



Deer Park Administrative Manual

(Revised February 2024)

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SECTION 1 – ADMINISTRATION MANUAL PURPOSE

POLICY 1.1 – PURPOSE

The purpose of the material contained herein is to foster a high degree of understanding, cooperation and efficiency among all employees and provide a good working relationship with consistent administrative policies related to employees. The objectives of these policies are to : (a) To inform department heads and other supervisors as to their obligations towards the employees under their direction and provide procedural information to help instruct the employees; (b) To ensure that all Federal, State, and local laws in relation to employment and working conditions are fully complied with; (c) To promote positive morale among employees by providing good working relationships and consideration for employees welfare; (d) To provide fair and equal opportunity to all qualified persons to enter city employment on the basis of fitness and merit as ascertained through practical and fair methods of selection and evaluation.

These rules are issued by the City Manager and may be amended from time to time as the needs of the service require. Suggestions for amendments in the rules are welcome at any time from any employee. They should be submitted in writing to the City Manager. The digital location of these rules shall be issued to all employees and maintained on employee intranet sites and on city internet sites.

SECTION 2 – HIRING & TERMINATION

POLICY 2.1 – EMPLOYMENT PROCEDURES

Memo

To: All Department Directors

From: Ronald Crabtree, City Manager

Date: (Original 5/26/93) Revision Date 8/12/98, Revision Date 2/24/09

Subject: Administrative Policy #6- Employment Procedures

The following policy will be in effect regarding the employment process for City employees.

Note: Because PD staff are subject to various TCOLE, CALEA and departmental general orders (in addition to city policies), PD staff recruitment activities will be addressed by PD Career Services staff. Applications will continue to be routed through the city's online applicant tracking system to HR then to Police Department Career Services.

1. The Human Resources Department will be notified by the appropriate Department Head (via the online job requisitioning system) of a job opening that occurs within that department.
2. The Human Resources Department will be responsible for the advertising of all civilian job openings within the City.
3. It shall be the policy of the City of Deer Park that when a position becomes available, and required to be filled, that current employees (full, part-time or temporary) shall have the opportunity to complete a transfer request form until such time that the position has been filled. It is further understood that after 5 (five) days from the job position posting that the City may begin considering applications from outside the employee group. Employee transfer requests and outside applications may be reviewed at the same time during the review process. During this process "qualified" employees full, part-time or temporary that have requested a transfer will be given an interview by the department director, interview team or assigned person(s) of the department attempting to fill the vacancy.
4. Applications\Resumes received in response to an advertised civilian job opening will be collected by the Human Resources Department. Applications\Resumes will be forwarded to the appropriate department.
5. The Department involved in the hiring process will contact the finalists for a position and schedule the interviews. Human Resources can assist with these processes if

necessary and as requested. Any departmentally generated interview questions must be submitted to the Human Resources Department for approval before the interview process begins.

6. The Human Resources Department will participate in the interview process, if requested by the selecting department.
7. The Human Resources Department will be notified in writing of the individual selected for the job opening. Documentation for the selection should be included for the file.
8. The Human Resources Department will conduct the post offer drug screen and background investigation of the selected civilian applicant.
9. A job offer will be extended by Human Resources or Hiring Manager for civilian roles after completion of the background investigation and drug screen testing.
10. The Human Resources Department will be responsible for obtaining all information necessary to establish complete personnel files for newly hired employees.
11. Application\Resumes of applicants not selected for employment will be maintained in accordance with the city's record retention schedule.
12. Employment Applications and Resumes will ONLY be accepted for a specified position that is open at the time of application.

This policy shall apply to part-time and temporary employees as well as full time positions that become available.

With my signature this revised administrative policy #6 supersedes all policies written or assumed that may be in conflict with it.

Please make sure that all employees are made aware of this revision as soon as possible.

Ronald V. Crabtree, City Manager

SECTION 2 – HIRING & TERMINATION

POLICY 2.2 – HIRING PRACTICES

Memo

To: All Department Directors

From: Ronald V. Crabtree
City Manager

Date: 3/2/05

Subject: Administrative Policy #39
Hiring Practices

This administrative policy shall serve as official notice that the City of Deer Park has and shall continue to follow all current State and Federal guidelines pertaining to non-discriminatory hiring practices. The City shall not discriminate when considering applicants or hiring employees on the basis of reasonable and necessary accommodations under ADA guidelines, race, sex, creed or national origin. This administrative policy shall serve as the City of Deer Park's position on this matter until such time that any conflicting documents now withstanding have been amended in accordance with State and Federal guidelines.

With my signature this administrative policy #39 supersedes all policies and/or documents written or assumed that may be in conflict with it.

Ronald V. Crabtree, City Manager

SECTION 2 – HIRING & TERMINATION

POLICY 2.3 – TERMINATION OF EMPLOYMENT

To: All Department Heads

From: James J. Stokes, City Manager

Subject: Administrative Policy #7: Termination of Employment

Date: March 2, 2005

Revised: December 10, 2014

The following policy will be in effect regarding the termination of City employees:

1. A Status Change Form indicating Termination of Employment will be completed by the department affected by the termination. All appropriate information will be entered before the form is submitted to the Human Resources Office.
2. The Human Resources Department will verify the vacation and sick leave hours listed on the form to the official records.
3. After the City Manager has approved the termination of employment (by affixing signature of the Status Change Form), the Human Resources Office will make appropriate notifications to necessary outside entities and update appropriate information in the human resources and payroll systems.
4. An exit interview will be conducted by the Human Resources Department for employee-initiated resignations.
5. The Human Resources department will be responsible for ensuring that Continuation of Coverage (TMLHealth), the Application for Refund of Retirement (TMRS) and any other applicable forms are provided and/or explained to the separating employee.
6. Directors involved in the dismissal of an employee will discuss the reasons for the dismissal with the Human Resources Director before notifying the employee.
7. Any dismissal will require the review and approval of the City Manager. For serious infractions that would mandate the immediate removal of an employee, a suspension pending further investigation may be utilized.

James J. Stokes
City Manager

Employee Appeals Policy

I. Purpose It is the intent of this policy to establish clear guidelines for employee disciplinary appeals.

II. Policy and Procedures

Employees can appeal the following disciplinary actions:

- Suspensions
- Demotions
- Dismissals

1. Appeal Rules - Employees who are suspended, demoted or dismissed from City service may appeal decisions in accordance with the following rules.

- a. Employees who are dismissed for non-disciplinary reasons, such as incapacity, will use the same appeal process as for disciplinary dismissals.
- b. Employees who are terminated by the City because of a reduction in force may not appeal decisions of department heads.
- c. All requests, responses and decisions to appeal must be in writing. An employee who chooses to appeal may have one legal or other (e.g., co-worker, supervisor, family member) representative at the appeal hearing. The representative may participate in the hearing and speak on behalf of the employee. Any costs associated with the representative shall be the employee's responsibility.
- d. If an employee does not respond within the prescribed time limits without obtaining an extension from Human Resources, the employee will have exhausted his/her option to appeal.
- e. The following are **not** eligible for the appeal process defined by this policy:
 - Employees who are still within their initial probationary period.
 - Temporary and Part-time employees.
 - The Assistant City Manager and all Director-level staff.

2. Appeal Process for Suspensions, Demotions or Dismissals

- a. An employee who chooses to appeal a suspension, demotion or dismissal must submit the completed appeal form (Appendix B) to Human Resources within five (5) business days from the date of the letter notifying the employee of the effective action.
- b. All appeals will be heard by the City Manager or his/her designee.
- c. The City Manager will hear the appeal within fifteen (15) business days of the receipt in Human Resources of the completed appeal form. In addition, the City Manager will render a written decision regarding the appeal within seven (7) business days of hearing the appeal.
- d. An employee's appeal can result in modification of the original disciplinary action. Consequently, the Status Change Form (Appendix A) dismissing the employee and the Personnel Requisition intended to replace the employee shall be withheld pending appeals-process disposition. Upon receipt of notification that the appeal process has been completed, the department shall submit the forms necessary to finalize the action.

The City Manager will be the final arbiter of any appeal.

CITY OF DEER PARK TERMINATION APPEAL FORM – PART 1

APPENDIX B

Please Print Employee's Name: _____ Telephone: () _____

Address: Street City State Zip _____

Position: _____ Supervisor: _____

Date of Hire: _____ Date of Termination: _____

- REQUEST FOR REVIEW OF TERMINATION I hereby request a review of my termination from employment in accordance with the City'
- Termination Appeal Procedure. I have read and understood the provisions of that procedure, including the time limits. I understand that in order for the City to investigate and attempt to resolve my complaint it is necessary for me to fully disclose all of the facts and reasons I believe my termination was unlawful and/or violated the City Personnel Policy in effect at the time of my termination from employment, and to identify all persons with knowledge relevant to my claims. I have fully disclosed below all such facts, reasons and persons. (Attach additional paper if necessary).

SECTION 2 – HIRING & TERMINATION
POLICY 2.5 – REHIRE PRACTICES

Memo

To: All Department Directors

From: Jay Stokes, City Manager

Date: 9/14/2022

Subject: Administrative Policy #2.5 – Re-Hire Practices

POLICY:

Former employees may be rehired into the same grade classification at a step agreed upon by the Director/Chief and City Manager. However, if a former employee is rehired into a different position than the one vacated, they shall be paid according to that job grade and not necessarily at the same rate of pay as prior to leaving the City. It will be the responsibility of the rehired employee to negotiate the best salary with the Hiring Authority. Former employees must compete through the regular employment process.

BENEFIT ACCRUAL:

If a former employee (who resigned in good standing) is re-employed by the City of Deer Park within 1 year of their separation date, the original service date will be used to restore vacation and longevity accrual rates. Prior service will count for eligibility for vacation accrual but there will be no restoration of actual earned vacation hours or longevity time as these hours/time were paid out at the time of separation of employment with the City of Deer Park.

RETIREE RE-HIRE:

City of Deer Park retirees may be rehired into their former City position, in a part-time or temporary/seasonal capacity without going through the competitive hiring process.

It will be the responsibility of the rehired retiree to negotiate the best salary with the Hiring Authority before accepting reemployment with the City.

Part-time or temporary/seasonal positions normally do not require retirees to work more than 1000 hours per year. Jobs, which normally require more than 1000 hours per year, may affect a retiree's retirement annuity.

With my signature this revised administrative policy supersedes all policies written or assumed that may be in conflict with it.

Jay Stokes – City Manager

GROUP 3 – EVALUATION & COMPENSATION

POLICY 3.1 – EMPLOYEE EVALUATIONS

Memo

To: All Department Directors

From: Ronald V. Crabtree, City Manager

Subject: Administrative Policy #25, Employee Evaluations

The city uses a thorough performance evaluation system for assisting supervisors in communicating job expectations, measuring the employee's level of past performance, recognizing employee achievements and exemplary performance and strengthening the supervisor-employee relationship. The performance evaluation system provides necessary information for management decisions including career development and training, assignments, advancements, transfers, disciplinary actions, retention compensation, etc. The purpose of the performance evaluation system is to achieve optimum performance resulting in outstanding customer service. There are tailored performance evaluation forms for specific roles, departments and levels across the organization based on the makeup and needs of the role.

Performance evaluations should be conducted upon completion of the employee's probationary period and annually thereafter upon the employee's review anniversary date. Review anniversary dates can be re-set upon the employee's promotion to a new position. Review anniversary dates would NOT be re-set with the occurrence of a re-classification due to market condition changes. In such a circumstance, the role has not changed, but rather the market conditions have changed such that the classification warrants update. Similarly, review anniversary dates should not be changed because of a lateral move or transfer.

When evaluating the performance of an employee who has experienced a prolonged absence (e.g. due to FMLA leave, military leave, workers compensation leave, jury duty leave), the supervisor should consider the time worked during the period and rate that performance accordingly. Employees' performance rating should not be negatively impacted because of such leaves.

It shall be the policy of the City of Deer Park that those employees that score a 3.6 or greater on their evaluation shall be eligible to receive a merit increase in accordance with their position and the corresponding pay scale step provided that employee has not reached their maximum or final step on the corresponding pay scale.

Employees that do not score 3.6 or greater on their evaluation shall be given a written list of requirements that they have to improve upon during a follow-up probationary review period. The list of required improvements shall correspond with those areas that the employee scored a low rating on the evaluation form. A copy of these requirements will be sent to the Human Resources Department with the evaluation. Said employee will then be subject to a re-evaluation at the completion of the follow-up probationary period. If said employee has improved in the specified areas and scores a minimum of 3.6 on the re-

evaluation, said employee would then be eligible for the appropriate merit increase. The follow-up probationary period evaluation date will not change the employees ~~due~~ review anniversary date for their next annual evaluation or their anniversary date.

Department Directors should inform all employees of this administrative policy as soon as possible.

Ronald V. Crabtree, City Manager

GROUP 3 – EVALUATION & COMPENSATION

POLICY 3.2 – PAY CHANGES AND COST ALLOCATION CHANGES

To: Directors

From: James J. Stokes, City Manager

Date: December 9, 2015

Re: Processing of Pay Changes and Cost Allocation Changes

The purpose of this memo is to remind all departments and employees that any changes in an employee's pay rate, or changes to the general ledger accounts to which an employee's costs are allocated should have an effective date that reflects the beginning of a pay period. This ensures that we do not encounter multiple pay rates or cost allocations within a single payroll processing period.

Examples where an effective date should coincide with the beginning of a pay period are:

- Employee moving from part-time to full-time status or vice-versa
- Employee moving from one shift schedule to another (e.g. from day shift to night shift)
- Promotional pay increase associated with moving to a new role
- Move to a new division, department or G/L account
- Addition or removal of certification or education incentive pay

Effective January 1, 2016, merit pay increases for both full-time and part-time employees shall be effective beginning the pay period during which the employee's performance review date occurs.

During fiscal years in which employees are given a cost of living adjustment (COLA), the adjusted pay rate shall be effective as follows: If the first day of the fiscal year (October 1st) falls during the first seven (7) days of a pay period, the COLA shall begin during that pay period. If the first day of the fiscal year falls in the last seven (7) days of the pay period, the COLA shall begin during the following full pay period.

Note that it is not a requirement that new hires start on the beginning of a pay period as there is no existing pay rate or cost allocation in the system that would create issues during payroll processing. We do recommend that these new hires start at the beginning of a work "week" if at all possible.

Supplemental wages are wage payments to an employee that are not regular wages (e.g., overtime pay, longevity pay, payments for accumulated sick leave, awards, etc.) and are

subject to IRS supplemental wage rules. In accordance with the current IRS regulations, the City has the option to calculate federal withholding taxes on these wages at a flat 25%

or by combining the supplemental wages with the regular wages and calculating the federal withholding taxes as if the total of the regular wages and the supplemental wages is a single payment. Overtime wages are included in the bi-weekly payroll and are combined with regular wages and taxed as a single payment. However, similar to the treatment of taxable fringe benefits, the City will calculate federal withholding taxes on any supplemental wages paid separately from regular wages at a flat 25%. Please feel free to contact the Human Resources Department directly with any questions you may have.

