair Labor Standards Act (FLSA).

#### **A. NON-EXEMPT EMPLOYEES**

All non-exempt employees (excluding fire employees on shift) working in excess of 40 hours in a work week will be paid one and one-half (1.5) their normal pay rate for hours worked in excess of 40, except as noted below.

#### **B. FIRE DEPARTMENT SHIFT EMPLOYEES**

The Fire Department operates on a 15-day work period under section 207 (k) of the FLSA. Non-exempt shift fire employees will be paid on a salary basis with each 15-day work period's salary intended to cover all scheduled hours worked during that 15-day work period, *i.e.* 114 hours per 15-day work period. The shift personnel's regular hourly rate is determined by dividing the work period salary by 114.

Fire shift employees will be paid any additional pay, such as but not limited to stability and certification pay, on each paycheck, which will be included in determining the regular hourly rate. Non-exempt shift fire employees will be paid one-half (.5) times their hourly rate

for 6 regularly scheduled overtime hours, during each 15-day work period. Non-exempt shift fire employees will be paid overtime at the rate of one and one-half (1.5) times their hourly rate for all hours worked in excess of 120 hours within any given 15-day work period. Overtime will be paid on the employee's next paycheck following the end of the 15-day work period.

### **C. POLICE DEPARTMENT EMPLOYEES**

Sworn Police Department employees who are assigned to work 12-hour shifts will have a work period of 14 days. Regardless of shift duration, overtime will be paid at the rate of one and one-half (1.5) times the employee's regular hourly pay rate for all hours worked in excess of 80 hours during the 14-day work period.

Other non-exempt employees in the Police Department will be paid overtime at one and one-half (1.5) times their regular hourly rate after 40 hours during a seven (7) day work period.

## **6.2 COMPENSATORY TIME**

In lieu of receiving overtime pay, employees may request that overtime pay be converted to compensatory time off. Compensatory time will be recorded at the rate of one and one-half (1.5) hours, thus making it equal in value to overtime pay.

No employee may accrue in excess of 40 hours of compensatory time with the exception of certain qualifying sworn Police and Fire personnel who participate in specialized assignments, schools, events and units.

The maximum allowable hours of compensatory time for qualifying sworn Police and Fire personnel who participate in specialized assignments, schools, events and units is 80 hours for Police and 96 hours for Fire. No other Police or Fire personnel may accrue in excess of 40 hours of compensatory time.

Use of compensatory time shall be by agreement between the employee and the Police Department, must be scheduled in advance, and may be subject to any general orders issued within the Department.

## **6.3 ON-CALL/CALLBACKS**

On-call is an assigned duty to accomplish required work assignments after normal work hours. Eligible employees are designated by their supervisors as scheduled to serve on-call for a specific period of time. A non-exempt employee who is called back to work will be paid for two hours or the actual time worked, whichever is greater. If an employee's time can be used effectively for personal purposes during the on-call period, even though the employee must carry a pager, cell phone or leave a number where he/she can be reached, the time will not be compensated as time worked.

#### **6.4 ADVANCE PAY**

No advance payment of salary or leave will be made to any employee.

#### **6.5 DEFERRED COMPENSATION**

Consistent with federal and/or state laws, the City may offer employees the option of participating in IRS Code Section 457 Deferring Compensation.

#### **6.6 CONFERENCES AND TRAINING**

City-approved or mandated attendance at trainings or other meetings whether during, before or after an employee's regular work schedule is to be considered hours worked.

Voluntary attendance at trainings or other meetings does not constitute hours worked.

#### **6.7 COMPENSABLE TRAVEL TIME**

Under no circumstances will an employee be compensated for the commute between home and work (fixed site or field location) during that employee's normal business time.

However, travel time to and from home is considered compensable work time when employees are called back to work after hours on emergencies. The maximum time for travel to be paid will be 30 minutes.

Travel to and from approved training, conferences, and business meetings that are in excess of 50 miles from the City Municipal Complex will be considered Paid Time, regardless of the employee's normal work schedule.

When traveling on work days, non-exempt employees will be credited with having worked the full work day, regardless of actual travel time. Because of this, supervisors must exercise firm discretion when authorizing the departure time and amended work schedule of an employee needing to travel for a next day conference.

Example 1: A non-exempt employee needs to attend a training class that begins at 1:00 p.m. at a facility in Arlington, TX. The employee should be required to work his/her regular job for several hours before being authorized departure for travel time.

Example 2: A non-exempt employee needs to attend a training class that begins at 9:00 a.m. and ends at 3:00 p.m. at a facility in Arlington, TX. The employee's normal work schedule is 8:00 a.m. to 4:30 p.m. The employee will be credited for a full 8-hour day of work with no requirement to report for duty.

When traveling on non-work days, non-exempt employees will be credited with the appropriate amount of time required to travel from the City Municipal Complex to the destination of the training, conference or business meeting, as depicted by MapQuest, Google Maps, or other web-based mapping program at the City's discretion. Travel time will be rounded to the nearest quarter hour (15-minute increment).

Travel delays experienced due to excessive traffic, inclement weather or stops en route will not be compensated above the mapping calculation.

Example 1: If a non-exempt employee travels to a conference in San Antonio, mapping reflects the travel time as 5 hours and 40 minutes. Beginning with the departure time, that employee will receive 5.75 hours of Paid Time to account for travel time. This Paid Time is in addition to the time “worked” at the training, conference, or business meeting.

Example 2: If a non-exempt employee travels to a conference in San Antonio, mapping reflects the travel time as 5 hours and 40 minutes. Beginning with the departure time, that employee will receive 5.75 hours of Paid Time to account for travel time. However, the employee reports that he/she was stuck in Austin traffic for an additional 2 hours and, therefore, was traveling for over 7 hours. The employee will still only receive the 5.75 Paid Time credit for travel.

## **6.8 OUT OF CLASS PAY**

Out of class pay issues will be overseen by the Director of Human Resources.

Regular full-time employees will be eligible for compensation above the employee’s regular salary while performing the task and functions of the job descriptions of a higher supervisory position and/or program management oversight. Employees eligible for out of class pay will receive pay equal to a 5% increase of current salary or the entry level salary of the higher classification grade, whichever is higher. Eligible employees will receive out of class pay when the following criteria have been satisfied:

1. An employee has filled in for the duties of a higher graded position for more than 30 consecutive calendar days, and;
2. Supervision of employees or program management oversight is included in the job description of the higher position.

Uniformed (sworn) Police Officers and Fire Shift employees are excluded from this provision and paid in accordance with the law.

## **6.9 RELOCATION EXPENSE REIMBURSEMENT**

Consistent with our efforts to recruit, hire, and retain superior candidates for key staff positions, Department Directors may consider offering relocation expense reimbursement as part of their salary negotiations with prospective employees. The approval process is as follows:

- A. Relocation expense reimbursement will only be offered after receiving positive coordination from the Director of Human Resources and with approval (to include the amount authorized) from the City Manager.



- B.** Offers of relocation expense reimbursement must be reserved for important leadership positions, hard-to-fill positions, or those requiring specialized skills/experience not readily available through local candidates.
- C.** Relocation expense reimbursement will be funded through the hiring Department's budget.
- D.** Relocation expense reimbursement represents a substantial financial investment in the employee on the part of the City. Therefore, receipt of this entitlement constitutes the employee's acceptance of the following pay-back terms:
  - 1.** If, within 1 calendar year of start date, the employee voluntarily leaves employment with the City of Rowlett, or if the employee is involuntarily terminated for Job Abandonment or Misconduct, he/she will be required to pay back 100% of relocation-related expenses.
  - 2.** If, within 2 but more than 1 calendar years of start date, the employee voluntarily leaves employment with the City of Rowlett, or if the employee is involuntarily terminated for Job Abandonment or Misconduct, he/she will pay back 50% of relocation-related expenses.
  - 3.** In the event of employee refusal to comply with these requirements upon separation from employment with the City, the City will withhold final pay, to include payout of unused Vacation and Sick leave balances, in order to recoup these costs.
- E.** If approved, relocation expense reimbursement will be authorized through:
  - 1.** Purchase Order. The employee will obtain and provide to the hiring Department Director three (3) bids from moving companies. These bids will include costs associated with packing, shipment, and off-loading of household belongings at the employee's destination. Unpacking of boxes is not a reimbursable expense.
  - 2.** Accounts Payable Payment (AP) Check. The employee will provide copies of all receipts associated with (a) vehicle fuel, (b) hotel/lodging costs and (c) meal costs for the new hire and immediate family members traveling with him/her.

## **CHAPTER 7 BENEFITS**

### **7.0 POLICY**

All employees in their introductory employment period and regular full/part time employees occupying a regular budgeted position where he/she is regularly scheduled to work 20 hours or more per week are eligible to receive benefits.

- A.** A regular budgeted position is one that was approved by City Council during that year's fiscal budget process.
- B.** Department Directors are authorized to hire additional seasonal or temporary employees during the year as long as there are resources. However, those employees will not earn any benefits (Vacation Leave, Sick Leave, Compensatory time, etc.), nor are they eligible to enroll in the City's medical plans.
- C.** Temporary positions will not be filled for more than 1,000 hours during any 12-month period.

### **7.1 HOLIDAYS**

The City of Rowlett observes the following ten (10) holidays:

- New Year's Day
  - Martin Luther King Day
  - Memorial Day
  - Independence Day
  - Labor Day
  - Thanksgiving Day
  - Day After Thanksgiving
  - Christmas Eve Day
  - Christmas Day
  - Personal/Floating Holiday (1) (Designated by employee)
- \* September 11<sup>th</sup> is recognized as the floating holiday for Firefighter personnel.

## **A. HOLIDAY COMPENSATION**

Employees who are required to work on a holiday will be compensated at their regular hourly rate for the number of hours they would have worked on a regular day and will receive a day off with pay during the same pay period as the holiday.

Full-time employees whose regular day off falls on a City-observed holiday may receive pay for the holiday based on the number of hours normally worked. Part-time employees will receive pro-rated holiday pay. The part-time employee does not have to be scheduled to work on the holiday in order to receive holiday pay. Police Officers and Fire shift employees are exempt from this provision.

Non-exempt employees who are required to work on Christmas or Thanksgiving Day will receive straight-time pay for the hours worked plus holiday pay for their normal working hours, or will be given the opportunity to take one alternate day off at regular pay as determined by the Department Director.

Example: If an employee works 2 (two) hours on Christmas Day, he/she will have the option to receive 8 (eight) hours holiday pay, plus 2 (two) hours of straight-time pay for hours worked, or may, with departmental approval, elect to designate a normal work day as a paid day off.

Holiday pay may be earned if the employee's shift begins on a holiday, not if the employee's shift ends on a holiday.

## **B. HOLIDAY WORK SCHEDULES**

If a holiday falls on a Saturday, it will be observed on the preceding Friday and if a holiday falls on a Sunday, it will be observed on the following Monday, unless otherwise designated by the City Manager.

Employees are provided a personal/floating holiday each year that must be used in the calendar year it is accrued. Any unused personal/floating holiday will be forfeited at the end of the calendar year and upon separation of employment. Personal/floating holidays must be used in whole day increments.

Police Officers and Fire shift employees are allowed to bank holidays. However, holidays cannot be carried over from year to year and must be scheduled and used within the calendar year granted.

## **C. ELIGIBILITY**

Holiday pay may be withheld if an employee is absent without permission the day before or after a holiday. Employees on leave without pay status immediately prior to and after a holiday are ineligible to receive holiday pay. Any employee on paid military leave, court leave, or bereavement leave during a City holiday may take the holiday at a subsequent date with departmental approval.

## **7.2 EMPLOYEE ASSISTANCE PROGRAM**

- A.** The City of Rowlett recognizes that personal problems can sometimes affect an employee's attendance or work performance. Employee assistance programs are designed to help employees and their families work through personal difficulties.
- B.** The City's employee assistance program can assist employees with a wide range of issues, including parenting, depression, loss, budgeting, stress, interpersonal conflicts, alcohol or drug abuse and other issues. Employees may be referred to the EAP in one of two ways:
  - 1. Voluntary self-referral; or
  - 2. Voluntary supervisor referral.
- C. Voluntary Self-Referral**
  - 1. An employee may voluntarily contact the EAP at any time for assistance with the EAP on-call counselor. This self-referral can be completely of his/her own initiative. The self-referral can also be in response to informal suggestions by supervisors, through whom employees are made aware of EAP services. The EAP contact telephone will be posted in all departments and will be communicated regularly throughout the City.
  - 2. In some cases, appointments are available after normal working hours or on weekends in crisis situations. If appointments are necessary during normal work hours, the time may be charged to accrued sick leave. If sick leave is not available, time off without pay should be used, or employees may be allowed to make up any hours missed, at the supervisor's discretion.
  - 3. Up to six visits may be provided free of charge to each employee. If additional treatment sessions are necessary, they may be covered according to the employee's health plan.
  - 4. Information regarding the reasons employees are seeking assistance through the EAP is strictly confidential. Supervisors should not ask what the reasons are and, if an employee volunteers any information, it should be treated confidentially.
- D. Voluntary Supervisor-Referral**
  - 1. Supervisor referral to the EAP generally occurs in conjunction with some work-related matter, such as a performance improvement plan, based on documented performance deficiencies.
  - 2. If a supervisor feels that he or she should refer an employee to the EAP, they should first review the case facts with the Director of Human Resources and an EAP counselor (the supervisor may or may not have previously talked to the employee informally about seeking assistance from the EAP). Upon agreement that a supervisor referral to the EAP is the appropriate action, the employee's supervisor will contact the EAP counselor with the initial information that the employee has been strongly suggested to contact the EAP.