GROUP 3 – EVALUATION & COMPENSATION

POLICY 3.3 – CERTIFICATION AND EDUCATIONAL INCENTIVE PAY

MEMORANDUM

To: Department Directors

From: James J. Stokes, City

Manager

Date: REVISED October 1, 2019

Re: Administrative Policy #23- Certification and Educational Incentive Pay

The City of Deer Park shall pay certification pay to employees that are required to obtain the following State or Federally required certificates per the Personnel Manual Chapter IV Section 4.12 or educational advancements as approved by the City Manager with the issuance of this administrative policy.

CERTIFICATION PAY:

Program - Certification pay is paid as additional compensation for those employees who receive a certification (or licensing) issued by an approved certifying entity that directly relates to their jobs. The certification will be one that is required in order to meet Local, State or Federal regulatory requirements within the department's operations *or* deemed as beneficial to city operations by City Management. The Human Resources' Director and Division Directors will jointly make any recommendations to add a particular certification to the list of eligible certifications. Certification pay will not be paid until approved by the City Manager.

Eligibility - Certification pertains to and represents an approved course of study with classroom training. Certification is usually achieved through a formal testing process, requiring at least a passing grade. Certification must require continuing education and/or re-certification as a requirement for maintaining the certification. However, approved certification programs that do not require continuing education may be approved by the City Manager under special circumstances.

1. In order to receive compensation, the certification ***must be approved by the Department Director and City Manager (w/review by Human Resources)***.

2. Certification pay must be applicable to the employee's current position with the City. An employee who receives an eligible certification but is ***not acting*** in a position where the certification is directly related to the role will ***not*** be paid for the certification.

3. Individual employees will be eligible to receive **no more than 3** three certification pay incentive amounts at one time. Certifications will be different in kind and not successive.

1. The 3rd certification scenario would generally be for situations where a certification would be helpful in a backup situation in another division and they would receive the 3rd certification while actually working in the other division.

4. **NOTE:** The City Manager, Assistant City Manager, and Department Directors are not eligible for certification pay.

1. Employees are **not** eligible for Certification Pay while in probationary status (up to 6 months) or if placed on extended probationary status.

2. Certification Incentive Pay may be revoked if an employee transfers to another role within the City in which the Certification pay is no longer applicable.

5. The city reserves the right to re-structure the certification pay program if conditions should warrant such changes. If conditions change and the certification is no longer required from a regulatory standpoint, or deemed beneficial to city operations, then the certification pay can be suspended. Employees should never consider that Certification pay will continue indefinitely.

6. All determinations pertaining to the full-time employee's eligibility for certification pay will be reviewed and approved by the City Manager.

7. It is the employee's responsibility to provide to Human Resources a dated copy of the original certificate and/or proof of the certification to receive Certification Pay. If the employee does not fulfill the renewal or maintenance requirements of the certification, Certification Pay will cease. It is the employee's responsibility to provide proof of certification maintenance.

Questions regarding Certification Pay will be directed to the Human Resources Department.

Below is the list of Certifications/Licenses authorized for additional certification incentive pay.

Police Department:

Police Officer:

Basic Certification Pay	\$0.20 per hour
Intermediate Certification Pay	\$0.57 per hour
Advance Certification Pay	\$0.86 per hour
Master's Certification Pay	\$2.60 per hour
Associate's Degree	\$0.57 per hour
Bachelor's Degree	\$2.31 per hour

Master's Degree \$2.60 per hour

Telecommunicator:

Basic Certificate Pay \$0.20 per hour

Intermediate Certificate Pay \$0.35 per hour

Advanced Certificate Pay \$0.58 per hour

Master Certificate Pay \$0.81 per hour

Fire Department:

Arson Investigator \$0.20 per hour

Public Works:

Solid Waste Tech (Competency Ltr) \$0.58 per hour

Basic Animal Control \$0.20 per hour

Automotive AC Mechanic \$0.20 per hour

Automotive State Inspector \$0.20 per hour

Herbicide Applicator \$0.20 per hour

Air Brake Mechanic \$0.20 per hour

Advanced Animal Control \$0.35 per hour

"A" Ground Water \$0.58 per hour

"B" Ground Water \$0.35 per hour

"C" Ground Water \$0.20 per hour

Class II Wastewater Collection \$0.20 per hour

"A" Wastewater \$0.58 per hour

"B" Wastewater \$0.35 per hour

"C" Wastewater \$0.20 per hour

"A" Surface Water \$0.58 per hour

"B" Surface Water \$0.35 per hour

"C" Surface Water \$0.20 per hour

Flood Plain Manager \$0.20 per hour

Code Enforcement Officer \$0.20 per hour

TCEQ Lab Tech. Mgr. \$0.20 per hour

Wastewater 1 and 3 \$0.20 per hour

UST A and B (4) \$0.20 per hour

Water Distribution \$0.20 per hour

Planning & Development:

Inspector Certification

*One License/Certification \$0.20 per hour

*Two or More License/Certification \$0.50 per hour

Parks and Recreation:

Pesticide\Herbicide Applicators \$0.20 per hour

Certified Playground Inspector \$0.20 per hour

Arborist \$0.20 per hour

Certified P&R professional	\$0.20 per hour
Certified Therapeutic Rec Spec.	\$0.20 per hour
Aquatics Facility Operator	\$0.20 per hour
Certified Pool; Operator	\$0.20 per hour
Food Svc. Mgr. Certification	\$0.20 per hour

Golf:

Pesticide\Herbicide Applicators	\$0.20 per hour
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Information Technology

A+	\$0.20 per hour
Network +	\$0.20 per hour
CCBA/PBA	\$0.20 per hour
CGCIO	\$0.20 per hour

City Secretary

TMCCP	\$0.20 per hour
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Educational Incentive Pay:

Program - Educational Incentive pay is paid as additional compensation for those employees who receive a bachelor's degree or higher issued by an accredited university that directly relates to the employee's job, **or** is deemed as beneficial to city operations by City Management. The Human Resources' Director and Division Directors will jointly make a recommendation to the City Manager to add new Education Incentives for a particular role to the list of eligible incentives. Educational Incentive pay will not be paid until approved by the City Manager.

Below are some criteria that can be used to determine if a role is to be added to the educational incentive program. This is not an exhaustive list and other criteria may be considered:

- Recent regulatory changes requiring specially degreed personnel to complete a task
- Market or survey data reflect educational differences in compensation are justified
- Degree indicates an enhanced skill set that the City desires can be applied in the role

Eligibility - Education Incentive degree programs must award a baccalaureate degree or higher from the **Southern Association of Colleges and Schools, Commission on Colleges or similar accrediting organization.**

1. Education pay must be applicable to the employee's current position with the City. An employee who receives an eligible Education but is NOT in a position where the Education is directly related to the role will NOT be paid for the Education. The employee will NOT be eligible for Education pay until such time they begin working in a position where the Education is directly related to the role.
2. Employees can be eligible for Education Incentive pay OR Certification pay but not both concurrently.
3. Employees with Associates, Bachelors or Masters Degrees from an accredited four-year college or university will be paid only one education incentive for a college degree representing the highest degree acquired.
4. The City Manager, Assistant City Manager and Division Directors are not eligible for education incentive pay for college degrees.
5. Those employees who are hired with a degree as required (or preferred) in the job description are not eligible for education incentive pay for college degrees unless specifically added to the program because City Management has deemed the degree as beneficial to city operations.
6. Employees are not eligible for Education Pay while in probationary status (up to six months) or if placed on extended probationary status.

7. Should the employee transfer to a department where the Education becomes directly related to the role and meets all other program requirements, the employee may then be eligible for Educational Incentive Pay. Educational Incentive Pay may also be forfeited if a transfer places the employee where the Education is not directly related to the role or no longer meets other program requirements.

8. The city reserves the right to re-structure the education pay program if conditions should mandate or warrant such changes. If conditions change and the degree is no longer required from a regulatory standpoint, or the city no longer requires the degree to fill a gap, then the educational pay can be suspended. Employees should never consider that Educational incentive pay will continue indefinitely.

9. All determinations pertaining to the full-time employee's eligibility for Educational Incentive pay will be reviewed and approved by the City Manager.

10. It is the employee's responsibility to provide to Human Resources a dated copy of the original diploma and/or proof of the Education to receive Educational Incentive Pay.

Questions regarding Educational Incentive Pay will be directed to the Human Resources Department. Below is the list of Educational milestones authorized for additional educational incentive pay.

Police Department:

Police Officer:

Bachelor's Degree	\$2.31 per hour
Master's Degree	\$2.60 per hour

Please see that employees affected, are informed of this administrative policy as soon as possible.

GROUP 3 – EVALUATION & COMPENSATION

POLICY 3.4 – SHIFT DIFFERENTIAL PAY

Memo

To: All Department Directors

From: Ronald V. Crabtree, City Manager

Subject: Administrative Policy #43- Shift Differential Pay

Date: November 8, 2005

Shift differential pay for employees working the evening shift and night shift in the Police Department, Water Treatment Plant and Wastewater Treatment Plant was approved by City Council in the 2005-2006 Budget Year. The purpose of shift differential is to make these shifts more attractive to employees, retain veteran employees on these shifts, and improve the competitiveness of the City in recruiting quality employees. Funding for shift differential shall be as follows:

Evening Shift: \$0.75 per hour

Night Shift: \$1.00 per hour

The Fair Labor and Standards Act (F.L.S.A) requires that shift differential pay be added to the base hourly rate of the position to establish a new base rate of pay as is currently the practice with certification and educational incentive pay.

Base salary per hour + all incentive pay per hour = new base hourly rate of pay

There will be only one new base rate of pay for each employee according to F.L.S.A. When the actual working hours of an employee exceed forty (40) hours in a work week, the employee is eligible for overtime compensation. Overtime pay for the hours over forty (40) is calculated by multiplying the new base rate of pay by 1.5 times the number of hours worked over forty (40).

New base hourly rate of pay x 1.5 x number of hours over 40 = overtime pay

If an employee works overtime past the end of his or her shift, they will be compensated at the overtime rate calculated using the new base rate of pay (which includes their shift differential incentive) assigned to them. For instance, if an evening shift employee making a shift differential of \$0.75 hour works over onto the night shift, the employee would only be paid at his\her new base rate based on the \$0.75 per hour for the evening shift. If overtime is involved, it would be calculated on the new base rate of pay that includes the \$0.75. In a like manner, if a day shift employee works over into the evening shift, that employee will be compensated at the base rate of pay assigned to him\her. The occasional working over into another shift will not change the character of an employee's base rate or new base rate of pay, and the day shift employee would not receive shift differential for working over into that shift.

Shift differential is to be paid during vacation and sick leave. Shift differential is also to be included in the calculation of an employee's longevity pay\ sick leave pay benefit as of September 30th of each year and paid in November.

Please see that those employee effected by this policy receive a copy of Administrative Policy #43.

Ronald V. Crabtree
City Manager

GROUP 3 – EVALUATION & COMPENSATION

POLICY 3.5 – HOURS WORKED: PART TIME AND TEMPORARY PERSONNEL

March 27, 2001

Memo To: All Department Directors

From: Ronald V. Crabtree, City Manager

Subject: Administrative Policy #33- Hours Worked: Part Time and Temporary Personnel

The FLSA (the Fair Labor and Standards Act) defines Part Time and Temporary Employees as those employees that work 32 hours per week or less. Additionally, the Affordable Care Act (ACA) defines those individuals who average over 30 hours per week as eligible for medical insurance coverage. Finally the Texas Municipal Retirement System (TMRS) Act dictates that those individuals who regularly work over 1000 hours in a year are eligible for TMRS benefit participation. Please be advised that the City of Deer Park shall recognize these definitions of the employee classes mentioned herein and regular hours of work for these classes shall be maintained at 20 hours per week or less for part time personnel. Temporary personnel can work up to 40 hours per week ONLY IF in a temporary role that will last no more than four months. On rare occasion due to departmental work load requirements it shall be acceptable for a part time employee to work 40 hours or more per week. If a part time or temporary employee works over 40 hours per week they would be subject to the same overtime payment or compensatory time requirements as full time employees.

Please see that all part time and temporary employees concerned receive a copy of this policy.

Ronald V. Crabtree, City Manager

GROUP 3 – EVALUATION & COMPENSATION

POLICY 3.6 – PAY PRACTICES, OVERTIME and COMP TIME

Administrative Policy #14 - PAY PRACTICES, OVERTIME and COMP TIME

I. PURPOSE

The policy specifically addresses:

WHEN and HOW paychecks are paid to employees;

WHEN an employee's work is considered overtime or comp time;

HOW overtime is calculated and what is/is not included in the overtime calculation; and

II. POLICY

PAY PRACTICES

The City retains complete discretion over setting compensation. The City attempts to determine compensation levels comparable to those of other individuals with similar jobs and contribution levels both within the public and private sectors. All employees of the City are on the City's payroll and wages are paid out of the City's payroll accounts (includes Crime Control Prevention/Fire Control Prevention and Emergency Services district accounts). No employee will have their wages paid out of petty cash or any similar fund.

Pay Period/Workweek

All employees are paid on a bi-weekly basis (26 pay periods per year). The pay periods are 14 calendar days during which employees are typically scheduled to work 80 hours. The City calculates overtime on a seven-day work period basis. The work period begins on Monday at 12:00 a.m. and continues for seven consecutive 24 hour days, ending on the following Sunday at 11:59 p.m.

Pay Days

All employees are paid on Friday of the pay week. Each paycheck will include earnings for

all work performed through the end of the previous payroll period. If an observed holiday falls on a pay date, paychecks will be distributed the day prior to the holiday. In the case of terminating or retiring employees, final paychecks will be administered in accordance with federally mandated timeframes, allowances and procedures.

Deductions from Paycheck

The city is required by law to make certain deductions from employee paychecks. Among these deductions are federal income taxes and contributions to Social Security, Medicare and TMRS (for full-time employees) as required by law. These deductions will be itemized on check stubs. The amount of federally- mandated deductions will depend on earnings and the information furnished on W-4 forms regarding the number of exemptions claimed. Any change in name, address, telephone number, marital status or number of exemptions must be reported to Human Resources immediately to ensure proper deductions are made from paychecks. The W-2 form received for each year indicates precisely the amount of earnings deducted for these purposes. Any other mandatory deductions from paychecks, such as court-ordered garnishments, will be explained when the City is ordered to make such deductions.

Deductions (Other)

The City reserves the right to make deductions and/or withhold compensation from an employee's paycheck, so long as such deduction or withholding complies with applicable state and federal law. Such a deduction may be made when the employee is found to have been responsible for the loss or damage of City property. In addition, the City reserves the right to reduce the pay of employees to reimburse the City for unauthorized expenses made by the employee and/or for expenses incurred by the employee that are not properly and timely documented.

Reasonable attempts will be made to notify the employee prior to the deductions. In addition, an employee may authorize the City to make additional deductions from pay for extra income taxes, contributions to a 457/deferred income plan/IRA, credit union contributions or Insurance Benefits. Contact Human Resources for details and the necessary authorization forms.

Deductions from Pay of Exempt Employees.

Salaried exempt employees shall use accumulated leave time for full-day and part-day absences. Under the principles of public accountability, if an exempt employee has failed to request or been denied paid leave, or has exhausted all accrued paid leave time, the employee's salary will be reduced by the number of hours the employee has been absent, for which no paid leave is available. Exempt

employees' pay shall not be deducted for absences occasioned by jury duty, attendance as a witness or temporary military leave.

Disciplinary Deductions for Exempt Employees

Unless otherwise prohibited by federal or state law, the City reserves the right to suspend exempt employees without pay in full-day increments for violation of safety rules of major significance and for violations of workplace conduct rules.

Direct Deposit

The City mandates direct deposit and having paychecks deposited directly into employee bank account(s). Employees may have their paycheck electronically transferred to multiple checking and/or savings accounts. The pay notification/advice of the employee's paycheck will be sent to them (paper or electronic version) as a receipt of deposit. The City cannot guarantee the date on which auto deposit funds are posted to employee account(s) by their bank(s), and cannot accept any responsibility for deposits posted to your account(s) after pay day.

Check Delivery

To ensure the security of an employee's check information, pay notifications and checks will be issued only to the employee personally unless written authorization is provided for the City to release it to another person. Anyone authorized to pick up an employee's pay notification/check will be required to present identification before it will be released. While this policy may seem cumbersome, it is designed to ensure that the employee's check is properly distributed in their absence. The city also provides a "go green" option that gives employees the ability to have their pay notification/advice emailed securely to an email account of their choosing.

Error In Pay

Every effort is made to avoid errors in employee pay. If an employee believes an error has been made or has a question about pay, the employee should notify Human Resources immediately. It is the policy of the City not to make improper deductions from an exempt or non-exempt employee's pay. Any employee who believes an improper pay deduction has been made, must immediately notify Human Resources. Human Resources will take the necessary steps to research the deduction and assure that any necessary correction is made properly and promptly. The City will promptly reimburse an employee for any improper deduction(s) and will make a good faith commitment to comply in the future. Employees will not be retaliated against for raising issues relating to pay errors.

OVERTIME

NON-EXEMPT EMPLOYEES The City pays one and one-half times a non-exempt employee's hourly rate for hours actually worked over 40 hours in any seven-day work period. Special pay situations such as a worked holiday compensate overtime in the form of premium pay. Non-exempt employees are those who work in positions for which an overtime premium must be paid under the Fair Labor Standards Act.

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

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

Paid vacation and holidays (worked and non-worked) are not included as hours worked for purposes of calculating overtime. Similarly, time off on account of sick leave, birthday leave, jury duty leave, bereavement leave, wellness physical time, workers compensation leave time, administrative leave time, comp time taken or any other leave of absence are not considered time worked for purposes of calculating whether overtime has been worked.

"Seventh Day Pay". Non-exempt employees, who work the first six (6) days of a work period and a minimum of 48 hours in the same six (6) day period, who are then subsequently required to work the 7th consecutive day of the work period will be paid a premium pay of double-time for all hours worked during that 7th day. "Call out" time is not considered for determining eligibility to receive seventh day premium pay.

“Worked” Holidays. Non-exempt full-time employees who actually work on a legal/city observed holiday will be paid a premium rate of two and a half times the base rate (2.5) for all hours actually worked during the observed holiday.

Shift Personnel. Personnel who work on a “shift” schedule will observe City holidays on the actual holiday. Shift personnel will be compensated at the Holiday pay rate only when they work the actual holiday, not when working the City observed holiday. Compensation for shift personnel who work on the observed holiday will be paid at their regular hourly rate. Shift personnel will be deemed to have “worked” the actual holiday if their scheduled shift begins on the actual holiday.

Sick and Vacation time for shift employees will be earned at the same rate and schedule as other non-shift personnel. Sick and Vacation time will be taken/used according to the shift employee’s work schedule. (Example #1: 12 hour shift employee earns 8 hours of sick time for any given month. When same employee takes/uses a sick day, 12 hours of sick time will be charged against their bank/accrual. Example #2: 12 hour shift employee who is at the 80 hours per year level of vacation accrual will accrue 6.66 hours of vacation per month. When same employee takes/uses a vacation day, 12 hours of vacation time will be charged against their bank/accrual. Example #3: 24 hour shift employee earns 8 hours of sick time for any given month. When same employee takes/uses a sick day, 24 hours of sick time will be charged against their bank/accrual. Example #4: 24 hour shift employee who is at the 80 hours per year level of vacation accrual will accrue 3.08 hours of vacation per bi-weekly pay period. When same employee takes/uses a vacation day, 24 hours of vacation time will be charged against their bank/accrual.)

Floating holidays, Birthday holidays and Wellness Award Days/Half-Days will be handled differently than Sick/Vacation time, meaning that time for these days will be earned at the same rate and schedule as other non-shift personnel and will be taken/used as if working an 8-hour (or 4-hour for Wellness Half-Days) shift. (Example #5: 24 hour shift employee earns a Birthday holiday. When same employee

takes/uses their birthday holiday as part of a 24 hour shift, 8 hours of Birthday time will awarded and the employee will need to utilize other personal time (comp, vacation, etc.) to make up the remaining 16 hours for the shift. Example #6: 24 hour shift employee Floating holiday available.. When same employee takes/uses this floating holiday as part of a 24 hour shift, 8 hours of Floating holiday time will awarded and the employee will need to utilize other personal time (comp, vacation, etc.) to make up the remaining 16 hours for the shift.

Call out - Non-exempt employees who are called out to a worksite without prior notice, and who are requested to report to work outside of their regular work schedule, shall receive the overtime rate applicable for all hours actually worked, or a minimum of 2.75 hours at the overtime rate applicable if the time spent in call-out status is less than 2.75 hours. In the event the call-out work extends into the employee's regular work schedule, the employee shall be entitled to the minimum 2.75 hours overtime rate (In call out scenarios, the 2.75 overtime rate will equate to 4 hours at the regular rate). The call out minimum in this policy is payable at the overtime rate even if the employee does not meet the threshold of 40 hours of regularly scheduled work during the work period. Call out pay premiums are not included in the calculation of overtime for the week. Employees who are "called out" and subsequently do not respond to the call out will be subject to disciplinary action up to, and including dismissal.

Remote Call In - Non-exempt employees who are required to "call in", log-in or utilize technology to resolve an issue remotely outside of their normally scheduled work day will receive a minimum of one hour of compensation at the overtime rate if the activity is less than an hour in duration and is not de minimus in nature and requires more than a short phone call, text message or email to resolve the issue or situation.

Adjustments To Work - Schedule In situations where overtime payment is not feasible due to budgetary constraints, the Department Director or supervisor must consider adjusting the employee's work schedule in an effort to minimize the need for overtime compensation. Any such work schedule adjustments must be completed within the same work period that the additional hours were worked and must be accurately reflected on the affected employee's time record.

COMPENSATORY TIME

Non-exempt employees may accrue compensatory time in lieu of being paid overtime compensation. The City of Deer Park shall have the authority to pay overtime, rather than grant compensatory time, even if the employee prefers compensatory time.

If compensatory time is to be used to compensate an employee for overtime, it is calculated at the following rate(s) and method(s) of accrual and with the following maximum allowable hours carried on the books:

1. Accrual of Compensatory Time. For those actual hours worked in excess of 40 hours in any given

work week, compensatory time may be accrued at 1-1/2 hours for each hour worked .

2. Approval of Use of Compensatory Time. Supervisors must approve compensatory time when it is accrued and before it is taken. Supervisors further acknowledge approval of the use of compensatory time when they sign the time sheets submitted bi-weekly for payroll purposes thereby completing the official record of employee time.

3. Compensatory Time Annual Maximums ("Caps") .Public safety -- i.e., police officers, are subject to an 80 hour cap on accrual of compensatory time. Other employees are subject to a cap of 60 hours. Compensatory time accruals are to be monitored at the department level and maximum hours accrued will be restricted based on the limits stated in this policy. Extraordinary circumstances may permit an employee to accrue compensatory time above the caps specified in this Subsection, with the prior approvals of the Department Director and City Manager.

4. Use of Compensatory Time. An employee who has accrued compensatory time and requests use of such time must be permitted to use the time off within a "reasonable period" after making the request, if it does not "unduly disrupt" the work of the department. The City may also require employees to take time off in order to reduce their accrued compensatory time. Otherwise, compensatory time off may be used the same as leave time.

5. Payment of Compensatory Time. All employees who are reclassified from a non-exempt position to an exempt position will be paid all accrued compensatory time upon approval of the reclassification and will cease to be eligible to earn overtime and /or compensatory time. Upon leaving employment with the City, a non-exempt employee will be paid for unused compensatory time at the employee's current hourly rate or the average hourly rate of the last 3 year fiscal period, whichever is higher.

EXEMPT EMPLOYEES

Exempt employees are those who are not covered by the overtime requirements of the FLSA. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek. Exempt employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner. Absent accrued paid leave time, an exempt employee will not be paid for any workweek in which the employee performs no work.

SECTION 3.65 - EMERGENCY PAY

DEFINITIONS

City Manager: This includes the City Manager role and any designees for the City Manager role.

Emergency Personnel: Each department director and/or supervisor is responsible for identifying and activating those employees who will be required to remain or respond in the event of emergency conditions.. These employees may be required to be available immediately before, during, and/or after an emergency. Please note a supervisor, the department director, or City Manager may remove activated emergency personnel from duty during a declared emergency.

Activated staff: Those Emergency personnel designated by their department director to work during a disaster. The number activated will be determined by the nature, size, and scope of the emergency. Those Personnel not activated will remain on call, and will receive Emergency Administrative Leave or Standby pay for their normally scheduled workday hours. Depending on the size and/or nature of a disaster, employees may be assigned to their normal duties at work or from home and not be considered activated for the emergency.

Emergency Duty Assignment: In the event of an emergency, the City Manager may assign employees to any duty to the extent that the City is not in violation of any state or federal law. This includes employees of one department serving in an emergency capacity for any other department or function as assigned.

POLICY

When an emergency impacts City employees' work schedules and status during emergency conditions, and a state of emergency has been determined by governing bodies (Local, State, or Federal, declared disasters) the City Manager may grant non-worked emergency administrative leave with pay, Standby pay or disaster response pay to coincide with the occurrence of a disaster, whether natural or manmade. Depending on the duration of the emergency, the City Manager may consider a cap or limitation on worked emergency administrative leave with pay. The City Manager may also determine if some Personnel need to be assigned to work the disaster/emergency while other employees may go conduct their normal work. If it is determined that a civil emergency exists, including but not limited to, riots, civil disorders, severe weather or hurricane conditions, other natural disasters, chemical incidents, or similar conditions, the City Manager may then implement the provisions of this Emergency Pay Policy and may suspend all regular pay practices for all personnel in the City, or for only those employees affected by the emergency.

No employee is excused from work until the City Manager or designee authorizes employees to leave.

This policy applies to all full-time employees and to emergency assigned part-time employees.

Declaration of Emergency

Notification of State of Emergency (Local, State or Federal): When a state of emergency is imminent or has been declared, the City Manager, or designee, will notify all employees, through department directors, of such declaration.

Employee Status

Department directors shall advise every employee hired by the City of Deer Park they could be assigned as emergency personnel during an emergency. All Directors shall supply a list of their Personnel to the City Manager's Office as of May 1st of each year. An individual employee's status may change as the needs of the City change during an emergency, or at the discretion of the department director.

Emergency Period

An emergency period is defined when the City Manager or designee suspends normal city business in preparation for the City's response to an emergency. This period includes the time in which emergency actions are taken to protect the city's assets and infrastructure, emergency response activities occur, and restoration of critical services are conducted to protect life and property. It also includes the period immediately following the emergency or disaster, during which activities are conducted to restore the City's infrastructure and services to pre-disaster conditions. During this period, some employees may be required to return to work to assist with restoration of critical services, conduct emergency clearance of roadways,

provide damage assessments, etc. The emergency period may end incrementally or totally, depending on the needs of the City. The City Manager, or designee will make this determination in consultation with relevant department directors and/or EOC staff.

Non-assigned employees must return to work as soon as an emergency period is over to participate in the post impact and/or recovery periods. Employees dismissed or inactivated from work during an emergency will be on non-worked emergency administrative leave with pay. Said leave will start when the employee is dismissed/inactivated by his/her supervisor or department director and will continue until the City Manager or designee determines the emergency period is over in whole or in part. Employees are expected to return to work on their next scheduled workday or shift following the City Manager's or designee's determination.. If an activated employee fails to show up for work or cannot show up for other reasons, then the time lost will be leave of absence without pay, unless other paid leave (vacation, sick, etc.) is approved by the supervisor and department director.

The City recognizes that employees have personal and family responsibilities that may conflict with the obligation to fulfill their job requirements during hazardous weather or state and local emergencies. When evacuation of personal residences is required, every effort will be made to allow employees to make arrangements for their families. Assigned emergency personnel may be granted up to 4 hours of emergency administrative leave pay during the emergency period for this purpose.

Assigned emergency personnel who are unable to return to work due to emergency conditions (for instance, they have evacuated the area and are unable to return, or they are unable to leave their residence to return to work at City facilities due to impassable roadways, etc.) must contact their department director or designated supervisor as soon as possible and request appropriate leave time (vacation, sick, comp). During a state of emergency, any unauthorized leave from work for an employee may be considered sufficient cause for disciplinary action, up to and including dismissal.

Compensation for Hours Worked During a Defined Emergency Period

Exempt Employees

Exempt employees working during the emergency period have their base salary computed to arrive at an hourly rate; then they shall receive Disaster Response pay at one (1) times their hourly rate for their normally scheduled work hours plus one and a half (1.5) times their hourly rate for all hours worked during the defined emergency period.

Non-Exempt Employees

Non-exempt employees working during the defined emergency period shall receive non-worked emergency administrative leave pay at one (1) times their hourly rate for their normally scheduled work hours plus one and a half (1.5) times their hourly rate (hazardous duty pay) for all hours worked during this time.

Hours worked during emergency periods will be counted as time worked for the purpose of computing overtime with non-emergency period workdays in the same workweek. Work hours shall be clearly noted on the time sheet with the appropriate emergency coding as designated by the finance department. During emergency periods, being on call or off shift is not considered time worked.