3. In some cases, appointments are available after hours or on weekends in crisis situations. Scheduled appointments for the assessment visits should be recorded as time worked if during working hours. This time will not be counted toward overtime. An employee should not have his or her time docked for voluntary supervisor referred EAP assessment appointments.
4. Up to six visits may be provided at no charge to the employee. If additional treatment sessions are necessary, they will be covered according to the employee's health plan and may be charged to sick leave or other paid or unpaid leave, subject to supervisor approval.
5. Although case specifics will be treated confidentially, the EAP will keep supervisors and Human Resources apprised of employee's general progress, such as whether they have attended scheduled meetings and are cooperating, and whether they are attempting to resolve the issues adversely influencing their work performance.

### **7.3 INSURANCE**

The Human Resources Department will furnish information regarding various insurance programs to all employees on a timely basis. The City reserves the right to modify, amend, or terminate its health and welfare, and retirement benefits as they apply to all current, former, and retired employees.

Retirees are entitled to purchase continued health benefits coverage for themselves and their dependents as provided by Chapter 175 of the Local Government Code.

#### **A. RETIREES UNDER AGE 65**

Employees retiring under the TMRS system will be eligible to receive premium payment of individual (not dependent) health insurance (medical only) benefits for a period of time equal to one month for every full year of service with the City. The premium payment amount will be based on the Employee Only premium on the City's core medical insurance plan option. The retiree will be responsible for paying any premium charge above the amount provided under the core plan option.

#### **B. RETIREES OVER AGE 65**

Employees retiring under the TMRS system will be eligible to receive premium reimbursement for individual (not dependent) Medicare supplement for a period of time equal to one month for every full year of service with the City. The premium payment amount will not exceed the Employee Only medical premium on the City's core insurance plan option.

### **7.4 COBRA**

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives covered employees and their qualified beneficiaries the opportunity to continue health insurance coverage

under the City's health, dental, and vision plan for specified periods of time when a "qualifying event" would normally result in the loss of eligibility.

Qualified beneficiaries are individuals who, on the day before a qualifying event, are covered under a group health plan as a covered employee, spouse of a covered employee, or a dependent child of a covered employee.

Under COBRA, the employee or beneficiary pays the full cost of coverage plus an administrative fee. Each eligible employee will be provided with written information describing rights and obligations granted under COBRA when the employee becomes eligible for coverage under the City's health insurance plan.

## **7.5 LONGEVITY PAY**

Regular full and part time employees who work more than 20 hours per week will be entitled to receive longevity pay for each year of service to the City, not to exceed 25 years. Such payment will start at the beginning of the employee's thirteenth month of employment. Payments are made on the first regular payday in November. Employees who terminate prior to November will receive a prorated payment on their final pay.

### **PAYMENT FOR SERVICE AMOUNT**

Eligible employees will receive payment as follows:

1. Regular full-time employees will be entitled to \$4.00 per month for each year of City service.
2. Regular part-time employees will be entitled to \$2.00 per month for each year of City service.

(\*Updated per clarification email, Nov 13, 2014)

## **7.6 SERVICE AWARDS**

The City recognizes employees who provide 20, 25, 30, 35, and 40 years of consecutive or nonconsecutive service to the City. Employees meeting these employment milestones will receive \$10 for each year of service provided. Pursuant to Internal Revenue Service regulations, cash rewards are treated as taxable income.

## **7.7 DIRECT DEPOSIT**

All new employees, regardless of status, are required to enroll in Direct Deposit.

## CHAPTER 8 LEAVE

### 8.0 POLICY

All employees in their introductory employment period and regular full- and part-time employees occupying a regular budgeted position where he/she is regularly scheduled to work 20 hours or more per week are eligible to receive benefits under the provisions of this policy.

Part-time employees working less than 20 hours per week and temporary employees are not eligible to receive benefits described in this policy unless otherwise specified.

### 8.1 VACATION LEAVE

Employees will submit vacation requests in accordance with Departmental procedures and in advance of the scheduled date(s) to allow for Departments to amend work schedules. Department Directors reserve the right to approve or disapprove vacation leave based on work necessities. In the event that a request is denied due to work necessities, the Department Director will make every effort to accommodate the request at a later date.

#### A. VACATION ACCRUAL

Eligible employees accrue vacation leave as follows:

**1. Full-time (excluding Fire Department shift employees)**

Tenure	Time Accrued	Max Annual Accrual
Less Than One Year	10 days (3.077 hours/pay period)	80 hours
One to ten years	15 days (4.615 hours/pay period)	360 hours
Over ten years	20 days (6.153 hours/pay period)	480 hours

**2. Part-time employees who work at least 20 hours but less than 40 hours per workweek earn vacation at the same rate as a full-time employee, but proportionate to the number of regular hours worked per pay period.**

**3. Fire Department Shift Employees**

Tenure	Time Accrued	Max Annual Accrual
Less than one year	5 shifts (5 hours/pay period)	120 hours
One to ten years	7.5 shifts (7.5 hours/pay period)	540 hours
Over ten years	10 shifts (10 hours/pay period)	720 hours
	* All shifts are 24 hours.	

**B. MAXIMUM ACCUMULATION**

Employees may accumulate a maximum of three times the annual accrual rate.

Example 1: Based on the Accrual Table above, a non-Fire Shift employee who has been with the City for 8 years earns 15 days (120 hours) per year. Three times that annual accrual rate (120 X 3) equates to 360 hours.

Unused hours in excess of the maximum rate will be forfeited on January 1<sup>st</sup> of each year. The employee’s accrual balance will be re-set to the current maximum rate.

Employees may submit a written request to their Department Director or the Director of Human Resources requesting carry-over of unused Vacation Leave.

**C. SPECIAL CIRCUMSTANCES**

Vacation Leave will only be charged for time that an employee would have ordinarily worked, *i.e.*, if a City recognized holiday were to fall during an employee’s vacation time, he/she would not be charged vacation time for that day.

**D. PAYOUT UPON SEPARATION (NON-FIRE SHIFT PERSONNEL)**

Eligible employees leaving City service will be compensated for unused accrued vacation leave in accordance with the table below Terminated employees on introductory status excluding promotional are ineligible for vacation pay out.

Tenure in Years	Pay Out %	Max Payout Part-time (in hours)	Max Payout Full-time (in hours)	Max Payout Fire* (in hours)
<1	100.0%	40	80	360
1-10	100.0%	90	180	540
>10	100.0%	120	240	720

Part-time hours are proportionate based on hours worked.

Those non-fire shift employees hired prior to October 1, 2014, whose balances do not exceed the maximum vacation leave payouts as of September 30, 2014, will not be paid in excess of the maximum payout threshold reflected above, and will only receive payment for actual accrued hours.

Employees with accrued Vacation Leave balances between 240 and 480 hours as of September 30, 2014 will be paid that full amount, but no more than that amount, at the time of the separation from the City.

Employees with accrued Vacation Leave balances at or above 480 hours as of September 30, 2014 will be paid the full 480 hours at the time of the separation from the City.



## **8.2 SICK LEAVE**

### **A. RETURN TO WORK**

Employees using sick leave in excess of 3 consecutive workdays may be required to provide the Human Resources Department with a medical release to return to work signed by a licensed physician.

In addition, written documentation signed by a physician may be required when:

- 1.** There is reasonable cause to question the merits of an employee's claim that his or her absence was in accordance with this policy.
- 2.** The employee's safety, the safety of others, or the employee's ability to work is in question.
- 3.** There is reasonable suspicion that sick leave is being abused.
- 4.** Concerns exist that an employee will not be able to fulfill his/her essential job function(s).

Failure to provide the requested written documentation may result in disciplinary actions up to and including termination or a denial of sick leave pay.

### **B. APPROPRIATE USE OF SICK LEAVE**

Sick Leave may only be taken when the employee is sick, in recovery following sickness or medical procedure, or to meet with a licensed physician. Sick Leave is also authorized for use under any provision approved under the Family Medical Leave Act.

Additionally, use of Sick Leave is authorized in order to provide care for a sick/incapacitated family member. The City recognizes "family member" to include parent, brother, sister, spouse, child, grandparent, parent-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent-in-law, legal guardian or ward, grandchildren, step-parents, step-child, step-brother, or step-sister.

**Under no circumstances is Sick Leave authorized for use in lieu of Vacation Leave or Compensatory time.**

**C. ACCRUAL**

Sick Leave accrual is unlimited and may be carried over from year to year.

All full- and part-time employees will accrue sick leave as follows:

<b>Annual Accrual of Sick Leave</b>	
Full-Time	10 days (3.077 hours/pay period)
Part-Time	3.077 hours/pay period, proportionate to hours worked
Fire Department Shift Employees	5 shifts (5 hours/pay period)

**D. SICK LEAVE PAYOUT**

Regular full- and part-time employees leaving City service for reasons other than misconduct as defined in Chapter 11 may be eligible to receive payment for accrued unused Sick Leave.

(\*NOTE: This topic was changed substantially by City Council direction for implementation effective Jan 7, 2015.)

**1. TMRS/20-YEAR-PLUS EMPLOYEES**

Employees retiring from City service under TMRS or with more than 20 years of consecutive City service (full- or part-time) will receive 100% of their allowable Sick Leave payout, as determined by the calculation methodology illustrated below in paragraph D.4.

<b>Full-Time Employees</b>	<b>Part-Time Employees</b>	<b>Fire Dept. Shift Personnel</b>
Up to 480 hours	Up to 240 hours	Up to 720 hours

**2 SICK LEAVE PAYOUT ELIGIBILITY**

The minimum service time with the City of Rowlett for an employee departing City service for any reason (retirement or otherwise) to be eligible for payout of unused Sick Leave is 10 years.

Employees involuntarily leaving City employment due to misconduct or job abandonment are ineligible for payout.

**3 SICK LEAVE PAYOUT PERCENTAGES AND MAXIMUMS**

**For employees with hire dates on or before Jan 7, 2000**

Tenure	Percentage
More than 15 Years, less than 20 Years	25%
20+ Years	100%

Non-Retirement	
Employee Type	Maximum Payout
Regular Full Time	200 hours
Regular Part Time	100 hours
Fire Shift	300 hours
Retirement	
Regular Full Time	480 hours
Fire Shift	720 hours

**For employees with hire dates after Jan 7, 2000**

Tenure	Percentage
Less than 10 Years	0%
More than 10 Years	25%

Non-Retirement	
Employee Type	Maximum Payout
Regular Full-Time	200 hours
Regular Part-Time	100 hours
Fire Shift	300 hours
Retirement	
Regular Full-Time	480 hours
Fire Shift	720 hours

**4 SICK LEAVE PAYOUT CALCULATIONS**

Calculations for Sick Leave Payout will be made according to the following formula:

(Accrued Sick Hours up to Max) X (eligible % amount) X (Hourly Rate of Pay)

Example: (260 Hours) X (25%) X (\$14.84 per hour) = \$964.60

### **8.3 CATASTROPHIC LEAVE SHARING PROGRAM**

The Catastrophic Leave Sharing Program exists to provide employees the opportunity to obtain additional sick leave to avoid loss of compensation due to a catastrophic illness or injury affecting him/herself and/or an immediate family member, when the employee has exhausted all accrued leave.

This temporary measure is geared towards limiting employees' economic hardships until the required elimination period is reached for Long-Term Disability (90 days).

#### **A. DETERMINING AUTHORITY**

The Director of Human Resources is authorized to approve an illness or injury as "catastrophic."

#### **B. ELIGIBLE RECIPIENTS**

Eligible recipients are employees who suffer from or who have an immediate family member who suffers from:

- 1.** An illness, injury, impairment, physical, or mental condition which is of an extraordinary or severe nature.
- 2.** Terminal illness, mortal injury, or a life endangering event that requires hospitalization, hospice care, extensive outpatient treatment and/or rehabilitation under the supervision of a state licensed medical provider.
- 3.** Serious chronic illnesses/injuries which result in frequent work absences.

Employees suffering from conditions which are short-term in nature (*e.g.* flu, measles, common illnesses, common injuries, short-term post-surgical recovery, etc.) are not deemed catastrophic.

#### **C. ELIGIBLE DONORS**

- 1.** Eligible employees can donate Sick Leave in eight (8) hour increments, twenty-four (24) for Fire or twelve (12) for Police Department Shift Personnel, by completing the *Catastrophic Leave Sharing Program Donation Form*. Once donated, Sick Leave cannot be rescinded.
- 2.** Eligible employees can donate a maximum of 80 hours of sick leave or 120 hours for Fire Department Shift Personnel to each employee.
- 3.** Full- and part-time employees may contribute to a co-worker's Sick Leave as long as his/her remaining balance is at least:

<b>Employee Type</b>	<b>Minimum Balance</b>
Regular Full-Time	120 Hours
Regular Part-Time	60 Hours
Fire Dept. Shift Personnel	180 Hours

#### **8.4 MILITARY LEAVE AND REEMPLOYMENT**

A person who is or applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied employment, reemployment, retention, promotion, or any benefit of employment on the basis of that membership, application, performance, or obligation; provided that the person:

- 1) has given advance notice (written or oral) to that person's supervisor, unless providing such advance notice is precluded due to military necessity, impossibility, or unreasonableness;
- 2) does not incur a cumulative length of absence of more than five (5) years; and,
- 3) reports to work or submits an application for reemployment as provided for hereinafter.

Military leave will be granted in accordance with all applicable State and Federal Laws. References to military service within this section are as defined by the Uniformed Services Employment and Reemployment Rights Act (USERRA). Military benefits under this section will terminate upon the employee's separation from the uniformed service under a disqualifying discharge or other than honorable conditions. Benefits under this section will terminate if the employee's cumulative service exceeds five (5) years, unless the length of service is involuntarily extended under certain circumstances.

All employees are eligible for military leave. However, if a temporary employee's military duty extends beyond the employee's fixed employment term, the leave will not be extended beyond the employment term.

##### **A. NOTICE OF MILITARY SERVICE**

Employees must furnish the Human Resources Department with a copy of official military orders. Emails do not satisfy this requirement.

##### **B. RETURN TO WORK**

Employees will be promptly reemployed after a period of military service under the conditions of this section.

1. Upon return from service lasting less than 31 days, employees must report at the beginning of the first scheduled work day after release from service, plus 8 hours.

2. Upon return from service lasting from 31 days to 180 days, employees must report no later than 14 calendar days after completion of military service.
3. Upon return from service lasting over 180 days, employees must report no later than 30 calendar days after completion of military service.
4. The employee will return to the position of employment in which he/she would have been employed if the period of employment with the City had not been interrupted by military service, provided the employee remains qualified to perform the duties of that position.
5. If the length of service exceeds 90 days, the employee may be transferred to a position of like seniority, status and pay if the employee is qualified to perform the duties of that position with or without reasonable efforts by the City to qualify the person, if such position is available.
6. If, after a period of military service, the employee is not and cannot be qualified to be employed in any of the foregoing positions after reasonable efforts by the City, he/she will be placed in any other position of lesser status and pay for which he/she is qualified to perform if such position is available.
7. Seniority benefits and accruals will be continued as if there had been no break in the employee's employment.
8. Any employee who has not completed his/her introductory employment period with the City when beginning active duty in the armed forces will, upon his/her return, resume his/her introductory period at the point at which it was interrupted.

**C. TIME GRANTED**

Employees with military obligations will be granted fifteen (15) working days paid military leave each calendar year.

Leave in excess of 15 days may be charged to accrued Vacation Leave and/or Compensatory Time. If the employee lacks Vacation Leave and/or Compensatory Time, the employee will be placed in Leave Without Pay status.

**D. MILITARY SALARY CONTINUATION**

1. Employees who are mobilized to Active Duty and deployed in direct support of military conflict or officially designated ("named") national defense operations are eligible for supplemental salary continuation for the duration of the conflict/commitment. The employee must provide a copy of official military orders in order to request this provision. This provision does not apply to normal military training obligations.

2. In some instances, training specifically associated with the deployment may be credited for Military Salary Continuation. However, these will be addressed on a case-by-case basis.
3. Military Salary Continuation will be calculated as the difference in monthly salary between his/her current position with the City and military pay. The employee is required to provide a copy of the most recent Leave and Earnings Statement to validate military pay.
4. Employees whose monthly military salary exceeds that of his/her normal City salary will not receive Military Salary Continuation.

#### **E. MILITARY LEAVE**

1. Includes travel time expressly included in the employee's written deployment orders. The City does not recognize verbal orders or those received through unofficial channels.
2. Includes time required for physical examination for admission into military service, to determine or maintain a selective service rating, state service in the National Guard, to maintain reserve status, or for training required and paid for by the service.
3. Will not be granted for diagnosis or treatment of any service-related injury, sickness, or disability, for obtaining or sustaining any disability rating, or for treatment in any government facility unless done so under military orders. Leave of this nature will fall under the Sick Leave provisions of this chapter.
4. Military leave will only be given in lieu of regularly scheduled work hours.
5. Employee benefits will continue for the employee while on military leave and premiums will continue to be deducted from the employee payroll checks.

#### **8.5 COURT LEAVE**

Court Leave will be granted to all non-temporary or seasonal employees for the purpose of appearing as a juror, witness or other official participant in the proceedings of a legally recognized body having power of subpoena, if an employee is not a party to the proceedings. This leave will be compensated and not be charged as Sick or Vacation Leave.

#### **8.6 LEAVE WITHOUT PAY**

Leave Without Pay must be requested in writing to the Department Director or the Director of Human Resources for approval. Employees on leave without pay status will not accrue sick or vacation leave.

## **8.7 BEREAVEMENT/FUNERAL LEAVE**

### **A. IMMEDIATE FAMILY**

- 1.** Eligible employees will be allowed three (3) working days off with pay immediately following the death of a member of an employee's household or family, including parent, brother, sister, spouse, child, grandparent, parent-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent-in-law, legal guardian or ward, grandchildren, step-parents, step-child, step-brother, or step-sister.
- 2.** If multiple deaths occur simultaneously within a family, a special exception to the allowance of 3 working days may be approved by the Director of Human Resources.
- 3.** Employees will not be paid bereavement leave for hours they were not scheduled to work, however they still remain eligible for leave. For example, if an employee normally has weekends off and a death occurs on Friday, the employee will not be paid for Saturday and Sunday. Under these circumstances, bereavement leave would begin on Monday.
  - Eligible employees will be allowed up to four (4) hours paid leave to the funeral of a fellow employee, friend or relative, other than those considered immediate family.

## **8.8 EMERGENCY LEAVE**

- A.** Eligible employees may request emergency leave when they have sustained damage to their property due to an Act of God (tornado, windstorm, flood, etc.) or human tragedy (fire, explosion, etc.). Under such circumstances, up to 3 working days of paid leave may be granted by the employee's Department Director.
- B.** Leave in excess of 3 paid working days must be requested and approved by the Director of Human Resources in consultation with the City Manager

## **8.9 ADMINISTRATIVE LEAVE**

- A.** Administrative Leave with pay may be granted to permit an employee to vote in official elections as permitted by law, participate in investigative proceedings, training activities, legislative proceedings, civic functions or any other purpose deemed by the City Manager or Department Director to be in the City's best interests.
- B.** When deemed appropriate by the Director of Human Resources or Department Director, an employee who is under investigation for or charged with a crime may be placed on Administrative Leave without pay. Additionally, Administrative Leave without pay may be also utilized when employees have exhausted all accrued paid leave.
- C.** Administrative Leave is not considered a disciplinary action and is not subject to grievance or appeal.



## **CHAPTER 9 FAMILY AND MEDICAL LEAVE**

### **9.0 ELIGIBILITY**

The Family and Medical Leave Act of 1993 (FMLA) provides job and benefit protection for eligible employee who must take certain types of leave. To qualify for Family Medical Leave (FML), an employee must have worked for the City for at least 12 months and worked at least 1,250 hours during the period immediately prior to the start of the leave.

An eligible employee may take up to 12 weeks of leave under this policy during any 12-month period. For purposes of this policy, the City recognizes a rolling 12-month period measured backward from the date an employee uses any qualified leave.

FMLA does not provide salary continuation when leave is exhausted.

### **9.1 DESIGNATION AND EMPLOYEE'S NOTICE REQUIREMENTS**

It is neither the employee's responsibility nor authority to designate leave under FMLA. The Director of Human Resources is authorized to make this determination on behalf of the City.

When an employee requests job protection under FMLA or the City becomes aware that employee leave may be for an FMLA purpose, the Human Resources Department will notify the employee of his/her eligibility to take leave and inform the employee of his/her rights and responsibilities.

In order for the City to accommodate an employee's workload during his/her absence, an employee seeking to take FMLA should provide both their Department Director and Human Resources with at least 30 days' advance notice when the leave is foreseeable.

In the event of medical leave for planned medical treatment for the employee or for the employee's spouse, child or parent, the employee should make a reasonable effort to schedule the treatment so as not to disrupt unduly the City's operations. If the leave is not foreseeable, an employee is expected to provide both their Department Director and Human Resources with as much advance notice as possible, and should follow the City's and their department's usual and customary call-in procedures for reporting unscheduled absences.

All supervisors must immediately notify both their Department Director and Human Resources if they have reason to believe an employee's absence is due to an FMLA covered reason.

### **9.2 FMLA DESIGNATION SCENARIOS**

The City designates the following scenarios as FMLA, with or without employee consent, and irrespective of the employee's Sick Leave balance:

Surgery	Circumstances related to Military Activation
Hospitalization (overnight)	Chronic Medical Issues requiring absence

Childbirth/Adoption

Extended (3+ days) Sick Leave

Additionally, special circumstances may warrant FMLA designation. These include, but are not limited to:

- A. To care for the employee's spouse, son or daughter, or parent, who has a serious health condition (as documented by a medical authority).
- B. Serious health condition that makes the employee unable to perform the essential functions of his/her job (as documented by a medical authority).

### **9.3 MILITARY FAMILY LEAVE ENTITLEMENT**

The City will operate in compliance with the National Defense Authorization Act of 2008, which authorizes FMLA to provide two military leave entitlements:

- A. Qualifying Exigency Leave – eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies.
- B. Military Caregiver Leave – eligible employees who are the spouse, parent, child, or next of kin of a covered service member who incurred a serious injury or illness on active duty may take up to 26 weeks of leave to care for the covered service member during a single 12-month period.
- C. If a husband and wife both work for the City, they will be limited to a combined total of 12 weeks in the rolling 12-month period if the leave is taken for the birth of a child or to care for the newborn, placement or care of an adopted or foster child, or to care for a parent who has a serious health condition.
- D. If the leave is taken to care for a covered service member with a serious injury or illness, the husband and wife will be limited to a combined total of 26 weeks in the rolling 12-month period.
- E. Entitlement to leave for birth or placement for adoption or foster care expires at the end of the 12-month period from the date of birth or placement. Additionally, leave must be concluded within the 12-month period.

### **9.4 MEDICAL CERTIFICATION**

- A. Any employee requesting job protection under FMLA for a serious health condition of the employee or of an eligible family member must submit a Certification of Health Care Provider form. If an employee fails to provide any required certification within 15 days, the City may deny leave until the certification is provided. The certification form must be completed by the patient's health care provider(s) and must contain at least the following:
  - 1. Date condition began

2. Probable duration of condition
  3. Appropriate medical facts about the condition
  4. Statement that the employee is needed to care for the ill family member or, in the case of their own illness, is unable to perform their job
  5. In the case of intermittent leave, dates and duration of the treatments necessitating the intermittent leave
- B.** An employee may be required to submit a "fitness-for-duty" certification before the employee can return to work.
- C.** The City may, at its expense, require a second opinion from a health care provider of its choice if the City has reason to question the Certification of Health Care Provider submitted by the employee. If the opinions of the two health care providers conflict, the City may require, at its own expense, a third medical opinion from a health care provider mutually agreed upon by the employee and the City. The third opinion shall be considered final and binding on both the employee and the City.

## **9.5 EXTENDED MEDICAL LEAVE**

Requests for extended medical leave beyond the federally mandated 12 weeks must be submitted in writing to the City Manager through the Director of Human Resources.

## **9.6 RETURN TO WORK**

Employees taking leave under the FMLA will be allowed to return to the same position or a position equivalent in pay, benefits, and working conditions.

## **9.7 USE OF PAID LEAVE**

While an employee is under FMLA, accrued paid leave will be charged in the following order:

- A.** Sick Leave
- B.** Vacation Leave
- C.** Compensatory time.

The use of these types of paid leave will run concurrently with FMLA and must be exhausted before an employee will be allowed to take unpaid leave and enter into a "No Pay" status. Employees still within their 12-week period under FMLA do not require approval to go into a "No Pay" status.