Leave Pay for Non- Worked Hours During a Defined Emergency Period During the defined emergency period, exempt and non-exempt employees released or not activated from work shall receive non-worked Emergency Administrative Leave or Standby pay for their normally scheduled workday hours.

Non-worked hours will not be counted as time worked for the purpose of computing overtime for non-exempt employees and shall be clearly noted on the time sheet with the appropriate emergency coding as designated by the finance department.

Miscellaneous

- a. All emergency pay periods must be approved by the City Manager (or designee). Employees will be paid their regular rates of pay until the City Manager communicates that the Emergency Pay policy is in effect.
- b. Once the City Manager declares the Emergency Pay Period has ended regular pay practices will apply to affected employees.
- c. Nothing herein shall be construed as to affect the non-exempt or exempt status of the impacted employees.

- d. Employees who are out on prior-approved leave during the emergency period, such as FMLA, workers compensation, comp time, sick leave, etc., will continue to be charged for such leave during the scheduled leave period. These employees would not be eligible for non-worked emergency administrative leave pay while out on pre-approved leave.
- e. At the department director's discretion previously approved leave, other than FMLA, Workers Comp. and/or sick time may be cancelled when an emergency is imminent or declared.
- f. All other policies concerning remuneration shall comply with the City of Deer Park's Personnel Policies and the Fair Labor Standards Act.

Frequently Asked Questions

Q: What if certain employees are not needed during some portion of the declared emergency?

A: The department director and/or City Manager or designee can elect to not activate employees that are not immediately needed. If this does occur, the yet to be activated full-time employee would be placed on non-worked emergency administrative leave pay during the non-working period.

Q: How does this policy apply to part-time staff?

A: Part-time staff who work during the emergency period will be paid 2 times their hourly rate for hours worked during the emergency period. Because hours for part-time or temporary staff fluctuate to varying degrees, they are not eligible for non-worked emergency administrative leave pay. Supervisors may try to assign work to minimize any reduction in hours once the emergency period is over.

Q: What about employees who are on "light duty" assignments?

A: If an employee is working light duty, and is not assigned to come to work, this employee will go on non-worked Emergency Administrative Leave pay.

Scenario/Example

It is Tuesday of the 2nd week in a pay period and the city manager declares the closing of city offices (excl. public safety) and the emergency pay period going into effect on Wednesday @ 1pm and the re-opening of city offices/end of the emergency pay period the next day, Thursday @ 1pm:

*All staff would receive regular pay for hours worked until 12:59 pm on Wednesday

*Beginning 1pm Wednesday, non-activated full-time staff would not report to work and would be paid emergency administrative leave pay for normally scheduled hours until Thursday @ 1pm.

*Emergency activated staff (exempt and non-exempt) who work during the emergency period shall receive one (1) times their hourly rate for their normally scheduled work hours plus Disaster Response pay of one and a half (1.5) times their hourly rate for all other hours worked during the emergency period.

*Part-time staff working during the emergency period (Wed 1pm- Thurs 1pm) would be paid two (2) times their hourly rate for hours worked during the emergency period.

*Non-exempt staff who work during the emergency period will have those working hours used for computing overtime (over 40 hours) during that week.

GROUP 3 – EVALUATION & COMPENSATION

POLICY 3.7 – Administrative Policy #56 - ATTENDANCE AND WORK HOURS

Administrative Policy #56 - ATTENDANCE AND WORK HOURS

Employees shall be at their places of work in accordance with City and departmental policies and regulations. It is the policy of the City of Deer Park to maintain a documented time and attendance program, ensuring that it is administered consistently within the City. Each employee is expected to report to work as scheduled and to keep absences to a minimum. In addition, employees are expected to give appropriate notice to Supervisors when an absence from work is anticipated.

Regular Work Hours. Nonexempt employees of the City, normally work 40 hours in a seven-day workweek. Exempt employees may be required to work in excess of 40 hours in certain weeks. With few exceptions, the work week generally begins at 12:00 A.M. on Monday, and ends at 11:59 P.M. on Sunday. The regular workday for many employees begins at 8:00 a.m. and ends at 5:00 p.m., although employees in some departments may have different work hours depending on the needs of that department. In times of disaster or emergency, working hours shall be determined by the City Manager.

Adjustment to Work Hours. In order to assure the continuity of City services, it may be necessary for Department Directors to establish other operating hours for their departments. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of work with the City includes the employee's acknowledgement that changing shifts or work schedules may be required, and indicates that the employee will be available to do such work.

Meal Periods. Non-exempt full-time employees will receive an unpaid meal period of 60 minutes during a shift lasting more than four hours (in certain circumstances 30 minute meal periods may be allowed with Director AND City Manager review and approval). The timing of the meal period for each employee shall be solely at the discretion of the employee's manager/supervisor. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period.

Note: This policy does not supersede the legal requirements of the Texas Code, Chapter 142 and is intended to operate in full compliance with Chapter 142.

Breaks. Non-exempt employees are eligible for a paid break of up to 15 minutes in the first four hours of a shift lasting at least four hours and a paid break period of 15 minutes in the second four hours in a shift lasting at least eight hours, to be coordinated by the manager/supervisor. All breaks are to be taken at the worksite only; employees are not to leave the worksite during their break periods. Break periods are not mandated and a supervisor may require an employee to forego a break(s) when circumstances dictate.

Lactation Breaks. Employees who are nursing are provided with reasonable (unpaid) break time not to exceed twenty minutes to express breast milk for up to one year after

the birth of a child so long as providing such break time does not unduly disrupt operations. The City will make reasonable efforts to provide a private location. Employees will not be retaliated against for exercising their rights under this policy.

Attendance and Punctuality. To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the City and on co-workers. Either may lead to disciplinary action, up to and including termination of employment. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee must personally notify his/her supervisor as soon as possible in advance of the anticipated tardiness or absence in accordance with Departmental procedures. The employee must disclose to the supervisor the reason for the absence or tardiness and the date and time of anticipated arrival. For absences of a day or more the employee must personally notify the supervisor on each day of absence unless the supervisor expressly waives this requirement.

A work policy has been adopted that states that over 5 separate incidents of absenteeism (that do not qualify as Family Medical Leave Act - FMLA leave time) taken at random in a one year period is excessive. Employees who practice this type of absenteeism can expect counseling, letters of reprimand, poor performance evaluations, denial of pay increases and possible termination as a result of such practice.

In most instances, an employee who fails to properly notify the supervisor in advance of an absence or tardiness will be subject to disciplinary action. An employee who fails to notify the City of an absence of three days or more may be presumed to have voluntarily resigned employment.

In compliance with Fair Labor Standards Act (FLSA), the City of Deer Park requires all hourly employees keep an accurate account of their time worked. Supervisors, Directors and Managers are responsible for correcting time entry mistakes or errors and submitting time to Payroll no later than noon Tuesday of a payroll week. A failure of an employee to keep an accurate and complete accounting of their work time, or failure to submit their work time in a timely fashion with proper signatures and/or certification will be subject to disciplinary action, up to, and including dismissal. (Note: Exempt staff will be responsible for an accurate accounting of their time on an "exception basis" noting any exceptions (i.e. sick, vacation, jury duty, etc.) for their scheduled work week.)

Time Entry:

1. All time worked must be accurately recorded.
2. Time cards, time sheets, InCode's Time Entry are all acceptable methods of recording time as long as the time recorded is actual time worked and not the arrival or departure time if employee is not working.
3. Deviations from regular schedules must be noted and tracked including tardiness, unscheduled absences, leave (Vacation, Bereavement, FMLA, etc.) and overtime (in

Time Entry include a narratives for deviations from scheduled hours such as “employee was .25 late”, “overtime authorized by supervisor”, etc).

4. All overtime will be reported in quarter (1/4) hour segments as a decimal. Fifteen minutes will be .25, thirty minutes as .50 and forty five minutes as .75. Any time that might be calculated in an odd number will become the next higher quarter hour.
5. You must start work, take your lunch and RETURN to work, and end your work day when you are instructed to do so by your supervisor. Any deviations from a normal workday must be approved in advance, by your supervisor and noted on time “card”.
 - a. If you come in late, you may NOT leave late to compensate for your tardy.
 - b. If you have an errand to run at lunch and you will be gone longer than your scheduled lunch time, you may NOT stay later to compensate. You will request vacation or comp time for this time.
6. No work shall be performed by employees prior to their clocking or logging in at the start of their work day, during their lunch break when they are clocked out, or after they have clocked out at the end of their work day. In other words, working “off the clock” is strictly prohibited. No one at the City has the authority to ask, or encourage, or insinuate that you should work off the clock. If at any point you believe you are being pressed to work “off the clock” by anyone at the City, please notify Human Resources or the City Manager immediately.
7. For personnel utilizing a time clock or time entry system, the City of Deer Park will follow the “7 minute rule” in accordance with the FLSA. The “7 minute rule” refers to the method of rounding time to the nearest quarter hour.
 - a. Regardless of your method of recording time, employees may not clock in more than 7 minutes before a scheduled shift (unless otherwise instructed to do so by the supervisor) and they may not clock out more than 7 minutes after the scheduled end of their shift.
 - b. “Clock-ins”: Any punches more than 7 minutes after your scheduled start time will be rounded up to the quarter hour. For example, if an employee clocks in between 7:38-7:52, they will be credited for 7:45. If an employee clocks in between 7:53-8:07, they will be credited for 8:00. Anytime after 8:07 will be rounded up to 8:15 am and the employee will be .25 hours late.
 - c. “Clock-outs”: The time system calculates the clock-out punch at the end of a shift according to the 7 minute rule. For example if an employee clocks out at 4:38-4:52, the time recorded will give credit for 4:45. Clocking out at 4:53-5:07 will give credit for 5:00.
 - d. The “7 minute rule” only applies to time keeping processes. If you are scheduled to work at 8:00am and arrive at 8:02, your supervisor can count this as a tardy.

SECTION 4 – LEAVES

POLICY 4.1 – FAMILY MEDICAL LEAVE ACT (FMLA)

Memo

To: All Department Directors

From: Ronald V. Crabtree, City Manager

Subject: Administrative Policy #9: Leave of Absence
Family Medical Leave Act (FMLA)
Revised 11/11/98
Revised 5/30/06
Revised 6/6/08

Policy: It is the policy of the City of Deer Park to grant employees extended leaves of absence under certain circumstances. Except as stated below, employees will not receive compensation during a leave of absence.

1. Compliance:

The City will comply with the provisions of the Department of Labor, Wage and Hour Division's regulation of the Family Medical Leave Act. "FMLA" and the National Defense Authorization Act. Including the rights and obligations of the employees, notification requirements and the City's obligations.

2. Employee Eligibility:

Employees are eligible for leave under FMLA if they have completed at least one year of service and worked a minimum of 1,250 hours during that year as specified by law. It shall be the policy of the City of Deer Park that employees that have accrued vacation and sick leave time shall be required to use this time during the leave requested under FMLA this paid leave shall be deducted from the 12 weeks available under FMLA. Employees shall have the option on which accrued time they shall take first when they qualify for FMLA Leave. Employees that use all of their accumulated paid time under FMLA will be on FMLA leave without pay. Employees that qualify will receive a maximum of 12 weeks on an annual basis. This annual basis will be calculated from the time of their first requested leave. (Compensation time upon approval can be used during FMLA leave but cannot be calculated as part of the twelve week period.) Should an employee ask for an extended leave for one of the qualifying events listed below and not request the time under FMLA the City has a right under the law to inform said employee that the time off qualifies under FMLA and will be charged against the 12 weeks available under the Family Medical Leave Act. FMLA leave can be taken intermittently.

3. Qualifying Events:

The family and medical concerns that entitle an employee to take FMLA leave include:

Childbirth (for which both parents are entitled to leave)

The employee's adoption of a child

The employee's serious health condition (see below *) that makes the employee unable to perform one or more of the essential functions of the job

The serious health condition (see below*) of a child, spouse, mother-in-law, father-in-law or parent of the employee

The employee's need to care for a family member (spouse, child, parent, or next-of-kin) who is in the Armed Forces and who is undergoing medical treatment, recuperation, or therapy for a serious illness or injury (may qualify for up to 26 weeks of leave on a one-time basis in a twelve month period)

For a "qualified exigency" that arises because a family member (spouse, child, parent) is on active duty or has been notified of an impending call or order to active duty in support of contingency operation.

***Serious Health Condition:**

For both employees and for their immediate family members, the FMLA defines a serious health condition as "an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider."

Per the Department of Labor's regulations the following seven serious health conditions qualify for family leave:

An illness that requires the person to be hospitalized

An illness that keeps a person away from his or her normal activities for three consecutive days if treated at least twice by a health care professional during that three-day period

An illness lasting three days or more that requires at least one visit to a physician and a regimen of continuing treatment

A permanent or long-term problem supervised by a physician where there is no effective treatment (for example, Alzheimer's, a severe stroke, or the terminal stage of a disease)

Any period of incapacity due to pregnancy or childbirth

Any period of incapacity due to a chronic and serious health condition (one that requires occasional visits for treatment by a health care provider, continues over an extended period of time, and may cause episodes of illness)

A treatment for a condition that could result in an illness of more than three consecutive days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation), severe arthritis (physical therapy) or kidney disease (dialysis)

Note: A cosmetic procedure does not qualify as a serious health condition unless the employee is hospitalized or the procedure is medically necessary.

The City can require certification of the employee's or family member's serious health condition, both before the leave begins and on a periodic basis, by the family member's health care provider.

4. Notice:

Employees should notify their Manager/Supervisor of the pending leave as soon as practicable in written form. The Manager/Supervisor should then forward the request to the Department Head for review. If the employee is concerned about personal Protected Health Information (PHI), they can submit a generic request to their Manager/Supervisor so as to notify them of the pending leave. Once the Manager/Supervisor has been notified that a FMLA leave request has been made, the Employee should then submit a completed DOL Form WH-380 (attached to this manual) thirty days prior to commencement of the leave period, or as soon as is practicable to the Director of Human Resources. This form includes confirmation by medical personnel of the 'Serious Health Condition' that must be present in order for the leave to be FMLA-qualified. The Director – Human Resources will forward 'sanitized' FMLA request information to the City Manager recommending approval or denial in accordance with the terms of this policy. The final decision concerning Non-FMLA leave requests will be made by the City Manager. All employees on approved leave are expected to report any change of status in their need for leave or their intention to return to work to their Manager/Supervisor. Human resources will notify the Employee AND Supervisor of the status of the leave once reviewed/approved.

5. Restriction:

Employees who are on an approved leave of absence may not perform work for any other employer during that leave.

6. Benefit Continuation:

The City will continue to provide health insurance and other benefits to employees on leave as required by law. Benefits that accrue according to length of service, such as paid vacation, holidays, and sick days, do not accrue during periods of unpaid leave. Those employees contributing their portion for health insurance for extended coverage (spouse, children or full family) shall be required to continue their contribution even during periods of unpaid leave.

7. Return to Work:

Employees returning from a leave of absence under FMLA will be reinstated to their same job or to an equivalent job with equivalent status and pay, as required by law. Employees returning from a sick leave for themselves must provide certification of their ability to perform the functions of their job from a qualified health provider. If the same job or one of equivalent status and pay is not available as a result of a reduction in force, the employee will be treated in the same manner as though he/she were not on leave at the time of the reduction in force.

8. Failure by Employee:

If an employee fails to return to work at the conclusion of an approved leave under FMLA, including any extension of such leave, the employee will be considered to have voluntarily terminated employment.

For more information employees can contact the Department of Labor, Wage and Hour Division.

With my signature this revised policy supersedes any and all previously issued city policies or appendix concerning this matter. Any omission in Administrative Policy #9 of any subject matter under the FMLA does not exempt either the City of Deer Park or the employee from its specified regulations, requirements or policies under Federal Law.

Please see that all employees receive a copy of this revised policy.

Ronald V. Crabtree, City Manager

**NOTE - THE FMLA CERTIFICATION FORMS ARE AVAILABLE FROM HUMAN RESOURCE STAFF

SECTION 4 – LEAVES

POLICY 4. 2 – EXTENDED LEAVE FOR ON THE JOB INJURIES

Memo

To: All Department Directors
From: Ronald V. Crabtree, City Manager

Subject: Administrative Policy #18: Extended Leave for On the Job Injuries

Date: May 2, 1996

Revised: March 10, 2004 (Addition of Salary Continuance Calculations)

As of the passage by City Council of Resolution #97-01, January 21, 1997, Section 6.6(b) of the Personnel Manual of the City of Deer Park will be revised and applied in the following manner. After a regular employee has exhausted the one hundred and twenty (120) day and a certified police officer exhausted a one year injury leave with salary continuance at full pay in accordance with Section 6.6, paragraph (b) of the Personnel Manual, the employee may use accumulated leave balances in the following order to supplement worker's compensation payments to maintain full pay: sick leave, compensatory leave, and vacation leave. After all available leave has been exhausted, an employee may be allowed an additional 30 working days of salary continuance at half pay (subject to review). If an employee exhausts all accumulated leave and the additional 30 working days at half pay, the employee will receive compensation from the workers' compensation carrier only if employee still qualifies for compensation payments.

These provisions for salary continuation will apply to each separate injury incident. In the event of the recurrence of a previous injury, an employee will be entitled to the balance of any remaining salary continuance for that injury. Cases in which an injury recurs several months after the employee returns to work will be decided by the City Manager.

All leave related to on the job injuries must be ordered by the attending physician.

If an employee is given a disability rating by the Worker's Compensation Board that will not allow the employee to be physically able to return to their previous job, and under EEOC and ADA guidelines there are no accommodations that can be made such that they can perform their previous job duties, and there are no openings to transfer to another job, or the employee does not qualify for the transfer to another available job, the City may require the employee to terminate under the disability retirement provisions of the Personnel Manual.

Salary Continuance Calculations

When an employee is injured on the job and is off work for more than seven (7) consecutive days, they will receive a Worker's Compensation Benefit Payment based on their salary 13 weeks prior to the accident date. The City will be notified of the amount of the weekly benefit and issuance date by the compensation carrier. Worker's Compensation benefits are paid weekly. Employees are paid bi-weekly. As of the date of this revision, it will be the City's policy to deduct two weeks' worth of Worker's Compensation benefit payments from the injured employee's gross bi-weekly pay so that the total of the Worker's Compensation benefit and balance of the employee's payroll check equals the regular bi-weekly pay for that employee. After the employee returns to work the same amount or less, depending on the balance still due at their return to duty, will be deducted from the employee's bi-weekly check amount.

Notice: If the deduction rates referenced above cause an employee to have a "0" paycheck amount or a net amount that does not cover all payroll deductions, the employee will be responsible for personally meeting those additional financial obligations. Arrangement to satisfy those financial obligations are the employee's responsibility and must be made as soon as possible.

Department Heads are responsible for the proper administration of this policy.
Please make sure that all employees in your department are informed of this policy.

Ronald V. Crabtree
City Manager

SECTION 4 – LEAVES

POLICY 4.3 – SICK LEAVE/VACATION LEAVE DONATION POLICY

City of Deer Park Sick Leave/Vacation Leave Donation Policy

Purpose: This policy shall allow employees to help one another in times of need. Employees may donate sick leave to other employees who may need additional leave as a result of a catastrophic illness or injury of the employee or of a family member.

Type of Leave to Be Donated: Sick leave and vacation leave is the only leave authorized for the Leave Donation Program. Other paid leave such as holidays, compensatory time, etc. will not be considered for donation.

Eligibility Criteria:

Leave donations in a non-job-related catastrophic illness or injury of a full time employee, or a medical condition of an employee's family member requiring the presence of the employee as the primary caregiver, or one of the primary care givers, may be authorized by the City Manager. Leave donations for a full time employee who suffers a job-related catastrophic illness or injury may be authorized by the City Council upon recommendation of the City Manager.

The employee must be in a no-pay status, exhausting all leave balances accumulated to them per the City's Personnel Manual.

For the purpose of the Leave Donation Policy, "family member" includes spouse, children, parents, or any legally designated dependent.

Leave donating for family members' illness or injury must qualify under the Family Medical Leave Act for serious illness or accident.

Recipients shall have no balance of personal leave including sick leave, vacation, holidays, floating holidays, or compensatory time. All such leave must be exhausted prior to receiving leave from fellow employees through the Leave Donation Policy.

Consistent with the City's sick leave and worker's compensation policies, recipients may not be working at another job while receiving leave through the Leave Donation Policy. A recipient whose medical condition improves sufficiently to return to work, or whose family member no longer needs his/her presence, shall notify his/her supervisor immediately. Usage of leave previously approved shall cease upon the physician's release to return to work. An employee who fails to advise the City of the physician's release to return to work shall be deemed as having abused the policy, and shall be required to repay all leave previously authorized and shall be subject to disciplinary action up to and including termination.

An employee's medical conditions resulting from the following will be excluded from eligibility for the Leave Donation Policy:

1. Cosmetic surgery, unless such surgery is the result of, or was necessitated by an illness, accident or injury off the job.

2. Participation in or voluntary commitment to a psychiatric facility, detoxification center, or similar center for the purpose of rehabilitation from substance and/or alcohol dependency.
3. Intentionally self-inflicted injuries such as injuries resulting from a suicide attempt.
4. Injuries occurring as a result of secondary employment.
5. Injuries occurring in the course of committing a crime.
6. Employees are ineligible to use donated leave during the period of any disciplinary suspensions.
7. Normal pregnancy with normal delivery.

Procedures for Recipients and Donors: The Personnel Department will provide the necessary forms for leave donating. Requests to initiate leave transfers are submitted to the Personnel Department by the employee's department head and require the approval of the City Manager.

The request, as submitted by the department head, must include the signature of the employee or a family member acting on the employee's behalf. Such signature indicates the employees' willingness to accept payment for leave through the Leave Donation Policy. The Personnel Department will communicate the request to all employees.

Employees wishing to donate leave will do so on a voluntary basis by signing an authorization form indicating the number of hours to be donated. Time will be donated in 4 or 8 hour blocks only. Authorization forms to transfer sick leave or vacation leave will be submitted directly from the donor to the Personnel Department. The names of donors will be kept strictly confidential within the Personnel and Payroll Departments. Further, no employee shall be coerced or intimidated into sharing leave, anyone guilty of such conduct will be subject to disciplinary action.

The transfers of leave will be used in the order in which they are received in the Personnel Department. As the hours are transferred they will be deducted from the donor's balance. Only after the donor's hours are used will the donor's sick leave balance be charged. Leave given by a donor can be reclaimed by the donor only if the authorization form has not yet been processed.

Authorization of those donors whose hours are not used will be considered void, and will not be deducted from the donor's sick or vacation leave balance.

Full time employees will be limited to receiving 30 Working Days (240 hours) of paid leave through the Leave Donation Policy. Review for possible extension of leave through the Leave Donation Policy may be made by the department head, Personnel Director and City Manger at 30 day intervals. The review for an extension will be made only under the assumption that the condition of the employee or family member is improving to the point that the employee is expected to return to work within the 30 day period. Satisfactory proof or illness in connection with an employee's medical

condition, or a statement from the attending physician of the need for an employee to attend a sick relative may be requested.

The estate of a deceased employee is not entitled to payment for unused leave available to that employee through the Leave Donation Policy.

General Procedures: Leave given by one employee to another will be transferred on an hour for hour basis without regard to pay differential. The recipient of the donated leave will be paid for the extra time at their current rate of pay. The minimum donation from one employee to another will be in whole 4 or 8 hour increments of sick or vacation leave time. Donors must retain a balance of 240 hours of sick leave. There is no limit on how many hours of leave an employee may donate after the retention of 240 hours.

Should an employee receiving leave through the leave sharing program also qualify for FMLA leave, the two leaves shall run concurrent.

Shared leave represents taxable income to the recipient. Employees who donate leave cannot claim such donation as a deduction or expense when filing their federal income tax returns.

Reimbursement of Leave: Eligible recipients shall not be required to reimburse leave hours donated to them unless one of the following situations occurs:

1. Compensation is received from another source for the same period of time the employee received leave sharing hours, such as when monies are received from the leave donation policy and subsequently workers' compensation benefits or long term disability benefits, etc. are received retroactively for that same period of time. (This provision shall not apply when the City Council has approved the donation of leave to an employee who has suffered a job-related catastrophic illness or injury.)
2. If the Personnel Department determines a recipient of the leave donation policy has abused the program, falsified information, or was otherwise not eligible for leave, the recipient may be required to repay all donated leave, and/or shall be subject to disciplinary action, up to and including termination.

If repayment is required, reimbursed leave hours will be returned to the original donor(s). Reimbursement will be made on an hour-for-hour basis without regard to pay differential.

Notice: Sick leave donated and used by the recipient will be deducted from the donors' sick leave balance that deduction will affect the donor's sick leave payment at the end of the year if that donor has less than 90 accumulated sick leave days.

The employee approved as a donor for leave donating will apply for disability pay as outlined in the personnel manual. Leave donating can be used in conjunction with this leave to equal full pay at the donors' normal rate of pay.

Attachment (Becomes part of Donation Policy)

Medical Conditions qualifying under FMLA

Attachment to Sick Leave/Vacation Leave Donation Policy

Per the Department of Labor's regulations the following seven serious health conditions qualify under the Family Medical Leave Act:

1. An illness or injury that requires the person to be hospitalized.
2. An illness or injury that keeps a person away from his or her normal activities for the three consecutive days if treated at least twice by a health care professional during that three day period.
3. An illness or injury lasting three days or more that requires at least one visit to a physician and a regimen of continuing treatment.
4. A permanent or long-term problem supervised by a physician where there is no effective treatment (for example) Alzheimer's, a severe stroke, or the terminal stage of a disease.
5. Any period of incapacity caused by complications due to pregnancy or childbirth.
6. Any period of incapacity due to a chronic serious health condition (one that requires occasional visits or treatment by a health care provider, continues over an extended period of time, and may cause episodes of illness.)
7. A treatment for a condition that could result in an illness of more than three consecutive days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, severe arthritis, physical therapy, or kidney disease (dialysis).

Note: The City of Deer Park in accordance with the FMLA regulations shall have the right to verify with the attending physician of the employee or employee's qualifying family members as to the medical conditions qualification under the FMLA regulations as it pertains to a serious illness or injury.

SECTION 4 – LEAVES

POLICY 4.4 – SICK LEAVE BEFORE AND AFTER HOLIDAY, PAY FOR A HOLIDAY

Memo

To: All Department Heads

From: Ronald V. Crabtree, City Manager

Subject: Administrative Policy #22
Sick Leave Before and After a Holiday, Pay for Holiday

Date: January 30, 1996

This Administrative Policy #22 is for the purpose of clarifying the interpretation and administration of Section 6-10 (e) of the Personnel Policy Manual. From the date of this policy, any employee who is on sick leave or calls in sick the day immediately preceding a holiday or the day after a holiday will need to present to their supervisor written evidence from a physician that they were ill and unable to come to work the date of their absence in order to be eligible to be paid for the holiday. An employee who is on a previously approved sick leave absence prior to or beginning immediately following a holiday will not be required to provide this written evidence from a physician.

Please inform the employees within your Department of this policy at your earliest opportunity.

Ronald V. Crabtree
City Manager

SECTION 4 – LEAVES

POLICY 4.5 – VACATION CARRY OVER REQUESTS

Memo

To: All Department Directors

From: Ronald V. Crabtree, City Manager

Subject: Administrative Policy #29
Vacation Carry Over Request

Employees should be encouraged and allowed if at all possible, to take their accrued vacation leave balances ~~in~~ during the year and manage their own vacation time with scheduling approval from their supervisor. This administrative policy addresses the circumstance where an employee has not been able to use all available vacation time due to the Department's workload, an extended leave, or some other condition where the Department Director has not approved the use of all of an employee's accumulated vacation time in a year or circumstances beyond the employee's control.

If an employee has not used their entire vacation balance during a year because of workload/leaves/etc., the Department Director must request a special consideration rollover. All requests to carry over unused vacation time must be approved by the Department Director and City Manager.

Please see that all full time employees receive a copy of this policy.

Ronald V. Crabtree, City Manager

Vacation Carry Over Request Form

Note:

This form is required for special situations wherein an employee is not able to utilize their vacation accrual to the point that their unused vacation will exceed vacation accrual caps. Department Directors must sign/approve these requests for ultimate City Manager approval.

Date of Request:

Employee Name

Department

Number of Vacation Days requested to be carried over _____.

Reason for request:

Approved:

Department Direct

City Manager

Note: File copy with Human Resources after approval

SECTION 4 – LEAVES

POLICY 4.6 – Quarantine Leave for First Responders

This policy is in accordance with Texas House Bill 2073, signed into law on June 15, 2021.

EFFECTIVE DATE

June 15, 2021

APPLICABILITY

This Policy applies to persons employed by, appointed by, or elected the following positions of a Texas political subdivision.

Peace Officers

Jailers/Detention Officers

Fire Fighters

Emergency Medical Technicians

POLICY

Employees in the above positions who, if ordered or instructed by the employee's Department Director or their designee to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty is eligible for

all employment benefits and compensation, including leave accrual, pension benefits, and health benefit plan benefits for the duration of the leave, AND

reimbursement for reasonable costs related to the quarantine, including lodging, medical care, and transportation.

Lodging should be at the employee's residence, or an employee and Director mutually agreed location unless there is a declared emergency or extreme circumstances preclude such arrangement, and the City Manager approves a different location.

All lodging and meals shall be reimbursed up to the city's per diem rates for the year in which the quarantine occurs.