## **9.8 CONTINUATION OF INSURANCE BENEFITS**

- A.** While the employee is on FMLA, the City will continue to provide its share of contributions toward the cost of insurance. The employee must continue to pay his/her share of premiums. If the employee is receiving pay by utilizing accrued Sick Leave, Vacation Leave, or compensatory time during this period, the employee's share of premium will continue to be deducted from his/her paycheck. If the leave is unpaid, the employee must make arrangements with the payroll department to continue paying his/her share of the premium as well as any voluntary deductions such as short-term disability, deferred compensation contributions, etc.
- B.** If an employee chooses not to pay his/her share of premiums or payment is more than 30 days late, the employee's coverage may be cancelled for the duration of the leave. The City will provide 15 days' notification prior to the employee's loss of coverage.
- C.** When an employee whose coverage was cancelled due to non-payment of premiums returns from FML, his/her benefits will be restored at the same level of coverage that he/she would have had if leave had not been taken and the premiums had been paid.

## **CHAPTER 10 WORKERS' COMPENSATION**

### **10.0 POLICY**

An employee injured in the line of duty is eligible for workers' compensation according to established State law.

### **10.1 MODIFIED DUTY**

When a work-related injury prohibits an employee from performing the essential functions of his/her job with or without reasonable accommodation, the employee may be granted a modified duty assignment. No modified duty assignment will consist of activities restricted by the employee's physician.

#### **A. QUALIFICATIONS**

The following qualifications have been established for eligible employees who request a modified duty assignment:

1. There must be a need within the City that the recovering employee could possibly fill. Employees may be temporarily reassigned to other departments.
2. Employees must be qualified for and able to perform the essential functions of the alternate duty position.
3. Prior to starting a modified duty assignment, the employee must provide his/her Department Director and the Human Resources Department with a written statement from a certified medical professional of work restrictions and how long such restrictions are in effect, when the employee may begin modified duty, and when the employee is projected to return to full duty.

#### **B. CRITERIA**

1. An employee may be involuntarily assigned to modified duty or request such an assignment. Refusal to return to work for the modified duty assignment may be considered insubordination and may result in disciplinary action up to and including termination.
2. Workers' Compensation claimants will provide their supervisor and the Human Resources Department with copies of all medical restrictions/releases within 24 hours of each doctor visit.
3. Employees assigned to modified duty will be paid at the same rate as the permanent position.

4. No modified duty assignment will last longer than 90 days without an authorization from the Director of Human Resources.
5. Modified assignments will not last more than one year from the original date that the employee is unable to work in his/her full capacity.

## **10.2 RETURN TO FULL DUTY**

1. An employee must provide a full duty release signed by his/her physician to his/her Department Director and to the Human Resources Department. The employee is prohibited from assuming his/her regular duties until notified otherwise.
2. When a treating physician decides that an employee will never be capable of returning to work in his/her full duty capacity, the City will accommodate such disability to the extent it is required under the Americans with Disabilities Act, or the employee may apply for available positions within the City. When no position is available, the employee may be subject to separation from employment under a determination of "medical incapacitation."

## **10.3 TERMINATION**

The City reserves the right to fill any position vacated by an employee who is unable to perform the essential functions of his/her job, with or without reasonable accommodation, to the extent permitted by law.

## **10.4 SALARY CONTINUATION PAYMENTS**

Salary continuation payments are made to eligible employees authorized to be off duty as the result of an on-the-job injury. Salary continuation payments are meant to make up the difference between what an injured employee receives from Workers' Compensation and their regular rate of pay.

Under no circumstances will an injured employee receive more pay during an absence than if he/she had worked their regular hours at their current rate of pay.

Workers' Compensation leave, to the extent that it qualifies, will automatically be treated and designated as FMLA and will run concurrently with FMLA.

### **A. ELIGIBILITY**

All regular full- and part-time employees, regardless of tenure, are eligible for salary continuation. Employees are ineligible to receive salary continuation pay beyond the date of retirement, resignation, death, lay-off or termination.

### **B. DURATION**

Employees may receive a salary continuation for 6 months from the first day the employee was unable to work. At the end of 6 months, the salary continuation will automatically terminate.

**C. ACCRUAL OF VACATION/SICKLEAVE**

During the 6-month period in which an employee is eligible to receive salary continuation, he/she will continue to accrue Vacation and Sick Leave at the regular rate. At the conclusion of the salary continuation, the employee will no longer accrue Sick or Vacation Leave from the City.

**D. PROCEDURE FOR RECEIVING SALARY CONTINUATION**

1. The injury, accident, or incident must be reported to the employee's supervisor.
2. Employees involved in an on-the-job-injury that results in an absence from work for one (1) or more days will be placed on Workers' Compensation leave.
3. When an employee misses less than eight (8) days of work as the result of a compensable injury, he/she will receive their regular pay from the City.
4. When an employee misses 8 days or more from work as the result of a compensable injury, the employee will receive temporary income benefits (TIB) from Workers' Compensation.
5. On the 15<sup>th</sup> day of absence as a result of a compensable injury, Workers' Compensation will pay the injured employee for the first seven (7) days of absence.
6. To ensure no employee is overpaid, employees receiving TIB from Worker's Compensation must sign over the temporary income check to the City to ensure salary continuation.

**E. SUSPENSION OF PAYMENTS**

Salary continuation payments may be suspended or denied if an employee fails to comply with City policy. Grounds for suspension/denial include if the employee:

1. Is awaiting a final chargeability decision;
2. Fails to report an injury in compliance with City policy;
3. Suffers an injury as a result of his/her own gross negligence, while intoxicated, while participating in sports or physical activities not specifically related to job activities, while attending to personal matters or while in violation of any law, rule or regulation;

4. Submits a claim that is denied by the City's Workers' Compensation carrier;
5. Fails to comply with the directions of his/her treating physician;
6. Refuses to submit to an independent medical examination in accordance with the Texas Workers' Compensation Statutes;
7. Refuses to cooperate with the City in ascertaining facts surrounding the cause, nature, and day-to-day status of the employee's injury;
8. Refuses a post-accident drug or alcohol test (refusal may result in disciplinary action up to and including termination);
9. Fails to turn in TIBS check; or
10. Is terminated for misconduct

**F. PAYMENT SUSPENSION APPEAL**

Denial or suspension of payments as a result of employee violation of City policy or direction is not appealable or subject to formal complaint.



## **CHAPTER 11 STANDARD OF CONDUCT**

### **11.0 UNACCEPTABLE CONDUCT**

The following is a non-inclusive list of conduct that will be considered unacceptable for all employees regardless of status. Violations of these standards will be grounds for disciplinary action, up to and including termination. This list is not exhaustive, and the City retains the authority to discipline employees for conduct that, in the City's discretion, is fundamentally inconsistent with employment. For example, an employee possessing or using illegal substances while on duty or convicted of a felony offense may be terminated, even though this type of conduct is not expressly described or prohibited.

#### **A. UNSATISFACTORY ATTENDANCE/TARDINESS**

1. Excessive absences or tardiness
2. Failure to report for work without authorization

#### **B. JOB ABANDONMENT**

1. Failure to report for duty without authorization for more than 2 consecutive days
2. Employees falling under this category are ineligible for appeal and future employment with the City.
3. The City reserves the right to reverse a job abandonment designation in which a dire situation prevented any contact between the employee or the employee's family and the supervisor.

#### **C. INDIFFERENCE TOWARD JOB/WORK**

1. Gross repeated neglect of duty and carelessness
2. Lack of initiative or cooperation with co-workers and/or supervisors
3. Performing personal business or engaging in personal non work-related activities during working hours
4. Failure to maintain a current license or certificate required as a condition of performing the job

#### **D. UNSATISFACTORY WORK PERFORMANCE**

1. Demonstrated inability to perform the duties of a position as specified in the employee's job description

2. Inability to meet the expectations set forth in the performance evaluation process
3. Failure to account for City documents or property
4. Incompetence, neglect of duty, or regular failure to perform duties within an acceptable standard.

**E. INSUBORDINATION**

Insubordination includes failing to fully comply with written/oral instructions or perform work as assigned by a supervisor or person considered to be in an authoritative position.

In the event that an employee believes his instructions to be excessively dangerous (outside the scope of his/her job description), illegal, immoral or unethical, the employee should immediately inform their supervisor and/or the Director of Human Resources.

Insubordination may also include bypassing an employee's supervisor by submitting complaints, grievances or allegations against other employees or job conditions, or seeking decisions or direction from City officials without first addressing the issue with the employee's supervisor.

**F. VIOLATION OF SAFETY RULES**

Failure to follow City or departmental safety rules and regulations.

**G. FAILURE TO REPORT POLICY VIOLATIONS**

Failure to report a violation of City policy, such as but not limited to; drug and alcohol usage, sexual harassment, workplace violence, or safety violations.

**H. THEFT/DISHONESTY**

1. Stealing or taking (without authorization) City property/resources or property of other employees
2. Misuse of funds or City purchase cards
3. Knowingly falsifying official City reports, records or documents
4. Knowingly falsifying time records

**I. ACCEPTING GIFTS**

Accepting gifts of value greater than \$25 from any person or business conducting business or attempting to conduct business with the City is prohibited.

Under circumstances where it is the policy of the business to provide a gift, the gift should be made available for general consumption. When this is not possible, gifts will be donated to an appropriate charity.

**J. DISTURBANCE**

1. Fighting
2. Continued use of profane/abusive language after having been directed to cease
3. Spreading of false reports/rumors
4. Disparaging comments regarding City or Department leadership

**K. VIOLATION OF CODE OF ETHICS**

A violation of the City's Code of Ethics as applicable to public officials and employees may result in disciplinary action up to and including termination.

**L. CONDUCT UNBECOMING**

The City values highly its reputation with its citizens and public officials. It is a violation of this policy for an employee to engage in conduct unbecoming of his/her office and position. Unbecoming conduct is generally described as conduct on the part of an employee that is contrary to interests of the public served by the City, conduct that harms or injures the City's standing or reputation in the eyes of the public, or that detracts from the City's or the employee's appearance, character or reputation.

**11.1 POLITICAL ACTIVITY**

- A. Except as otherwise provided by law, employees will refrain from using their position or influence for or against any candidate for public office, use his/her official capacity to interfere with the elections process, or engage in any political activity while on duty, while in uniform, or while officially representing the City.
- B. No employee may hold a position on the Rowlett City Council. Additionally, no employee may hold a position that is partisan or of public trust in any jurisdiction that would constitute a conflict of interest with City employment, may convey an appearance of impropriety, be incompatible with City employment, or may involve divided loyalties. No employee may serve as a member of a City board or commission in a capacity other than ex officio or as liaison, unless appointed to an ad hoc committee by the City Council or Manager.

**11.2 CARRYING OF FIREARMS**

**1. GENERAL POLICY**

Members of the public are authorized to carry firearms in accordance with state law in the areas of the City that are generally accessible to the public. City employees will not take actions to discourage members of the public from the lawful carrying of firearms in areas of the City that are generally accessible to the public.

**2. ON-DUTY PROHIBITION FOR OPEN CARRY**

No employee, other than a certified peace officer, shall openly carry or publicly display a firearm either on City premises or while on duty for the City unless the employee has specific job duties that require firearm handling and the employee is handling firearms in the manner required for performing those job duties. An employee holding a handgun license under Government Code Chapter 411 may possess a handgun on City property if carried in a manner in which the presence of the handgun is not openly discernible to the ordinary observation of a reasonable person.

**3. PROHIBITION RELATING TO DEPARTMENT CLOTHING AND WEAPONS**

An employee, whether on or off duty, shall not wear any clothing, identification badge, or other items identifying the employee as a City employee while openly carrying a firearm. An employee with a job duty that requires the handling or transportation of firearms or other law enforcement equipment may possess that equipment while wearing an approved uniform or City identification in a manner approved by a supervisor.

**4. VISITORS TO NON-PUBLIC SECURE PORTIONS OF CITY LAW ENFORCEMENT FACILITIES**

The City may post signs designating non-public secure areas of the City’s law enforcement facilities pursuant to Government Code §411.207. Visitors to such designated non-public secure areas shall be directed to secure any personally owned weapons in their locked personal vehicles prior to entering a secure area.

**11.3 CRIMINAL ACTIVITY**

Employees must notify their supervisor and/or the Director of Human Resources within twenty-four (24) hours or on the first day reporting back to work, whichever is shorter, of any arrest, charge, indictment or driver’s license suspension/revocation. An employee may not be terminated simply because a criminal charge has been filed but may be disciplined for the conduct giving rise to the charge. An employee convicted of a felony offense may be separated from employment with the City.

**11.4 TATTOOS**

Employees are prohibited from exhibiting tattoos that are either sexual in nature or sexually, racially or religiously discriminatory.

Employees may not display tattoos of extremist organizations which are known to advocate discrimination or intolerance.

## **CHAPTER 12 HARASSMENT FREE WORKPLACE**

### **12.0 POLICY**

It is the policy of the City to prohibit all occurrences of harassment and unlawful discrimination whether sexual, racial, or religious in nature, directed towards one's age or disability status, sexual orientation or other attributes.

### **12.1 DEFINITIONS**

The definitions listed below are in accordance with the applicable guidelines adopted by the Equal Employment Opportunity Commission.

#### **A. SEXUAL HARASSMENT**

Unwelcome sexual advances, requests for sexual favors, and other verbal slurs or jokes or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a condition of employment.
2. Submission to or rejection of such conduct is used in employment decisions affecting the individual.
3. Such conduct has the effect of interfering with an individual's performance or creating an intimidating, hostile, or offensive working environment.

#### **B. RACIAL/ETHNIC HARASSMENT**

Racial or ethnic slurs or jokes, and other verbal or physical conduct relating to an individual's national origin, ethnicity or race that are intended to or have the effect of creating an intimidating, offensive or otherwise hostile work environment or interfere with an individual's work performance.

#### **C. RELIGIOUS HARASSMENT**

Religious slurs or jokes, and other verbal or physical conduct relating to another's religious beliefs that are intended to or have the effect of creating an intimidating, offensive or otherwise hostile work environment or interfere with an individual's work performance.

#### **D. DISABILITY HARASSMENT**

Slurs, jokes or physical conduct directed towards an individual's disability that are intended to or have the effect of creating an intimidating, offensive or otherwise hostile work environment or interfere with an individual's work performance.

This policy is consistent with the Americans with Disabilities Act of 1990 and the 2008 Amendment and includes an actual or a perceived disability.

**E. AGE HARASSMENT**

Slurs, jokes or physical conduct directed towards an individual's age status that are intended to or have the effect of creating an intimidating, offensive or otherwise hostile work environment or interfere with an individual's work performance.

**F. SEXUAL ORIENTATION HARASSMENT**

Slurs, jokes or physical conduct directed towards an individual's sexual orientation that are intended to or have the effect of creating an intimidating, offensive or otherwise hostile work environment or interfere with an individual's work performance.

**12.2 ADMINISTRATIVE PROCEDURES**

**A. PROTECTED PERSONS**

All employees, applicants, vendors, visitors, citizens and others are protected from harassment and unlawful discrimination by this policy. Not only does this policy stand in effect on City property, but in any work-related setting away from City work places.

**B. MANDATORY REPORTING**

Individuals who experience harassment must make it clear to the offender that such behavior is offensive to them. Employees who believe they have witnessed or have become a victim of harassment or discrimination must immediately report their concerns to their supervisor and/or the Director of Human Resources. The Director of Human Resources, or designee will promptly investigate the complaint and will take such remedial action as may be deemed appropriate.

**C. RETALIATION**

Retaliation against an employee who has alleged, reported or cooperated with an investigation related to harassment or discrimination is strictly prohibited. Any employee who believes they are being retaliated against for doing so should report such behavior to the Human Resources Department.

**D. FALSE REPORTING**

Making a knowingly false or malicious accusation is strictly prohibited.

## **CHAPTER 13 DRUG FREE WORKPLACE**

### **13.0 PURPOSE**

It is our responsibility to our citizens to assure that we deliver the highest degree of service, which can only be delivered by drug-free employees. For this reason, the City will seek to prevent drug use/abuse during an employee's course of employment with the City.

Drug and/or alcohol testing will be conducted based on reasonable suspicion, following accidents, prior to employment and randomly for certain employees. Due to the importance of the policy, the City reserves the right to conduct searches and inspections of employees and their personal property to the extent permitted by law. The City has and may, within its sole discretion, conduct inspections at any time of any and all City property which may include lockers, glove-boxes of City vehicles, desks, and computers.

### **13.1 POLICY**

In order to maintain a drug-free workplace, an employee may not manufacture, distribute, dispense, possess, use or be under the influence of the following substances or drug paraphernalia while in the workplace, during working hours, otherwise discharging duties as a City employee, or in a City vehicle:

- A.** Illegal drugs, controlled substances, or controlled substances analogues as used in this policy is defined by Texas Health and Safety Code, as amended. Marijuana and abusable glues and aerosol paints (inhalants), outside of the employee's normal job function, as defined in Vernon's Texas Codes Annotated Health and Safety Code, as amended Section 485.001.
- B.** Alcoholic beverages means alcohol or any beverage containing more than one half of one percent of alcohol by volume alone or when diluted.
- C.** Drug paraphernalia means equipment, a product or material of any kind that may be used in connection with drugs, as defined in the Texas Health and Safety Code.

*Under the influence of drugs* means a presence in the body or urine of a quantity of a drug sufficient to register a positive result on the drug screen utilized by the City.

*Under the influence of alcoholic beverages* is defined as follows:

- 1.** Not having the normal use of mental or physical faculties by reason of the introduction of alcohol into the body; or
- 2.** Having an alcohol concentration equal to or greater than 0.04 grams of alcohol per 210 liters of breath.

## 13.2 TESTING

To ensure compliance with the rules of this policy, the City may require that an employee or job applicant submit to a test to detect the presence of illegal drugs or alcohol as a condition of employment or continued employment under the following circumstances:

- A. Prior to employment with the City, all applicants will be required to submit to a drug or alcohol test as part of the pre-employment screening process. An unconditional job offer may be extended when results are negative. A job offer may be revoked if given prior to a positive test result.
- B. Post-incident drug testing is mandatory under the following circumstances:
  - 1. If an employee is involved in an accident and/or damages property and another person is involved.
  - 2. When an employee who possesses a Commercial Driver's License (CDL) is involved in a fatal crash, even if the driver is not cited for a moving violation.
  - 3. When an employee who possesses a CDL is cited for a moving violation that results in either the vehicle being towed from the scene or someone is medically evacuated from the scene.

Breath alcohol tests must be conducted within 8 hours of the accident and drug screens must be conducted within 32 hours of the accident for employees who possess a CDL.

- C. Supervisors will utilize the City's Reasonable Suspicion Analysis checklist and will direct a drug test when:
  - 1. A supervisor believes an employee who sustains an on-the-job injury requiring medical attention may be under the influence of drugs and/or alcohol.
  - 2. A supervisor believes an employee who is involved in an accident and/or damages property and no other person is involved may be under the influence of drugs and/or alcohol.
- CI. The Director of Human Resources is authorized to direct random drug testing for all City employees, regardless of department or employment status. When random testing occurs, it will be done consistently and methodically without preference or partiality, based on a random computerized selection method or third-party administration.
- CII. All employees who are subject to Department of Transportation rules regarding safety-sensitive positions will be subject to a breath test for alcohol and urine test for the presence of illicit drugs at detectable limits established by the DOT.
- CIII. The City reserves the right to utilize any drug or alcohol test performed by local law enforcement officials or appropriately trained medical personnel.



### **13.3 NOTIFICATION**

Pursuant to the Drug-Free Workplace Act of 1988, the City requires all employees to notify their supervisor of any criminal drug related conviction (state or federal) no later than five (5) days after the conviction. This requirement does not relieve the employee of the obligation to report an arrest under this policy.

### **13.4 OVER-THE-COUNTER/PRESCRIPTION DRUGS**

- A.** The City reserves the right at all times to determine the effect(s) that any medication (prescribed or over-the-counter) may have upon an employee's work performance and to restrict the employee's work activity or presence at the work place accordingly.
- B.** Employees are directed to notify his/her supervisor when he/she is taking medication that has the potential to affect motor skills and mental clarity. Failure to provide this notification creates an unacceptable risk and will result in disciplinary action up to and including termination.

### **13.5 REHABILITATION**

- A.** The City encourages employees and their dependents to seek early voluntary treatment for substance abuse problems through the City's Employee Assistance Program (EAP), which provides counseling and referral services.
- B.** However, those who are discovered by drug testing, being visibly intoxicated or having a detectable amount of alcohol in their system while on the job or being in possession of controlled substances or alcoholic beverages while on duty will be subject to disciplinary action up to and including termination.

### **13.6 REFUSAL**

Refusing to submit to drug or alcohol tests when required by the City will result in non-selection for a job applicant or immediate termination for current employees.

### **13.7 POSITIVE RESULTS**

- A.** Termination of an employee or automatic rejection of a job applicant will occur when an employee or job applicant tests positive for the presence of alcohol or controlled substances. All breath samples with an alcohol concentration of 0.04% or greater will result in termination. An alcohol concentration of 0.02% or greater, but less than 0.04% may be subject to disciplinary action up to and including termination.
- B.** If an employee is subject to DOT rules regarding safety sensitive positions, those rules will take precedence over the rules in this policy pertaining to drug and alcohol testing and detectable limits. However, disciplinary actions, if necessary, will occur under the full extent of this policy.
- C.** The following circumstances will serve as an affirmative defense under this chapter:

1. If an employee or job applicant has a valid prescription from a licensed medical practitioner for the positively tested controlled substance.
2. If an employee or job applicant has ingested an over-the-counter medication administered in accordance with the manufacturer's instructions.
3. If an employee or job applicant has a valid prescription from a licensed medical practitioner for a controlled substance that was taken for a therapeutic purpose that was taken in accordance with instructions.

The burden of proving such an affirmative defense will rest on the employee or job applicant and not the City. These affirmative defenses will not apply if the drug or medication may have impaired the employee's ability to function safely and the employee failed to notify his/her supervisor or Director of Human Resources.

## **CHAPTER 14**

### **PERFORMANCE MANAGEMENT**

#### **14.0 PURPOSE**

The City is committed to the deliberate professional development of its employees. With this professional development comes the requirement that employees adhere to standards and perform their duties in manners consistent with expectations and directions.

Constructive performance feedback and two-way communication are essential to a positive relationship between a supervisor and an employee. In those instances where performance feedback and documented reminders (coaching sessions, verbal warnings, written counseling, formal reprimands, etc.) have failed to correct the employee's conduct or performance, Department Directors will need to consider more formal corrective actions.

#### **14.1 CORRECTIVE ACTION**

##### **A. DECISION MAKING LEAVE**

1. Decision Making Leave (DML) is appropriate when a supervisor directs an employee to remain away from work in order to complete an assigned task (normally written) focused on improving the employee's performance.
2. Supervisors are authorized to direct 1 day of DML. Requests for more than 1 day of DML must be submitted, in writing, to the Director of Human Resources for approval.
3. Employees directed to take DML must report to duty as directed with his/her written outline for improvement. If the employee fails to satisfy the prescribed objectives of the supervisor, he/she will be considered to be insubordinate and, therefore, subject to disciplinary action up to and including termination.
4. Because DML is considered "Paid Time," employees may not appeal the decision.
5. Distinguished from DML, a supervisor or department director may place an employee on Leave With Pay. Leave With Pay is not disciplinary in nature and is intended to secure the workplace and the employee while allegations of misconduct are investigated. While on Leave With Pay, employees continue to receive full salary and accrue benefits but may be required to be available for communications or to report to a supervisor.

##### **B. SUSPENSION**

1. Suspension is appropriate when an employee has continued to fail to meet performance expectations or has committed a serious policy violation/offense. Suspended employees forfeit all pay during the period of suspension. However, they will continue to accrue benefits.

2. Department Directors are authorized to suspend employees for up to 3 working days. The Fire Chief is authorized to suspend Fire Shift personnel up to 3 shifts. Recommendations for suspensions in excess of these thresholds must be submitted to the Director of Human Resources for approval.
3. Employees can appeal suspension decisions in accordance with Chapter 15.

### **C. DEMOTION**

1. Demotion is appropriate when an employee has failed to demonstrate the leadership effectiveness, technical skills, or abilities required of a position as reflected in the Job Description. Other documented corrective measures should be attempted before a decision is made to demote the employee. However, the City recognizes that some scenarios warrant demotion after a single incident that results in leadership's loss of confidence in that employee's ability to perform the job effectively.
2. Because demotion is only available as an option when a valid position for which the demoted employee is qualified to perform is vacant, Department Directors must obtain concurrence from the Director of Human Resource prior to decision.
3. Employees can appeal demotion decisions in accordance with Chapter 15.

### **D. INVOLUNTARY TERMINATION**

1. Involuntary termination is appropriate when an employee has failed to demonstrate the leadership effectiveness, technical skills, or abilities required of a position as reflected in the Job Description and demotion is not a viable option.
2. Department Directors are authorized to terminate an employee for performance-related matters. The termination decision package should include (at minimum) the following:
  - a. All performance feedback documentation (including emails), written counseling, and written reprimands
  - b. All documentation specifically obtained in response to an incident that contributed to the decision to terminate
  - c. A signed copy of the Pre-Disciplinary Conference notification
  - d. All information provided by the employee in response to the Pre-Disciplinary Conference
  - e. A signed copy of the Decision Memo

3. The Director of Human Resources is authorized to terminate an employee for conduct-related matters and policy violations. In those instances, Department Directors will conduct the Pre-Disciplinary Conference and provide their written recommendation with justification. If the termination is a Department Director, including the Director of Human Resources, for conduct-related matters and policy violations, the Assistant City Manager will conduct the Pre-Disciplinary Conference and provide his written recommendation with justification. If the termination is the Assistant City Manager, the City Manager may assign a Department Director to this task or may, at his option, conduct the Pre-Disciplinary himself.
4. Employees can appeal demotion decisions in accordance with Chapter 15.