Any employee exposed to a communicable disease while on duty must report such exposure or positive test results within 24 hours to the supervisor on duty. Failure to report a known exposure in a timely manner may result in disciplinary action.

DEFINITIONS

Testing Waiting Period - No sooner than 3 days after a known exposure, unless symptoms appear before 3 days.

Isolation - exclusion from contact with any other city employee unless they are a care giver, first responder, or family.

Quarantine - a period of time recommended by public health authorities that is intended to minimize person to person contact during the incubation period of the specific communicable disease from the work force and other acquaintances, strangers, and family and friends when possible. Employees who

are quarantined are expected to refrain from social gatherings, travel, or other activity during this time.

For the purposes of this policy, a positive test shall be an approved test by the Center for Disease Control (CDC) that is taken from a licensed and credible state or private laboratory group.

PROCESS

If an employee reports an exposure to a Communicable Disease, the employee will be sent for testing... The test shall be taken within the Texas Department of State Health Services recommended period for the disease in question. If the employee refuses to test, this policy shall not apply, and the benefits of this policy are subject to forfeiture.

Employees who test positive for the disease must quarantine as directed by the department director or their designee and may be placed in an off-duty status.

All test results must be provided to Human Resources through the employee's chain of command to qualify for benefits. An employee who refuses to test or share test results may become ineligible for quarantine leave benefits.

To protect the health and safety of employees, employees must report requested information regarding their exposure, other employees they have been in contact with, testing, quarantining, isolation, and/or other activity in an accurate and timely manner to Human Resources in order to attempt contact tracing. Failure to do so may result in administrative investigation and/or disciplinary action.

REMOTE WORK

While under quarantine and pending test results, employees who have the tools and capability of working remotely based on their job duties may be asked to do so by the Department Director.

SECTION 5 – EMPLOYEE CONDUCT AND PROCEDURES

POLICY 5.1 – SEXUAL HARASSMENT

Memo

To: All Department Heads

From: Ronald Crabtree, City Manager

Subject: Administrative Policy #8: Sexual Harassment

Date: June 22, 1993

Revision Date: November 18, 1998

March 2, 2005

Policy: It is the policy of the City of Deer Park that all employees have a right to work in an environment free from discrimination, which encompass freedom from sexual harassment. The City strongly disapproves of sexual harassment of its employees in any form, and state that all

employees at all levels of the City must avoid offensive or inappropriate sexual and/or sexually harassing behavior at work and will be held responsible for insuring that the workplace is free from sexual harassment.

Specifically, the City prohibits the following:

Unwelcome sexual advances

Request for sexual favors, whether or not accompanied by promises or threats with regard to the employment relationship,

Other verbal, physical conduct, electronic e-mails or any written word of a sexual nature made to any employee that may threaten or insinuate either explicitly or implicitly that any employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development,

Any verbal or physical conduct that has the purpose or effect of creating an intimidating, hostile or offensive working environment.

Such conduct may result in disciplinary action up to and including dismissal.

Other sexually harassing conduct in the workplace, whether physical or verbal, committed by supervisors or non-supervisory personnel is also prohibited. This behavior includes but is not limited to, commentary about an individual's body, sexually degrading words to describe an individual, offensive comments, off-color language or jokes, innuendos, and sexually suggestive objects, books, magazines, photographs, cartoons, pictures or e-mails.

It is incumbent upon all supervisors to take direct and corrective action at any time they observe any act or utterance that may be indicative or interpreted as sexual harassment by any person.

Employees who have complaints of sexual harassment by anyone at work, including any supervisors, co- employees, visitors, vendors or contractors are urged to report such conduct to City officials so the City may investigate and resolve the problem. Employees should bring such matters to the direct attention of their supervisors, or Department Director and the Personnel Director and/or the City Manager. If the complaint involves the employee's supervisor or someone in the direct line of supervision, or if the employee for any reason is uncomfortable in dealing with his or her immediate supervisor, the employee should report directly to the Personnel Director and/or the City Manager. Department Directors, Supervisors or any employee that receives a complaint of sexual harassment shall bring that complaint to the attention of the Personnel Director and/or the City Manager.

The City will endeavor to investigate all complaints as expeditiously and as professionally as possible. Where investigations confirm the allegations, appropriate corrective action will be taken.

The City will make every attempt to maintain the information provided to it in the complaint and investigation process as confidentially as possible.

There will be no retaliation against employees for reporting sexual harassment or assisting the City in the investigation of a complaint. However, if after investigating any complaint of harassment or unlawful discrimination, the City learns that the complaint is not bona fide or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who provided the false information.

Ronald V. Crabtree
City Manager

SECTION 5 – EMPLOYEE CONDUCT AND PROCEDURES

POLICY 5. 2 - HARASSMENT

To: All Department Heads

From: Ronald V. Crabtree, City Manager

Subject: Administrative Policy #37

(Harassment Policy) Date: 3/10/2004

Policy: It is the policy of the City of Deer Park that all employees have a right to work in an environment free from discrimination, which encompasses freedom from harassment based on your race, sex, ethnic origin, religion, or disability.

Other types of harassment that are illegal and against the policies of the City of Deer Park include epithets or slurs, threats, intimidation, or hostile acts based on a personal characteristic; or written or graphic materials that denigrate, show hostility, or show an aversion toward an individual or group because of a personal characteristic, which are placed on walls, bulletin boards, or elsewhere on City property, or are circulated in the workplace.

It is incumbent upon all supervisors to take direct and corrective action at any time they observe any act or utterance that may be indicative or interpreted as illegal harassment by any person.

Employees who have complaints of illegal harassment by anyone at work, including any supervisors, co-employees, visitors, vendors or contractors are urged to report such conduct to City officials so the City may investigate and resolve the problem. Employees should bring such matters to the direct attention of their Supervisors, or Department Director and the Director of Human Resources and/or the City Manager. If the complaint involves the employee's Supervisor or someone in the direct line of supervision, or if the employee for any reason is uncomfortable in dealing with his or her immediate Supervisor, the employee should report directly to the Director of Human Resources and/or the City Manager. Department Directors, Supervisors or any employee that receives a complaint of illegal harassment shall bring that complaint to the attention of the Director of Human Resources and/or the City Manager.

The City will endeavor to investigate all complaints as expeditiously and as professionally as possible. Where investigations confirm the allegations, appropriate corrective action will be taken.

The City will make every attempt to maintain the information provided to it in the complaint and investigation process as confidential as possible.

Retaliation against employees for reporting illegal harassment or assisting the City in the investigation of a complaint is prohibited. However, if after investigating a complaint of illegal harassment or unlawful discrimination, the City learns that the complaint is not bona fide or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who provided the false information.

Violation of this policy may subject employees to disciplinary action up to and including termination of employment.

Please see that all employees receive a copy of Administrative Policy #37.

Ronald V. Crabtree, City Manager

SECTION 5 – EMPLOYEE CONDUCT AND PROCEDURES

POLICY 5.3 – WORKPLACE VIOLENCE

To: All Department Directors

From: James J. Stokes, City Manager

Subject: Administrative Policy #30
Workplace Violence

Date: April 3, 2012

In order to protect the City and its employees from workplace violence, the City has enacted this Workplace Violence Policy. It replaces Administrative Policy #30 “Workplace Violence Policy” dated January 10, 2001.

Workplace Violence Policy

I. PURPOSE

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

II. POLICY

Zero Tolerance Harassment, intimidation, threats, threatening behavior, violent behavior or acts of violence between employees or such action between an employee and another person that arises from or is in any manner connected to the employee’s employment with the City, whether the conduct occurs on duty or off duty, is prohibited. Any harassment or retaliation against a person for reporting any such acts or events is also prohibited.

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

All Weapons Banned Unless specifically authorized by the City Manager or state statute, no employee, other than a licensed peace officer, shall carry or possess a firearm or other weapon

on City property. The City prohibits employees from carrying or using any weapons, concealed or otherwise, on City property. This ban includes keeping or transporting a weapon in any city vehicle in a City-provided parking area. Employees are also prohibited from carrying a weapon while on duty or at any time while engaging in City-related business. Prohibited weapons include firearms, clubs, explosive devices, knives with blades exceeding 5 ½ inches, switchblades, etc. Employees do not have an expectation of privacy and the City retains the right to search for firearms or other weapons in City vehicles or facilities.

Mandatory Reporting Each City employee must immediately notify his/her supervisor, Department Director, the Director of Human Resources and /or the Police Department of any act of violence or of any threat involving a City employee that the employee has witnessed, received, or has been told that another person has witnessed or received. Even without an actual threat, each City employee must also report any behavior that the employee regards as threatening or violent when that behavior is job-related or might be carried out on City property, a City-controlled site or City job site, or when that behavior is in any manner connected to City employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the target of the threatening behavior. A supervisor who is made aware of such a threat or other conduct must immediately notify his/her Department Director and the Director of Human Resources. Police personnel will also notify the Human Resources Director (and vice versa) if a city employee is involved in an employment-related threatening or violent situation unless prohibited by confidentiality.

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

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

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

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

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

Workplace Violence Awareness "Early Warning Signs": Early Warning Signs may include but not be limited to:

- Threatening statements which shall include but not be limited to threatening remarks directed toward harming or harassing another employee, group of employees, or person, or remarks condoning or mentioning violent acts that have been committed elsewhere when such remarks are intended to threaten or harass another employee or employee group by suggesting the same thing could happen at the City of Deer Park.
- Intimidating behavior, including openly defying authority or crossing boundaries of appropriate professional behavior.
- Past incidents of violence, recklessness, or antisocial behavior.
- Fascination or pre-occupation with firearms, knives and/or explosives.
- Notable decline in workplace performance, including drop in attendance, decreased productivity, and/or difficulty concentrating.
- Sharp mood swings or erratic behavior, including withdrawal, changes in interpersonal relationships, a decline in personal grooming, paranoia, or a feeling that everyone is “out to get them”.
- Obsessive behavior toward another person, weapons, or violent incidents.
- Severe stress caused by work, finances and /or family.
- Substance abuse problems.
- The feeling or verbal statements that no one cares or listens to their complaints.
- Sudden outburst questioning orders of supervisors or outbursts over work assignments.
- Repeated statements from employees that they believe they are being treated unfairly.

Upon observance of any of the “Early Warning Signs” in the behavior of an employee, a department head MUST consult with the Director of Human Resources to determine the appropriate course of action. Appropriate course of action could include referral of the employee to the Employee Assistance Program for evaluation and/or counseling in lieu of termination. Recommendation of such a referral shall be made in consultation with the Director of Human Resources.

Please see that all employees are advised of this.

James J. Stokes, City Manager

Workplace Violence Reporting Form

I am submitting this information as a possible violation of the Workplace Violence Policy

Submitted by: _____

Department _____

Supervisor _____ (Print Name)

Date: _____

Signature: _____

Date of Occurrence: _____

Department(s) Involved:

Employee(s) Involved:

Witnessed by:

Description of Incident: (Use additional space if necessary)

Any intentionally false or misleading information given by employees will subject that employee(s) to disciplinary action which may include termination of employment.

Forward to Department Director

SECTION 5 – EMPLOYEE CONDUCT AND PROCEDURES

POLICY 5.4 – FRAUD POLICY

City of Deer Park Fraud Policy Adopted September 2, 2014

A. Introduction

Misconduct, dishonesty, theft, and fraud are inherent risks associated with the conduct of business. The City of Deer Park ("City") is committed to developing and implementing the necessary controls to aid in the prevention and detection of such fraudulent activities. The City has developed this fraud policy to address these risks and their potential impact on the City.

B. Purpose

The purpose of this fraud policy is to establish and adopt appropriate policies, procedures, and controls that will aid in the prevention and detection of fraud, and to effectively communicate these guidelines and controls. To accomplish this purpose, the City shall establish and maintain an environment of fairness, ethics, and honesty at all levels.

C. Policy

Defrauding or attempting to defraud the City is a violation of the City's personnel policy. The City will not tolerate any type of misconduct, dishonesty, theft, or fraud and is committed to the deterrence, detection and correction of all fraudulent activities. This policy shall apply to any observed or suspected fraudulent activities and shall apply equally to all employees, public officials, volunteers, vendors, contractors, and anyone else with whom the City has a business relationship. Investigations shall be conducted without regard to a person's position or title, length of service, or relationship to the City. Further, the City shall take disciplinary action against offenders (up to and including termination of employment) and when appropriate, shall refer the matter to law enforcement. The City shall pursue all remedies for recovery of assets.

Any person who discovers evidence of fraudulent activity or who suspects fraudulent activity should report such evidence or suspicions to their supervisor, department head, and/or the City Manager.

DEFINITIONS

A. Fraudulent Activities

Fraud generally refers to a deliberate or intentional act to obtain an unauthorized benefit or advantage by deception or other unethical means. This may also include willful deception in order to prevent a benefit that is due to be denied. Misconduct, dishonesty, and theft as well intentional waste or abuse of City funds, property, or time constitute fraud.

For purposes of this policy, misconduct, dishonesty, theft, and fraud shall refer to, but are not limited to, the following:

- Any dishonest or fraudulent act.
- Misappropriation of funds, securities, supplies, or other assets.
- Impropriety in the handling or reporting of money or financial transactions.
- Forgery, falsification or other alteration of City records.
- Authorizing or accepting payment for goods or services not received.
- Bribes, kickbacks, or undisclosed commissions.
- Improper conflicts of interest.
- Theft or misuse of City assets or those of the City's customers, suppliers, or others with whom the City has a business relationship.
- Misstatements and other irregularities in City records, including the intentional misrepresentation of operating results.
- Disclosure of confidential and proprietary information or insider knowledge for personal gain.
- Accepting or seeking anything of material value from contractors, vendors, or persons providing goods or services to the City.
- Destruction, removal, or inappropriate use of records, furniture, equipment, or any other City property.
- Recording or authorizing regular or overtime hours not worked.
- Fraudulent use of any City leave or worker's compensation benefit.
- Any similar or related irregularity or unlawful act.

The City specifically prohibits these and any other illegal activities in the actions of its employees, public officials, volunteers, and any other persons responsible for carrying out the City's business. The City will not tolerate any activity that fails to bear the closest public scrutiny.

B. Conflicts of Interest

The City expects all employees, public officials, and volunteers to perform their duties ethically and in a manner that is in the best interest of the City. Employees shall not use their position or knowledge gained as a result of their position for private or personal advantage.

Employees, public officials, and volunteers shall not accept entertainment, gifts (valued in excess of \$50), or personal favors that could influence or appear to influence business decisions in favor of the person or business offering the entertainment, gift, or favor.

C. Questions

Questions related to this policy, including whether a particular action constitutes fraud, should be referred to the employee's immediate supervisor. The supervisor is responsible for communicating these questions to the department head who shall advise the City Manager and if necessary, the City Attorney.

POLICY DIRECTIVES

A. Responsibilities

The City's management staff and public officials should set an example of honest and ethical behavior.