## **14.2 PRE-DISCIPLINARY CONFERENCE**

Suspensions, demotions and involuntary terminations may be imposed after conducting a Pre-Disciplinary Conference. The Pre-Disciplinary Conference is not a right given to employees. Its purpose is to provide an opportunity for the employee to present any information that may have a bearing on the decision to be made to prevent erroneous decisions or decisions based on mistakes. If the employee fails to appear at the Pre-Disciplinary Conference, a decision will be made based on the facts absent any input from the employee.

Department Directors are not required to conduct a Pre-Disciplinary Conference when “Job Abandonment” is the justification for discipline.

## **CHAPTER 15 APPEALS AND GRIEVANCES**

### **15.0 POLICY**

The City is committed to resolve workplace related disputes, problems and concerns. All employees of the City of Rowlett utilizing this process are responsible for expressing his/her views in a fair, honest and respectable manner. The process of appeals of disciplinary actions is an opportunity afforded to employees, not a right. The City is an employer at-will and the opportunity to appeal disciplinary actions does not alter this.

### **15.1 EMPLOYEE APPEALS**

Employees may formally appeal only those items that result in loss of pay, including suspensions, demotions and terminations. Employees in their initial probationary status (regardless of length), Council appointees and employees who report directly to the City Manager do not have the opportunity to appeal. However, employees on promotional probation status will retain their opportunity to appeal.

Demotions, reclassifications and separations specifically enacted in response to a reduction in force (RIF) are ineligible actions for appeal.

#### **A. EMPLOYEE APPEAL REQUEST**

An employee wishing to submit an appeal must submit his/her written appeal (email is acceptable) to the Director of Human Resources within 3 business days of the disciplinary action. Failure to act within the allotted time without justification will result in forfeiture of appeal opportunities.

#### **B. APPEAL REQUIREMENTS**

Employees requesting an appeal must provide a written appeal that includes the following information:

1. Details of disciplinary action being appealed.
2. Specific reason(s) why the action taken was unjust or in error.
3. Signature of submitting employee and date of submission.

#### **C. EMPLOYEE REVIEW PANEL**

1. The Director of Human Resources will appoint employees to serve on the Employee Review Panel to review appeals for suspensions, demotions, and terminations.

The Employee Review Panel will be comprised of one Department Director and two employees of comparable authority/responsibility. Panel members will be selected from other departments in the organization, unrelated to the concerned employee.

When assembled, this appointment takes priority over the employee's primary job duties.

2. The assigned Employee Review Panel will conduct an appeal hearing and review the proposed disciplinary information. This information can include:
  - a) Employee commentary (written or oral)
  - b) Supervisor or Department Director commentary (written or oral)
  - c) Witness commentary
  - d) Policy review
  - e) Supporting documentation review
  - f) Other information requested by or furnished to the panel
3. The Director of Human Resources will determine, based on uniqueness of each appeal scenario, whether the employee and supervisor (or Department Director) will attend each other's presentation to the panel.
4. The Employee Review Panel will make a written recommendation to uphold the Department Director's decision, overturn the decision, or propose an alternate action to the City Manager within two (2) business days of the appeal hearing.
5. The City Manager will review the Employee Review Panel's recommendation and make a final decision within 2 business days. The City Manager's decision is final and binding. A copy of the decision will be placed in the employee's personnel record.

#### **D. DECISION OVERTURNING ACTION**

The City Manager may uphold or overturn the disciplinary action, may increase or decrease a suspension or may reverse the action entirely if it is decided that the facts supporting disciplinary action were incorrect or the action itself was excessive or inappropriate. If the disciplinary action is reversed, the employee will return to his/her state of employment prior to the disciplinary action being taken, including pay adjustments when necessary.

#### **E. RETALIATION**

Under no circumstances will an employee be retaliated against in any way for exercising his/her opportunity to appeal. Those found guilty of retaliating against an employee exercising this opportunity during or after the appeal process may be subject to disciplinary action up to and including termination.

## **15.2 EMPLOYEE GRIEVANCES**

Any employee regardless of status may submit a grievance when he/she believes they have been wronged by a supervisor or co-worker(s). The grievance process is not a substitute for an appeal of a disciplinary action.

Failure to act within the allotted time detailed below may result in a forfeiture of grievance opportunities. Former employees and employees on suspension are ineligible to participate in the grievance process.

### **A. ACTIONS ADDRESSED**

Possible reasons for filing a grievance may include but are not limited to:

1. Disagreement with a performance evaluation comment or rating
2. Disagreement with commentary contained in administrative/corrective action paperwork that is filed in the employee's personnel file
3. Misinterpretation or misapplication of a specific of law, policy or directive
4. Disagreement with a supervisory decision regarding a safety or policy violation

### **B. GRIEVANCE PROCESS**

1. Employees submit a written grievance to their Department Director within three (3) business days of the incident or becoming aware of the incident. The employee must sign and date this document.
2. Employees who have had their grievance addressed by their Department Director and still believe their issue to be unresolved may then submit their grievance to the Director of Human Resources within 3 business days of that decision.
3. The Director of Human Resources will make a final decision regarding the grievance. This decision is final and binding. A copy of the decision may be placed in the employee's personnel file.

### **C. RETALIATION**

Under no circumstances will an employee be retaliated against in any way for exercising his/her opportunity to file a grievance. Those found guilty of retaliating against an employee exercising this opportunity during or after the grievance process may be subject to disciplinary action up to and including termination.



## **CHAPTER 16 SEPARATION OF EMPLOYMENT**

### **16.0 INVOLUNTARY SEPARATION OF EMPLOYMENT**

Termination of employment is an involuntary employment separation from the City. When termination occurs, a meeting will be conducted between the employee and the Department Director to discuss the reason behind the separation, with the exception of job abandonment as defined in Chapter 11.

Termination authority is assigned as follows:

- A.** Department Directors are authorized to terminate an employee for performance-related matters in consultation with the Director of Human Resources.
- B.** The Director of Human Resources is authorized to terminate an employee for conduct-related matters and policy violations in consultation with the Department Director and Assistant City Manager.

### **16.1 RESIGNATION**

#### **A. EMPLOYEE RESIGNATION PROCEDURE**

Written notice of resignation will be submitted to the resigning employee's supervisor at least 2 weeks in advance of the effective date. Resigning employees who fail to give 2 weeks' notice may be ineligible for future employment with the City, unless specifically waived by the Department Director.

In instances where only an oral resignation is tendered, the supervisor will document in writing, stating the date the oral resignation was accepted and any witnesses present. The supervisor will forward notice of resignation and any other supporting documents to the Human Resources Department.

Failure to report to work during the final 2-week period after a resignation has been accepted and termination date established will be considered an unexcused absence and may constitute job abandonment.

All employees separating employment must work their regular schedule including their final work day. Leave cannot be used to extend a separating employee's date of termination unless prior approval has been granted by the Director of Human Resources.

#### **B. RESIGNATION AND DISCIPLINARY ACTION**

The Director of Human Resources is authorized to accept a resignation when it is tendered after or in lieu of a disciplinary action or while under investigation. In the event that a resignation is accepted under these circumstances, the employee will forfeit any opportunity to appeal the disciplinary action. If the resignation is not accepted, the employee retains the option to appeal.

## **C. REVOCATION OF RESIGNATIONS**

A resignation will not be revoked after the employee's written resignation date without written approval from the Director of Human Resources.

### **16.2 INCAPACITY**

An employee may be separated for incapacity for medical reasons when the employee no longer meets the standards of fitness required for the position or is incapable of performing the essential functions of the position, with or without reasonable accommodation from the City. Nevertheless, if a reasonable accommodation would impose an undue hardship on the City, separation from employment may occur.

Incapacity will be determined through written confirmation of a competent medical authority.

An employee can also be terminated for incapacity when he/she has exhausted all Sick Leave, Vacation Leave, FMLA and Compensatory time prior to the "Return To Work" designation date established by a competent medical authority.

Separation for incapacity will not be considered a disciplinary action and will not cause denial of any benefits for which the employee would otherwise be entitled.

## CHAPTER 17 VEHICLE USE

### 17.0 POLICY

Employees may be required to operate either their personal vehicle or a City-owned vehicle during the course of regular City business. Failure to operate vehicles in accordance with this policy may result in disciplinary action up to and including termination.

### 17.1 OFFICIAL BUSINESS

City vehicles are to be utilized for official City business only. Employees conducting City business during their meal period may use a City vehicle during this period with approval of their Department Director.

With the exception of emergency response vehicles, no employee will take a City vehicle outside the city limits without their Department Director's approval, unless performing assigned job duties.

### 17.2 OPERATOR STANDARDS

The driving records of applicants and current employees in positions requiring the operation of City vehicles or use of personal vehicles within the course of City business will be reviewed in terms of the following in order to determine driving eligibility:

<b>ACCIDENTS</b>	<b>DEMERITS</b>
Chargeable/At-Fault Accident	2 per accident
<b>MAJOR MOVING VIOLATION</b>	<b>DEMERITS</b>
Hit and Run	6
Leaving Scene of an Accident	6
Any Felony, Manslaughter or Homicide Involving Use of Motor Vehicle	6
Driving While Intoxicated (Any moving violations received at the time of a DWI will count as 1 demerit per violation)	6
Driving Under the Influence	6
Driving Without a Valid Texas Driver's License or proper class	6
License Suspended/Revoked or Operating During Period of Suspension/Revocation	6
Reckless, Negligent or Careless Driving	4
Racing	4
Speeding	2
<b>OTHER MOVING VIOLATION</b>	<b>DEMERITS</b>
All Moving Violations Not Listed	1 per violation

## **A. APPLICANTS**

Applicants whose records are evaluated with a score of six (6) or more demerits over the past 3 years, or 5 years for a DWI/DUI violation, are ineligible for positions that require driving as an essential job function as determined by the employee's job description.

## **B. EMPLOYEES**

Employees who currently operate City vehicles or use their personal vehicle to conduct City business will be subject to an annual driving record check.

Employees whose records are evaluated with a score of six (6) or more demerits over the past 3 years, or 5 years for a DWI/DUI violation, are subject to being rendered ineligible to drive while performing City business. In those instances where driving is stated by the job description as an essential function of the job, the employee may be disqualified from his/her position and, subsequently, terminated.

Law enforcement personnel involved in an accident while on duty which results in a liability claim against the City's insurance carrier will receive Chargeable/At-Fault Accident demerits even if the accident is not counted against their personal driving record.

Failure to inform the supervisor of a citation or license suspension (including Commercial Driver's License) may result in disciplinary action up to and including termination in accordance with Chapter 11.

## **C. REINSTATEMENT OF DRIVING ELIGIBILITY**

If an employee's driving record improves enough over time (i.e. offenses pass out of the 3-year record), the employee will again be allowed to operate City vehicles or personal vehicles to conduct City business.

Employees can also have demerits removed from their City driving record by providing written documentation that the original citation was removed.

## **17.3 INSURANCE**

The City will insure all City owned vehicles.

Employees who operate their privately-owned vehicle while conducting City business are responsible for insuring their own vehicle, maintaining current motor vehicle registration, and must carry appropriate documentation (valid driver's license and proof of insurance) as required by law. Employees are prohibited from operating vehicles while conducting City business if they fail to provide sufficient documentation.

In the event an employee's privately-owned vehicle is damaged while conducting City business, the City will reimburse the employee's insurance deductible up to \$500. These instances will be reviewed by the Safety Committee, which will recommend to the appropriate Department Director whether employee negligence contributed to the accident. In those instances, the Department Director may consider disciplinary action, up to and including termination.

#### **17.4 REPORTING CITATIONS**

In the event an employee receives a citation for a moving violation, is arrested for DUI/DWI, or has their driver's license suspended/revoked, he/she must notify and submit a copy of the citation or charge to his/her Department Director and the Director of Human Resources within forty-eight (48) hours or on the first day reporting back to work, whichever is earlier. Failure to report and/or submit a copy of the citation may result in disciplinary action up to and including termination.

#### **17.5 ACCIDENT PROCEDURES**

When an employee is involved in an accident while driving a City-owned vehicle or while driving a personal vehicle on City business, he/she must:

- A. Immediately stop and, where appropriate, render aid to injured persons and identify him/herself to other involved persons.
- B. Immediately notify their supervisor.
- C. Complete an accident/incident report.
- D. Submit to a drug/alcohol test in accordance to Chapter 13.

Under no circumstances will an employee use a City-owned vehicle to push or tow another vehicle unless the City vehicle is specifically equipped to perform such a function.

#### **17.6 TAKE-HOME VEHICLES**

No employee will take a City vehicle home at the end of his/her shift without approval of their Department Director.

When an employee is allowed to take a City vehicle home, he/she is responsible for assuring the safety of the vehicle to the best of his/her ability. When a City vehicle is damaged at an employee's home, the employee should immediately notify his/her supervisor.