Management is responsible for establishing, implementing, and monitoring systems and procedures designed to detect and prevent fraud. Directors, managers and supervisors should be familiar with the types of improprieties that could occur within their respective operations and administration and should be alert for any irregularities.

All employees should be alert to and should accept responsibility for reporting observed or suspected misconduct, dishonesty, theft, or fraud. Any suspected fraudulent activity should be reported immediately as prescribed in this policy.

Employees are encouraged to be vigilant in reporting observed or suspected wrongdoing.

B. Reporting

All employees should accept responsibility for reporting suspected fraudulent activities to their supervisor or manager. Supervisors and managers must immediately report any observed or suspected fraudulent activities to their department director. The department director shall ensure that the City Manager and City Attorney are made aware of the report. If an employee has reason to believe their immediate supervisor or manager is involved in fraudulent activity, they should contact the next highest level of authority to report the matter. Failure to report fraudulent activity could result in disciplinary action up to and including termination of employment. Retaliation against an employee acting in good faith to report fraudulent activity is prohibited and shall not be tolerated.

C. Investigation

It is important to use care and discretion when investigating a report of fraudulent activities to avoid the following: (1) acting on incorrect or unsubstantiated accusations, (2) alerting suspected offenders that an investigation is underway, and (3) statements that could adversely affect the City, an employee, a public official, or any other related parties.

Any internal audit or investigation shall be conducted at the director level or higher. Supervisors and managers must act to preserve and secure any relevant documents, records, and any other physical evidence. Records being preserved for the purpose of investigating suspected misconduct, dishonesty, theft, or fraud shall not be destroyed and shall be exempt from any other records retention schedules applicable to the City.

The City Manager, or their designee, shall coordinate the investigation into allegations of fraud. Depending on the nature of the offense, investigations may involve the use of law enforcement. Any investigation shall be conducted without regard to the suspected offender's position or title, length of service, business relationship to the City, or any other perceived mitigating circumstance.

All employees are expected to cooperate fully in any investigation of fraudulent activities. Further, employees and other participants in a fraud investigation shall keep the

details and results of the investigation confidential unless otherwise exempted before, during, or after the investigation.

If a matter garners media attention, all requests by the media for comment shall be handled through the City Manager's office. No other employee or management staff shall address the media on matters of fraud or the investigation of same. Open records requests shall be handled in the usual manner through the City Secretary's office.

D. Disciplinary Action

In the event allegations of fraudulent activity are substantiated by an investigation, employees are subject to disciplinary action, up to and including termination of employment, in accordance with the City's personnel policies and procedures. Any disciplinary action associated with fraud shall be approved by the City Manager.

The following may result in disciplinary action up to and including termination:

- Failure to comply with this fraud policy.
- Reports of suspected fraudulent activity made in bad faith or as retaliation.
- Results of an investigation showing that fraudulent activity was concealed or not disclosed by an employee.
- Retaliation against an employee making an allegation of fraud.

The City shall pursue all remedies for recovery of assets. Violations of law may result in criminal prosecution.

E. Lessons Learned

After a fraudulent activity has been identified, the City shall work to initiate corrective action to reduce the risk of recurrence. This may involve changes or additions to City policies and procedures.

EMPLOYEE ACKNOWLEDGMENT

A. Communication of Policy

A copy of the City's fraud policy shall be provided to each employee to read and review. Each employee shall then sign their acknowledgement that they have read and understand their responsibilities to report fraudulent activities to management.

B. Acknowledgement

A signed acknowledgement, similar to the following, shall be retained in each employee's personnel file.

ACKNOWLEDGEMENT

I acknowledge that I have received a copy of the City's fraud policy. My signature below signifies that I have read the fraud policy, and that I understand my responsibilities related to the prevention, detection, and reporting of observed or suspected fraud (including misconduct, dishonesty, theft, waste, or abuse).

As of the date below, I acknowledge (check one):

_____ that I am not aware of any activity that would require disclosure under this fraud policy.

_____ that I have disclosed my knowledge about any potentially questionable activity to my Supervisor/Director/City Manager for their appropriate action.

Signature: _____

Date: _____

Printed Name: _____

Title: _____

Witness: _____

Date: _____

SECTION 5 – EMPLOYEE CONDUCT AND PROCEDURES

POLICY 5.5 – AUDIO/VIDEO RECORDING POLICY

To: All Department Directors

From: James J. Stokes, City Manager

Subject: Administrative Policy #58
Audio/Video Recording Policy

Date: April 14, 2014

RECORDING POLICY

It is a violation of City policy to record conversations or meetings at work with a tape recorder, video recorder or other recording device unless prior approval is received from the employee's Department Director (or his/her acting designate). The purpose of this policy is to eliminate a chilling effect on the expression of views that may exist when one person is concerned that his or her conversation with another is being recorded. This concern can inhibit spontaneous and honest dialogue especially when sensitive or confidential matters are being discussed.

Recordings conducted while acting in an official city capacity (e.g. police investigator, fire marshal, etc.) are exempted from this policy. This would include:

1. Investigators employed by the city who are conducting investigations or administrative hearings;
2. Departmental training exercises;
3. Conversations recorded through Dispatch or other telecommunication tasks in the course and scope of conducting public safety activities;
4. In-car or on-site audio/video recordings necessary for compliance with statutes or departmental directives.

Violation of this policy will result in disciplinary action, up to and including dismissal.

Please see that all employees are advised of this.

James J. Stokes, City Manager

SECTION 5 – EMPLOYEE CONDUCT AND PROCEDURES

POLICY 5.6 – SMOKING & TOBACCO USE POLICY

To: All Department Directors

From: James J. Stokes, City Manager

Subject: Administrative Policy #54
Smoking and Tobacco Use

Date: July 7, 2014

In order to promote healthy working conditions for the City's employees and patrons, the City has enacted the following Smoking and Tobacco Use Policy effective July 7, 2014.

SMOKING AND TOBACCO USE POLICY

PURPOSE

The purpose of this Policy is to notify employees of the City's commitment to a smoke-free and tobacco-free work environment.

DEFINITIONS

For the purpose of this policy, "Smoking" refers to the use of any cigarette, pipe or electronic device that emits any type of smoke or vapor derived from tobacco or nicotine. This would include "E-cigs".

POLICY

Except as stated in this policy, the use of tobacco products such as cigars, cigarettes, smokeless tobacco, nicotine smoking devices, and pipes are prohibited on all indoor City property venues including, but not limited to, the building entrance and exit ways. Smoking and tobacco usage is prohibited within 25 feet of City building entrance and exit ways. The use of tobacco and smoking devices is prohibited in City vehicles at all times. This would include any owned or leased vehicles or enclosed cab equipment and/or any vehicles which are being used for City business purposes to transport City employees or consumers of City services. These restrictions apply to employees, at all times, including non-business hours. Tobacco and smoking device use is allowed in designated areas which will be clearly marked with signage and markings. Used cigarettes and other tobacco remains are to be deposited in the receptacles provided in these designated use areas.

Employees on break during the workday may only use tobacco and smoking devices in designated areas or, if in the field, in a safe and appropriate place as determined by the employee's Supervisor.

Employees are expected to exercise common courtesy and to respect the needs and sensitivities of coworkers with regard to this policy. Smokers and users of tobacco products have a special obligation to keep smoking areas litter-free and not to abuse or break any work rules. Employees who violate this policy will be subject to disciplinary action up to and including termination of employment.

SECTION 5 – EMPLOYEE CONDUCT AND PROCEDURES
POLICY 5.7 – PUBLIC INFORMATION DISCLOSURE POLICY

City of Deer Park Public Information (open records) Disclosure Policy

PURPOSE

The purpose of this policy is to establish guidelines in accordance with the **Public Information Act (formerly Open Records Act)** to ensure that all records in the possession of and pertaining to the operation of the governmental body is available to the public through a systematic and centralized process.

AUTHORITY

The City Secretary/Records Management Office shall be the city's authority for releasing records in accordance with the Public Information Act with the exception of Fire Department, Municipal Court and Police Records.

The Municipal Court Clerk shall authorize the release of court records in accordance with judiciary procedures. The Director of Emergency Services shall authorize the release of fire and ambulance/medical records in accordance with the Public Information Act and Health and Safety Code, and the Chief of Police shall authorize the release of police records in accordance with judiciary procedures. A monthly report log (Exhibit A) of all requests shall be forwarded to the City Secretary/Records Management Officer each month.

No inquires may be made of the requestor as to the reasons for wanting the record. The City may only ask for proper identification and for clarification as to what records are sought. The request must sufficiently identify the record desired by name (if known) of record, date of record, and address/location of record. The City, however, must make a good faith effort to advise the requestor of the kinds of records available to assist him in clarifying his request. Should the type of record being requested not be a record maintained by the City, the City has no obligation to create a record or records.

DUTY-RECORDS OFFICER/AUTHORITY

It is the duty of the records officer or authority to “promptly” produce requested records for inspection or duplication, or both. The officer is allowed, under the Public Information Act, to take a reasonable amount of time to comply with an open records request. However the record must be, within ten (10) working days of receipt of the request, (1) provided to the requestor; (2) the requestor must be given a time for when the record will be available; (3) or be advised the request requires an opinion from the Attorney General. The amount of records requested and the difficulty of their compilation will be considered in determining what is reasonable and prompt.

If the City believes the record is accepted under the Public Information Act or by a prior Attorney General's ruling, the city shall, within **fifteen business** days from the date of the request, request an Attorney General's public information ruling on the release of the document.

ATTORNEY GENERAL'S OPINION

Sub Chapter G of the Public Information Act generally requires a city to seek an Attorney General's opinion if the city withholds requested documents under the Public Information Act and states: "If a governmental body receives a written request for information which it considers within one of the exceptions, the governmental body..... no later than **fifteen business** days from the receipt of the request, must request a decision from the Attorney General to determine whether the information is within that exception. If a decision is not so requested, the information shall be presumed to be public information."

If the City believes the requested record is accepted from public disclosure, a request for a public information or open records ruling will be submitted to the Office of the Attorney General. A copy of the applicant's written request for the document, a copy of the requested document (or a sample if the records are repetitive or voluminous), and a letter from the City (generally the City Attorney) explaining why the City believes the record should be accepted from public disclosure shall be sent to the AG. Confidential information shall not be included in the letter to the AG regarding the city's position but shall be included as a separate sealed document. The City will bear the burden of indicating which sections of the Public Information Act allows the record to be withheld, and the City will also indicate in the copies of the requested confidential documents exactly which parts are considered to be confidential.

REQUEST PROCEDURE

All requests for records, other than those routinely published for informational purposes, shall be submitted in writing regardless of the source, and shall be submitted to the authority responsible for releasing the requested record (City Secretary, Director Emergency Services, Municipal Court Clerk, Chief of Police). The requestor may submit his request in letter form, by electronic mail, by facsimile, or by completing the "Request for Disclosure of Public Records" form (Exhibit B) provided by the City.

Electronic mail requests are to be completed by the recipient of the request if the recipient is Emergency Services, Fire or Police. All other recipients are to forward the facsimile request to the City Secretary for processing.

Facsimile requests are to be completed by the recipient of the request if the recipient is Emergency Services, Fire or Police. All other recipients are to forward the facsimile request to the City Secretary for processing.

The City Secretary will determine and notify the appropriate record holder of the request, and coordinate the dissemination of the record to the requestor.

Once a request is received by the authority responsible for releasing the record, the authority shall make the following determinations:

1. If the record requested is deemed open/public under the Public Information Act the authority shall **within ten business days**:
 - a. advise the requestor in writing of the record's availability, and the time period for compliance with the request
 - b. advise requestor of fees associated with the request
 - c. release information
2. If the record requested is believed excepted from public disclosure under the Public Information Act and not specifically addressed by a prior ruling, the authority shall **within ten business days**:
 - a. advise the requestor in writing the request requires a ruling by the Attorney General, and **within fifteen business days**:
 - 1.) submit a written request for ruling to the Attorney General
3. Once the Attorney General has made a ruling:
 - a. notify the requestor in writing the record will be released or withheld in accordance with the Attorney General ruling.

All original "Requests for Disclosure of Public Records", along with any documentation and/or rulings shall be maintained by the department receiving the request (City Secretary, Emergency Response, Fire, Police) for file, records retention, and reference purposes. The department providing the requested records will provide monthly report logs (Exhibit A) of all requests to the City Secretary/Records Management Officer.

FEES

Fees for disclosure of public records shall be determined as outlined by the guidelines established by the Attorney General as summarized in Exhibit C.

WAIVER

The City reserves the right to waive fees for the cost of a copy or copies requested by a city official, city employee or other governing entities (local, state, or federal).

The City reserves the right to waive fees for the cost of a copy or copies in an amount less than \$1.00.

CITY ATTORNEY REVIEW

All requests are subject to a review by the City Attorney and, if accepted, a ruling from the Attorney General.

Revised 3/13/98

Revised 5/18/99

Revised 1/20/03 (fees)

Revised 8/30/05

SECTION 5 – EMPLOYEE CONDUCT AND PROCEDURES

POLICY 5.8 – USE OF CELLULAR TELEPHONES

To: All Department Directors

Subject: Administrative Policy #16

Use of Cellular Telephones

Revised: May 1, 2018

The City recognizes that many employees have cell phones that they bring to work. Cell phones may belong to the employee or be provided for the employee's use by the City. The use of cell phones, including those with a camera, at work must not interfere with job duties or performance. Employees must not allow cell phone use to become disruptive or interfere with their own or a co-worker's ability to do their jobs. Employees, who use cell phones to violate City policy, including the City's Sexual and Other Unlawful Harassment Policy, will be subject to disciplinary action regardless if the violation occurred during work or personal hours.

Section A: CITY ISSUED CELL PHONES

Cellular telephones are provided to various departments and/or individuals because of the current or future need for these employees to be able to be contacted or to contact other city officials or staff and the need for these employees to use these telephones for City business both during and after normal business hours.

Assignment of Cellular Telephones: Requests for employees to be issued cellular telephones shall be made to the appropriate Department Director. The Department Director shall forward the request to the City Manager for final approval of the issuance of the cellular telephone service. The request for cellular service to be issued to an employee shall be accompanied by a brief justification of the request by the Department Director.

Personal Usage of City Cellular Telephones: Personal telephone calls, texting or data services using city cellular telephones should be held to a minimum, however, there may be times when it becomes necessary for employees to use city cellular phones for such activities. Personal calls and services shall be reimbursed by the employee at a rate equivalent to the rate charged to the City of Deer Park unless the calls or services do not entail additional charges to the city (part of an "unlimited" plan for example), then no reimbursement is necessary. Overseas or out of country calling plans would entail additional charges to the city and therefore require reimbursement. Personal call/text/data charge reimbursements shall be made through the Utilities Office at City Hall. Receipts (or copies of receipts) for payments of personal calls/data services should be maintained by the employee for future reference as may be necessary. Cellular telephone invoices are itemized by caller, call number, date\time and length of call. Department Heads will be responsible for the proper administration of this policy.