#### **17.7 VEHICLE ALLOWANCE**

The City Manager retains authority to approve monthly vehicle allowance to employees.

Employees are not eligible for both a car allowance and full-time use of a City vehicle.

Employees receiving a car allowance must not be disqualified under the Operator Standards as defined in section 17.2 of this policy.

Employees who receive monthly vehicle allowances are not authorized to file for mileage reimbursement, regardless of the distance/length of the trip, unless they provide documentation that proves monthly expenses exceed those of the vehicle allowance. In those instances, only the excess amount will be reimbursed. Mileage will be reimbursed according to the IRS approved rate at the time of travel.

## **CHAPTER 18 TOBACCO FREE WORKPLACE**

### **18.0 PURPOSE**

The City of Rowlett is committed to providing a safe and healthy workplace and promoting the health and well-being of its employees. Our intent is to provide all employees with a work environment conducive to good health.

### **18.1 POLICY**

Employees are prohibited from using tobacco on City property at all times. This prohibition applies to all facilities and grounds that are owned, leased or operated by the City and all City-owned or City-leased vehicles and/or equipment are designated as tobacco-free areas. Open air public parks are excluded from this prohibition.

The usage of mechanical cigarettes or tobacco free smokeless products is also prohibited.

There will be no ashtrays, smoking shelters or designated smoking areas on City campuses.

Employees are allowed to possess tobacco products in their personal vehicles. However, possession of tobacco products is prohibited in City facilities.

The use of preventative methods such as nicotine patches and gum are authorized during working hours and on City property.

### **18.2 EXCLUSIONS**

Volunteers, vendors, visitors and contractors are excluded from these provisions but must adhere to the City of Rowlett's Smoking Ban Ordinance by not smoking within 15 feet of all City-owned facility entrances.

## **CHAPTER 19 RISK MANAGEMENT**

### **19.0 PURPOSE**

The success of the City of Rowlett depends upon our efficient use of resources to produce a high-quality product for the citizens of our community. All employees share in the responsibility to conduct business in a safe and responsible manner.

### **19.1 SAFETY RESPONSIBILITIES**

#### **A. SUPERVISOR SAFETY RESPONSIBILITIES**

Familiarize yourself with and enforce the safety rules and regulations that have been established by applicable local, state and federal organizations.

Correct or have corrected all reported hazards. Operating under known hazardous conditions will not be tolerated.

Do not permit new or inexperienced employees under your supervision to work with power tools, machinery or complex equipment without proper instruction and training.

Ensure tools, equipment, and machinery being used in the workplace is in proper working condition.

Ensure that proper personal protective equipment is available and used by employees when necessary or required.

Do not allow the use of unsafe tools or equipment.

Conduct audits of all work areas and facilities on a regular basis in an effort to improve housekeeping, eliminate unsafe conditions, and encourage safe work practices.

#### **B. EMPLOYEE SAFETY RESPONSIBILITIES**

All employees bear a certain amount of responsibility in any safety program. You must be aware that your actions, mental state, physical condition, and attitude directly affect the safety of yourself and your fellow employees. All employees will:

1. Know your job, follow instructions, and think before you act.
2. Use your protective equipment (eye protection, hard hats, gloves, etc.) as the job requires.
3. Work according to good safety practices as posted, instructed, and/or discussed.
4. Use all safety devices provided for your protection.

5. Report any unsafe situation or act to your supervisor immediately.
6. Never operate equipment that you are unfamiliar with or not trained to use. Also, equipment that is defective or in need of repair shall not be used and must be reported to your supervisor.

## **19.2 ACCIDENT/INCIDENT ANALYSIS**

Upon the direction of the Director of Human Resources, a Safety Committee comprised of representatives from each Department will review information pertaining to on-the-job injuries, equipment damage, property damage, accident investigation reports, and reports of unsafe working conditions.

## **19.3 SAFETY AUDIT/INSPECTION**

A documented, monthly self-inspection of facilities and job sites will be conducted by the appropriate supervisor or an employee designated by that supervisor in an effort to detect unsafe acts or unsafe conditions and initiate corrective action(s) as soon as possible.

These inspections will be documented via the City's approved inspection form.

## **ACCIDENT/INCIDENT INVESTIGATION RESPONSIBILITIES**

- A. 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.
- B. Witnesses to the event that resulted in the accident or incident will provide statements (written or oral) about what they observed. The witnesses may also be asked to participate in the initial and/or final investigations.
- C. Employees who withhold information regarding an accident/incident, or who refuse to participate in an investigation, will be considered insubordinate and subject to disciplinary action, up to and including termination.

## **19.4 POST-INCIDENT REVIEW TEAM**

The City instituted a Post-Incident Response Team construct. The Director of Human Resources is authorized to assemble this team at any time in response to single incidents or detected trends.

Each Department will appoint a representative to the Post-Incident Response Team. When assembled, this appointment takes priority over the employee's primary job duties.



## **CHAPTER 20 TRAVEL**

### **20.0 PURPOSE**

The purpose of this chapter is to establish rules for all travel and training arrangements and the timely reporting and requesting of reimbursements of related expenses in the course of conducting City business.

### **20.1 POLICY**

No policy can specifically address every scenario that can occur related to official travel. However, this policy provides foundational rules that are applicable for employees traveling on City business. Department Directors may impose additional as well as more restrictive rules for their employees as long as the rules are in writing, distributed and written acknowledgment to all members of the department and have been approved by the Director of Human Resources.

### **20.2 TRAVEL/TRAINING**

#### **A. LOCAL/REGIONAL**

Every effort should be made to use local and regional sites for business training and conferences due to their corresponding lower cost impact on the City.

#### **B. OUTSIDE OF THE UNITED STATES OR CANADA**

Department Directors must provide written justification and projected costs to the City Manager for approval for all travel or training outside of the Continental U.S. This justification must include:

- 1) Why the training is necessary
- 2) The training received will have direct impact on the employee's regular job and/or City business
- 3) Similar training is not available within the Continental U.S. in the time frame necessary to obtain this training

### **20.3 ACCOUNTABILITY FOR TRAVEL EXPENSES**

All expense reports must be accompanied by receipts (except mileage costs and per diem food allowance). A Mileage Form must accompany an expense report for mileage reimbursement.

### **20.4 TRAVEL PAY ADVANCES**

- A. All advances to support official travel must be greater than \$100. Employees must complete and submit the Advance Form at least 10 business days prior to travel.

The advance request must be signed by the employee's supervisor or next higher level of authority prior to submitting to Accounting for distribution.

- B.** Advances will not be approved for registration fees, airline tickets, etc., as these should be directly charged to the City.
- C.** Advances will not be requested for more than the anticipated out-of-pocket allowable expenses the employee expects to incur.
- D.** Unused advances must be returned to Accounting with the expense report within 5 business days after concluding travel.

## **20.5 TRANSPORTATION REIMBURSABLES**

When attending conferences, seminars and professional meetings, employees are expected to choose the most economical means of travel available.

- A. City Vehicle** - City-owned vehicles are to be used when practical and available.
- B. Air Travel** - All air travel tickets will be purchased for the most economical fare available. In all cases, airline reservations should be made as far in advance as possible in order to receive airline discounts.

For air travel, the following expenses are not authorized for reimbursement:

1. Flight insurance
  2. Excess or overweight baggage charges
  3. Express check-in or early boarding charges
  4. In-flight entertainment
- C. Taxi Service** - Taxi service is reimbursable. Receipts are required for reimbursement for individual charges in excess of \$25.
  - D. Car Rental** – The following provisions apply:
    1. Employees travelling solo can rent a mid-size vehicle when it is more cost effective than using a taxi or shuttle service. Employees may accept complimentary upgrades offered by the rental car company.
    2. When more than two employees are traveling together, a full-size car may be rented. Only one of the employees can claim this cost on the travel reimbursement form. Employees may accept complimentary upgrades offered by the rental car company.

3. When more than three persons are traveling together, a mini-van or sport utility vehicle may be rented. Only one of the employees can claim this cost on the travel reimbursement form. Employees may accept complimentary upgrades offered by the rental car company.
  4. Employees will decline the liability/collision damage waiver offered on the rental contract, as this coverage is already provided through the City.
- E. Mileage** – The City will pay mileage from the Municipal Complex (4000 Main Street, Rowlett, Texas, 75088) to the address of the facility at which the training, conference or business meeting occurred as depicted in MapQuest, Google Maps, or another Internet-based mapping system, at the City’s discretion.
1. Mileage will be reimbursed according to the IRS approved rate at the time of travel.
  2. The maximum mileage allowed for airport travel is 41 miles each way to/from DFW and 27 miles each way to/from Love Field. This mileage reflects the distance from the Municipal Complex to each airport.
  3. “On-call” employees are not authorized for mileage reimbursement for responding to after-hours calls. This is considered a job requirement.

## **20.6 OTHER RELATED EXPENSES**

### **A. LODGING**

When City business (conferences, training, etc.) requires overnight lodging, an employee is authorized to reserve a conference hotel room or nearby hotel room at a reasonable rate. Receipts are required for reimbursement.

### **B. REGISTRATION FEES**

Any basic registration fee associated with attendance at an approved conference, seminar or professional meeting should be charged directly to the City. In a situation when this is not feasible, the expense will be reimbursed to the employee. Receipts are required for reimbursement.

Fees for special activities such as golf tournaments, personal sightseeing tours, etc. will not be reimbursable expenses.

### **C. PER DIEM FOOD ALLOWANCE**

1. While attending out-of-town training, conferences, or business meetings that are beyond a 50-mile radius from the Municipal Complex, an employee will be reimbursed up to \$50.00 per day for the costs of meals, including tips. No receipts are required for this per diem. An employee may be reimbursed up to

\$60.00 per day for the costs of meals, including tips with itemized receipts attached.

**2.** Daily per diem calculations are set at a rate of:

\$10.00 for breakfast: 5:00 a.m. – 9:30 a.m.

\$15.00 for lunch: 10:30 a.m. – 2:00 p.m.

\$25.00 for dinner: 5:15 p.m. – 8:00 p.m.

These times reflect actual training or conference session times—not travel time.

Example 1: An employee who attends a conference that includes an agenda from 8:00 a.m. until 1:00 p.m. is eligible to file for reimbursement for both breakfast and lunch since those time fall within the eligible meal reimbursement windows.

Example 2: An employee who attends a conference that ends at 4:00 p.m. will not be reimbursed for dinner, even though travel time back to Rowlett will extend past the 5:15 p.m. dinner reimbursement “start” time.

- 3.** When prior day travel is necessary, the employee is permitted to claim per diem beginning at the reasonable start of auto travel time or arrival at the airport and concluding no later than the evening of the day the meeting or seminar concludes.
- 4.** Where an employee combines business with personal expenses, such as bringing a spouse, or taking a side trip or vacation before, during or after the City business function, the employee must keep City business expenses separate and distinct from personal expenses.
- 5.** Department Directors are authorized to approve and/or delegate approval for reimbursement for meals associated with an in-town (less than 40 miles from the City Municipal Complex) business meeting.

## **20.7 TIPS**

Non-food tips are reimbursable expenses, which should be itemized, if not included in receipts used to document other expenses. Suggested rate is in the 15-18% range for taxi service and \$1.00 per bag for porters.

## **20.8 PARKING FEES**

Toll fees, airport parking, and hotel parking fees are reimbursable expenses. Documentation is required for reimbursement.

## **20.9 MISCELLANEOUS CHARGES**

Alcoholic beverage charges, dry cleaning or laundry, health club or spa, and pay TV movies will not be reimbursable expenses. Valet services will be considered reimbursable if the situation is one in which the employee has no other option.

Example: An employee may be reimbursed for valet charges when the hotel in which he/she is staying does not have on-site parking available.

## **20.10 TAXES**

The City is exempt from the State of Texas Sales and Use Tax, and thus will not reimburse this cost. When making a purchase for City business, an employee should claim an exemption at the time of purchase by providing a properly completed exemption certificate in lieu of paying tax.

The City is not exempt from taxes on the rental of motor vehicles or state and local hotel occupancy tax. These costs, when incurred on official City business, will be reimbursed when receipts are provided.

## **20.11 REPORTING EXPENSES AND REQUESTING REIMBURSEMENT**

Employees will submit expense reimbursement requests within 5 business days following the completion of travel.

## **CHAPTER 21 WIRELESS COMMUNICATIONS**

### **21.0 PURPOSE**

The purpose of this chapter is to establish rules and expectations regarding the use of wireless communications, including cellular/mobile data phones and tablets.

### **21.1 POLICY**

The City has established the following standardized procedures for the acquisition and allocation of employee expenses for cellular or mobile data telephones:

- A.** Department Directors and employees who are frequently out of the office are eligible for inclusion on the City's cooperative mobile phone plan for the purchase of a cellular or mobile data phone and related service when the employee must conduct City business over the telephone while in the field.
- B.** Employees are eligible for inclusion on the City's cooperative mobile phone plan for the purchase of a cellular or mobile data phone and related service if they have a need to maintain accessibility with other Department Directors/Managers, City management staff and public officials in order to assure uninterrupted flow of services to citizens. Employees who are members of the Emergency Operations Plan group are also eligible for inclusion in this policy.
- C.** Public Safety employees are eligible for either inclusion on the City's cooperative mobile phone plan for the purchase of a cellular or mobile data phone and related service for:
  - 1.** Immediate and direct telephone communications with citizens, outside agencies cooperating in an operation, or other resource entities outside the City government.
  - 2.** Communications that may be inappropriate for two-way radios.

### **21.2 PERSONAL USE**

- A.** There are no prohibitions regarding an employee's abbreviated use of a City-issued cellular/mobile data phones for personal use. However, employees will be advised that internet usage and text messaging from City-issued mobile phones are subject to audit and Open Records requests.
- B.** Employees are prohibited from utilizing pay-for-services, such as 900 numbers, downloading music, or other files in which there is an associated fee.

### **21.3 EMPLOYEE RESPONSIBILITIES**

- A.** Employees using City-owned cellular/mobile data phones must care for them responsibly. Employees may be required to pay for excessive damage to devices caused by reckless behavior or failure to safeguard them.
- B.** Employees with City-owned cellular/mobile data phones must be available to receive calls or mobile data messages while working or on-call.
- C.** Employees will not use the cellular/mobile data phones while driving a City vehicle. The only exception to this is a public safety employee conducting official business.
- D.** Employees are charged with providing the Information Technology Department timely notification of any repair, replacement, lost, stolen, damaged, or terminated service.
- E.** Employees must surrender a City-owned cellular/mobile data phones upon request of a Department Director, regardless of the reason.

## **CHAPTER 22 INFORMATION TECHNOLOGY**

### **22.0 POLICY**

Employees may be assigned to use the internet, E-mail, and the Local Area Network (LAN) as a major component of their job. This policy is intended to assist employees with Information Technology issues and establish rules for the use of technology. This policy applies to all employees, contractors, and elected officials using City-owned or leased equipment.

### **22.1 PRIVACY**

Internet usage, e-mails and saved documents are all subject to the Open Records Act. There should be no expectation of privacy by any user of the computer and network resources of the City.

### **22.2 HARDWARE**

All hardware will be purchased by the Information Technology Department. No employee will use his/her own hardware in conjunction with a City owned/leased computer.

### **22.3 SOFTWARE**

All software is property of the City. No employee will copy, share, e-mail, or otherwise pirate software owned by the City. No person other than an employee of the Information Technology Department is authorized to install software to a City owned/leased computer.

### **22.4 ELECTRONIC MAIL**

- A.** The City allows for “incidental and occasional” use of City e-mail for personal business such as leaving a message for family, etc. However, any unauthorized interruptions to the employee’s job performance may be referenced in disciplinary actions up to and including termination.
- B.** No employee will send or intentionally receive objectionable material such as pornography, racist, sexist or otherwise offensive jokes. Sending or continuous receipt of such material may result in suspension of e-mail and other disciplinary action, up to and including termination.
- C.** Sending or repeatedly receiving chain letters or other SPAM is strictly prohibited.

### **22.5 INTERNET**

#### **A. Internet Setup**

When it is determined that an employee has a need to access the Internet, the employee’s supervisor will submit a request to the Information Technology Department requesting that an employee have either complete or limited internet access.



**B. Internet Use**

- 1.** At no time will any employee access any website displaying objectionable material such as, but not limited to, pornography or hate related propaganda (other than law enforcement officers acting in their official capacity).
- 2.** At no time will any employee download any file without authorization from the Information Technology Department or their Department Director or designee.
- 3.** No employee will use City Internet or e-mail for the purpose of conducting business for profit or for another job.

**22.6 PASSWORDS**

- A.** Each employee with access to e-mail and or the Internet will be asked to assign a password to their account. Passwords must be within Information Technology specifications and will not include objectionable phrases.
- B.** No employee will be required to share his/her password with another employee or other person with the exception of the Information Technology Department.

**22.7 VIRUS PROTECTION**

Virus protection has been installed on every City-owned and leased personal computer. At no time will any employee deliberately shut off or inhibit virus protection. Failure to abide by this directive will result in severe disciplinary action up to and including termination.

**22.8 STATE-MANDATED PROCEDURES**

Any and all communications regarding official City business conducted on a personal device or with a personal account is required to be captured and sent to the employee's own City email account for record-keeping purposes as required by section 552.004(b) of the Texas Public Information Act.

## CHAPTER 23 HUMAN RESOURCES EMPLOYMENT PROCESS

### 23.0 PURPOSE

The purpose of this chapter is to establish foundational guidelines regarding the City's vacancy hiring process and talent acquisition strategies.

### 23.1 POLICY

This policy is meant to establish consistency among departments on hiring. It will help ensure that the City of Rowlett makes legal hiring decisions and hires employees who best meet the needs of the City. All vacant, reclassified and new positions must be approved by the Human Resources Department prior to the position being posted.

### 23.2 POSTING VACANT POSITIONS

- A. **Job Description** – Prior to creating a requisition, please review the job description to ensure that it is correct and accurate. If not, please contact Human Resources for assistance in changing the job description.
- B. **Posting of Position** – Complete a requisition. This formally alerts Human Resources of a vacant or new position that the department is requesting to be filled. A requisition must be completed and approved by Human Resources in its entirety of each open position. Recruiting efforts will not begin until the requisition(s) is/are approved online by a Human Resources Manager.
- C. **Internal Postings** – All hiring supervisors have the option of posting any position internally to allow current employees the chance to compete internally for the position. The first two steps are the same; however, no external advertisement will run. The position will be posted on the Human Resources web page under *Promotional Jobs* or *Transfer Jobs*.

### 23.3 POSTING NEW POSITIONS

- A. **Proposed Job Description** – Before a new position (*i.e. not existing on the pay plan*) can be posted, it must undergo a classification analysis conducted by Human Resources to determine pay plan placement, title and the official job description. A completed job description must be submitted to the Human Resources Department specifying the essential functions, equipment, experience, training, required education degrees, certificates and/or licenses and any other necessary information.
- B. **New Positional Requirements** – To add a position that was not approved in the budget, a request must be made to the Human Resources Department for approval. The request will then be presented to the City Manager by the department requesting the new position

for final decision. Written approval from the City Manager must be received before recruiting efforts can begin.

- C. **Posting of Position** – A requisition must be completed and approved in its entirety on each open position. Recruiting efforts cannot begin until the requisition(s) is/are approved online by Human Resources.
- D. **Internal Postings** – All hiring supervisors have the option of posting any position internally to allow current employees the chance to compete internally for the position. The first three steps are the same; however, no external advertisement will run. The position will be posted on the Human Resources webpage under *Promotional Jobs or Transfer Jobs*.
- D.

#### 23.4 POSTING RECLASSIFIED POSITIONS

- A. **Reclassifying a Position** – Whenever an existing FTE is changed to a higher or lower capacity or the FTE breakdown is changed, it is considered a reclassification. For a reclassification to exist in single incumbent positions, the incumbent’s job must have changed significantly since the position was classified on the pay plan.
- B. **Proposed Job Description** – Before a reclassification can take place or a reclassified position can be posted, it must undergo a classification analysis to determine if the reclassification request is valid. A completed job description must be submitted to the Human Resources Department specifying the essential functions; equipment; other important duties; experience, training, skills and other abilities; required education degrees, certificates and/or licenses; and any other necessary information.
- C. **Memo from City Management** – To reclassify a position, a request must be made to the Human Resources Department. Upon approval, it will then be sent to the City Manager’s Office. Written approval from the City Manager’s Office must be received before the reclassification can take place or recruiting efforts can begin.
- D. **Posting of Position** - A requisition must be completed and approved in its entirety on each open position. Recruiting efforts cannot begin until the requisition(s) is/are approved online by Human Resources. The position will be posted on the Human Resources webpage under *Promotional Jobs or Transfer Jobs*.

#### 23.5 CRITERIA FOR HIRING FROM PREVIOUS POSTINGS

Hiring Managers can hire another applicant from a previous posting, if:

- A. The posting is in the same classification
- B. The posting is in the same department/division
- C. The closing date of the previous posting was ninety (90) days or less

All of the above criteria must be met to hire from a previous posting. If all of the criteria are not met, the position must be posted and/or advertised again.

## **23.6 FILLING RECURRING SEASONAL POSITIONS**

- A.** Individuals who worked the previous year in a seasonal position can be rehired without posting and advertising the position. The individuals do not have to fill out a new application unless it has been longer than one year since they were employed; however, they will need to complete a new W-4 form and the required pre-employment testing (drug screen, criminal and driving checks).
- B.** The hiring supervisor must contact Human Resources via email to complete personnel action forms for the returning employees so their files can be reactivated, and the necessary pre-employment testing can be conducted prior to the employee returning to the workplace.

## **23.7 APPLICANT SCREENING**

- A.** All applications must be received through the City's online recruitment system. Applications will be screened by Human Resources. Only those meeting the minimum qualifications for the position will be forwarded to the hiring supervisor. It is then the hiring supervisor's responsibility to determine whether or not there is an ample pool of applicants. If the applicant pool is small, Human Resources will re-post/re-advertise the position again for additional requested time. All positions posted as 'currently open' will not close until the initial requested date.
- B.** Applications will be forwarded electronically to the hiring manager for review once the job has closed but may be periodically before then.

## **23.8 SELECTION PROCEDURES**

- A.** Supervisors will conduct and complete all reference checks prior to notifying Human Resources of their selection.
- B.** Upon completion, the hiring supervisor will then contact the candidate to notify them that an offer of conditional employment will be extended to them by Human Resources. It must be emphasized that all offers are contingent upon results of the pre-employment screenings which will include a driver's license check, drug screening, criminal history check, physical examination, if required, and the ability to produce documentation that verifies the individual's eligibility to work in the United States as directed by the Immigration Reform and Control Act of 1986.
- C.** The hiring supervisor will forward all interview documentation, eligible list, notes and reference checks to Human Resources, along with a proposed start date and salary amount before Human Resources makes contact with the candidate. Human Resources will then contact the candidate and extend an offer of conditional employment. After the pre-employment or promotional screenings are completed and results are received, Human Resources will contact the hiring supervisor to notify them of the official start date. If the

results are not desirable, the conditional job offer is retracted. The hiring department will then need to notify IT of the new hire's start date and IT requirements.

- D.** The hiring department is responsible for contacting applicants who were interviewed to notify them that they were not chosen for the position. This may be done by phone or email. Human Resources will notify all other applicants.

### **23.9 DISCUSSION OF SALARY**

Hiring supervisors do not have the authority to commit the City to employ an applicant above the minimum salary of the appropriate pay range. All requests for a salary higher than the Minimum but less than the 25% quartile of the pay range must be approved by the Human Resources Department.

Requests higher than the 25% quartile of the salary range must be approved by the City Manager or the Assistant City Manager.

### **23.10 NEW EMPLOYEE IN-PROCESSING**

It is the hiring supervisor's responsibility to send the new employee to Human Resources on the established orientation date to complete new employee processing. This orientation is mandatory for all new hires and will take priority over Department business. All departmental training is the responsibility of the new employee's respective department.

## **CHAPTER 24**

### **INCLEMENT WEATHER POLICY AND PROCEDURES**

#### **24.0 PURPOSE**

The City is responsible for vital public services that must be continued regardless of weather conditions. The purpose of this chapter is to communicate the requirements of attendance and pay, and to protect employees' health, safety and welfare while providing City services during periods of inclement weather.

#### **24.1 PROCEDURES**

##### **A. Offices Closed during Inclement Weather Day**

In the event the City Manager (or designee) determines that City offices must be closed due to inclement weather, the City Manager (or designee) will notify the news media (TV, radio, and newspapers) and Department Directors. Department Directors will in turn notify their respective staff.

Notwithstanding the above, City employees are responsible for checking the news medias (TV and radio) to determine whether City offices are closed for normal business. Employees are also responsible for knowing or ascertaining whether their services are needed for emergency service provision. This would normally apply only to police, fire/rescue and public works and select other employees, as determined by the Department Director.

##### **1. Office and Non-Emergency Service Personnel on Official Closed Day:**

When the City Manager declares City offices officially closed, non-public safety personnel shall not report to work. For payroll purposes, employees may, with the approval of their supervisor, do one of the following:

1. Make up the time during the same pay period
2. Use accrued vacation
3. Use compensatory time

##### **B. Offices Open during Inclement Weather Conditions**

When City offices are open, employees are expected to make every effort to arrive at work, regardless of weather conditions. However, if employees feel that driving conditions would constitute a danger to their life and/or property, they may elect to come in later than normal. For payroll purposes, employees may, with the approval of their supervisor, do one of the following:

1. Make up the time during the same pay period
2. Use accrued vacation
3. Use compensatory time

Employees must contact their supervisor before the workday begins in any of the above situations.