Section

B: USE OF PHONES WHILE OPERATING VEHICLES/EQUIPMENT Employees are prohibited from using a non-hands free equipped cell phone while operating a motor vehicle or equipment. This includes both making and receiving phone calls and texting. "Operating" would NOT include an automobile that is actively "parked" while the call/text is made or

received. A “hands free” device can only be utilized while operating a vehicle for city business-related incoming calls and only if in accordance with local regulations. While hands free usage is allowed in these limited circumstances, it is strongly recommended that employees make the extra safety effort to pull off the road to conduct phone conversations. Police, Fire and EMS personnel who are in an official response mode are exempted from this policy due to the nature of the task and the heightened safety awareness mandated in such situations.

Section C: PUBLIC INFORMATION ACT and Cell Phones Employees are advised that records related to calls and text messages made and received on City owned cellular telephones are public information regardless if a city related or personal call. Information related to telephone numbers called, length of call, and time and date of call as well as the text message itself may be obtainable through the Texas Public Information Act except in narrowly defined circumstances. All employees must, when asked, assist in the identification of phone numbers and the entities or individuals the numbers belong to when as part of a city investigation. Employees using City-issued cell phones have no expectation of privacy with cell phone calls, pictures, or text messages on these telephones.

Section D: MONITORING OF CELL PHONE CALLS Employees should be aware that cellular telephone calls are not secure and can be monitored. It is a crime for a third party to intentionally monitor cell phone conversations without the consent of one of the parties to the conversation. Although it is technically difficult, inadvertent monitoring of private cellular conversations is possible. Caution should be used whenever confidential or sensitive information must be discussed on a City-provided cell phone. Call histories should be maintained by the employee for future reference as may be necessary.

Please see that all employees with city cell telephones are advised of this policy.

James J. Stokes City Manager

POLICY 5.9 - DRESS CODE POLICY

To: All Department Directors

From: James J. Stokes
City Manager

Subject: Dress Code Policy

Date: Revised February 14, 2024

The Intent of this Administrative Policy is to assist employees, as representatives of the City of Deer Park, in making choices in personal apparel which will be acceptable and appropriate, as determined by Department Directors consistent with this policy for their individual job requirements.

Employees are expected to demonstrate good judgment in choosing attire that is appropriate to perform their job duties in a safe, considerate and professional manner, regardless of working in a City facility, working remotely, attending virtual meetings or public meetings.

In order for an employee to assess if they are dressing in appropriate workplace attire, they should consider if their hygiene and appearance present a professional image to citizens and visitors. An employee who is unsure of what is appropriate should check with their manager or supervisor. Clothing that could create a safety issue or interfere with job performance should be avoided.

The following grooming standards must always be followed by all employees:

- All employees are expected to be well-groomed and to have good hygiene.
- Clothing is expected to be clean and unsoiled, including free of stains, odors, holes and tears.
- Clothing should be professional and appropriate for the work performed.

Administrative Employees with part time Field Work Requirements: Administrative employees that are required to occasionally work in the field shall either wear city uniforms provided by the department or dress in clothing of their own that is suitable in nature. Shirts/blouses shall be of proper length that they can be tucked into pants or trousers. Employees shall wear trousers or jeans that have an approved uniform type fit. Employees shall refrain from wearing extremely tight fitting or hip hugger type jeans or trousers. Pants or trousers are to be worn at the natural waist line. Employees not having the proper attire as described herein should contact their department supervisor concerning the furnishing of uniforms for field work.

Certain Departmental Personnel: Police Officers, Fire Department Personnel, Paramedics, Parks & Recreation staff, library staff and other departmental staff may be subject to Departmental Dress Code Policies. These departmental policies will take precedence over the city policy when provisions overlap.

Administrative\Office Employees: Employees are to wear clothing that is typical of professional office dress. Employees are to refrain from wearing clothing that exposes midriffs, bare backs or low neck lines. Shirts and Blouses that are made to be tucked into pants or trousers shall be worn that way.

Blouses or Shirts that are made to be worn outside of jeans or trousers shall be of waist length or longer. Employees shall refrain from wearing shirts or blouses that contain any type of decoration exhibiting implicitly or explicitly suggestive words, phrases or pictures. Pants, trousers, jeans and skirts are to be worn at the natural waist line. Skirts and dresses are to be appropriate for a professional office setting. Skirts and dresses are to be no shorter than midpoint between fingertips and the top of the knee. Employees are to refrain from wearing tight fitting jeans, trousers, skirts, dresses or shorts.

Casual Fridays: Some employees are allowed to dress casually on Fridays, however employees should still dress in a professional manner. Jeans and capri pants are allowed on casual Fridays only but shall not be frayed, worn, faded, unlaundered, stained or patched. Colored jeans shall be deemed appropriate, provided they meet the same criteria as regular blue jean type jeans. Departmental T-Shirts shall be deemed as acceptable attire for Fridays. Any clothing worn on Fridays should still comply with the appropriate clothing requirements as stated herein.

The following are unacceptable: (Including Casual Fridays except as noted)

- Any clothing that does not preserve modesty or reflect professionalism.
- Bare backs, low neck lines, bare midriffs and shorts (Field staff and departmental exceptions)
- See through attire that is not layered.
- Clothing that implies or alludes to alcoholic beverages, narcotics, tobacco, pornography, or offensive material of any kind
- Tank tops and muscle shirts that are not layered
- Flip flops or sandals without a defined heel.
- Athletic shoes except for casual Fridays
- Non-Departmental T Shirts, Sweat Suits or Wind Suits
- Leggings that are not appropriately layered
- Blouses or Dresses with spaghetti straps
- Wrinkled, ripped, frayed and tattered clothing
- Jewelry that is excessively distracting (example: nose piercing) or a potential safety issue
- Any visible body piercing other than earrings. Male employees are not to wear ear rings while working in an office or uniform environment. Visible holes in body parts due to "gauging" or "stretching" will be covered or filled with an appropriate flesh colored plug or gauge while working.
- Intentional visible scarring or disfigurement of a part of the body for other than medical reasons is strictly prohibited. This includes but is not limited to pierced split, or forked tongue, foreign objects inserted under the skin, and stretched-out holes in the ears caused by gauges that cannot be plugged or covered.
- Visible Dental ornamentation while on duty is prohibited
- Tattoos of inappropriate subject matter (racist, hate speech, profane, extremist, gang related, promotes narcotics/alcohol, etc.) that are visible while wearing required uniforms or policy-acceptable work clothing. Flesh-colored sleeves may be used to completely cover inappropriate tattoos that would normally be visible with uniforms or policy acceptable work clothing.

- Visible tattoos, body art, branding, intentional scarring, or body mutilation on the face, head, or neck above the shirt collar are prohibited.
- Visible tattoos, body art, branding, intentional scarring, or body mutilation of the hands are prohibited, with the exception of a tattooed marriage ring band that is not deemed to have indecent content.
- Non-natural or exotic visible hair coloring (exception for short-term celebrations with temporary coloring).

Compliance:

1. **Notification:** Employees are responsible for notifying their supervisor if they have new tattoos, body art, intentional scarring or piercings that may be subject to this policy.
2. **Updates:** Any changes to visible tattoos or piercings that could affect compliance with this policy should be promptly communicated to the supervisor.

Review: This policy will be periodically reviewed and updated as needed.

From time to time, Supervisors may direct less formal attire for particular projects, events or medical needs.

Enforcement:

Violators of the dress code will be warned, and if appropriate, immediately sent home to change articles of clothing that do not conform to dress code standards. Violations may result in additional disciplinary action. Up to and including termination. The city retains the absolute discretion to decide what is and is not appropriate for its work environment and its patron's tastes.

Accommodation: The City is aware that certain medical conditions may necessitate specific clothing for mobility and accessibility issues. The City will reasonably accommodate exceptions to this Policy in the event of an employee's medical issue.

The City also recognizes the importance of the individually held cultural and religious beliefs of employees within our workforce. It is not the City's intent to restrict an employee from dressing in styles reflective of their ethnicity or religion. However, in those rare cases where certain attire or appearance may conflict with this Policy, we will strive to reasonably accommodate an employee's culture or religious beliefs in a manner consistent with the intent of this Policy. Human Resources can assist Directors/Managers with employee situations involving a workplace attire accommodation based on a medical condition or religious beliefs. Accommodations will be balanced with safety concerns for the employee or other employees.

The City does not discriminate on the basis of hair texture or protective hair style commonly or historically associated with ethnicity (protective hairstyle is defined to include braids, locks and twists).

Please see that all employees are given a copy of this administrative policy.


Jay Stokes - City Manager

SECTION 5 – EMPLOYEE CONDUCT AND PROCEDURES

POLICY 5.10 – UNIFORMS

To: All Department Directors
Subject: Administrative Policy #2 - Uniforms

Revised: April 2022

The City purchases certain components of uniforms for field employees each year. This generally includes Shirts, T-shirts, Caps/Hats, Pants and Jackets. Employees are required to sign for the uniforms, the uniforms are considered City property, and they are to be returned in the event of termination. The appearance of all employees is an important element in how the community views us and it is important that we present the best image in the community that we can. There also are times when these employees should be identifiable out in the community as employees of the City and as members of a particular Department.

To ensure identification and that the appropriate image is being represented, ALL EMPLOYEES in Departments where uniforms are provided are instructed to wear their provided uniforms at all times while on duty unless the supervisor instructs otherwise. When not on duty for the City, employees should NOT be wearing their City-issued uniform (If it is logistically impossible to remove the uniform, all city logos should be covered). This is particularly true when off-duty in public areas and/or events. Exceptions would be made when travelling to or from the worksite during the normal commutation to work. We do not want to give the impression that an employee is representing the City in an official capacity during non-work hours. We also want to minimize the extended "wear and tear" when uniforms are worn during non-work hours.

Employee's names and City emblems are not to be removed from uniform shirts. Employee uniforms shall not be altered in any way other than alterations needed for the uniform to fit properly. It shall be the responsibility of the employee to launder their own uniforms. Once issued, uniforms become the responsibility of employees for maintenance and care; if uniform parts require replacement, employees will be required to turn in old parts as part of the replacement process. Uniforms worn by employees shall be clean, neat, and in good condition when the employee arrives to work. Uniform shirts with "tails" are to be tucked inside employee's trousers both for employee's appearance and safety.

Employees shall not wear uniforms that have been torn or are ragged in appearance. Employees whose uniforms become damaged or stained in the course and scope of their job requirements to the point that they are no longer wearable should contact their department supervisor for possible replacements. Departmental T-Shirts shall be considered as uniform apparel. The intentional damage or destruction of a City uniform is considered destruction of City property and will be dealt with appropriate disciplinary action.

At the time of separation an employee shall return all uniforms issued to him/her in the course of his/her employment (this would not include event t-shirts such as wellness or holiday event t-shirts). A failure to return this property will result in the cost of the uniforms being deducted from any available final pay in accordance with the Deduction Form Pay Authorization Form and/or Personnel Manual acknowledgement Form signed by the Employee upon hire.

Periodically, the City may issue new uniforms or require uniforms be returned for special purposes, i.e. a logo change. In these cases, advance notice to employees will be provided to ensure that those engaged in citizen, general public activities have suitable replacements.

Existing departmental uniform policies should be reviewed and understood by employees as these departmental policies will take precedence over general uniform policies.



James Stokes – City Manager

SECTION 5 – EMPLOYEE CONDUCT AND PROCEDURES

POLICY 5.11 – PERSONAL USE OF CITY VEHICLES/TRANSPORT OF FAMILY MEMBERS/PRIVATE CITIZENS IN VEHICLES

Memo

To: All Department Heads

From: Ronald V. Crabtree, City Manager

Subject: Administrative Policy #17: Personal Use of City Vehicles\Transport of Family Members\ Private Citizens in City Vehicles

Date: October 5, 1995, Revision Date: September 9, 2008

Insurance Coverage

Our insurance company defines their responsibility for coverage of City vehicles after normal working hours in the following manner:

If in the course and scope of an employee's duties they are driving a city vehicle after hours, coverage is continued. ***However, if a vehicle is being used outside the course and scope of the employee's assigned responsibilities (eg; for personal use), there is no responsibility on the City or the insurance company to provide coverage.*** Therefore, the following policy shall become effective as of this date.

Section 1

Administrative Vehicles

Administrative On Call Vehicles

1. City vehicles shall not be used after an employee's assigned working hours for personal use.
2. City vehicles shall not be used for the transport of private citizens or family members.

Section 2

Fire Chief, Assistant Fire Chief, Deputy Chief /EMS, Fire Marshall Police Chief, Captains, Detective Sergeant, Detective Lieutenants Director of Emergency Services, Detectives, City Manager

1. If in the course and scope of the listed personnel's responsibility they are assigned a vehicle to drive to and from their residence and are expected to stay within response range and respond immediately to an emergency, said personnel shall be allowed to use the assigned vehicle between emergencies.
2. If in the course and scope of the listed personnel's responsibility they are assigned a vehicle to drive to and from their residence and are expected to stay within response range and respond immediately to an emergency, said personnel shall be allowed to transport private citizens between emergencies.

3. City vehicles used and assigned for emergency response shall not be taken a distance that will not allow the operator to make a reasonable emergency response time to emergencies. Under the provisions of Section 2, Numbers 1, 2 and 3, medical insurance coverage to a maximum of \$25,000.00 would be applicable to all passengers in the vehicle. Liability Insurance remains in effect.

4. All positions under section 2 shall refrain (if possible) from transporting family members or private citizens during emergency responses.

Section 3

Non-Assigned Emergency Response Vehicles

For all emergency response vehicles other than those listed in section 2:

1. Vehicles shall not be used for personal use.
2. Vehicles shall not be used for the transport of private citizens or family members during non- emergency situations.
3. Exception: City sponsored, Community events or events pre- approved by the City Manager.
Examples: Parades, Student Government Day, Fire Department training after hours, etc.

Section 4

Other City Vehicle Use Situations – Take home vehicles

All situations that involve the use of a City vehicle after hours and/or the use of the vehicle to commute to an employee's residence require the approval of the City Manager (or his designate) in order to be authorized. If the City Manager (or his designate) has not approved of the take home use of the vehicle, such use is NOT authorized.

Section 5

City Vehicle usage during lunch periods

If a city vehicle is to be used during an employee lunch period, then the commute to/from the restaurant should be minimized and the City vehicle should be taken no more than 1 quarter-mile outside of the City limits for lunch purposes.

Please make sure all employees concerned are informed of and given a copy of this policy.

Ronald V. Crabtree, City Manager

SECTION 5 – EMPLOYEE CONDUCT AND PROCEDURES

POLICY 5.12 – TRAVEL WITHIN HARRIS OR ADJACENT COUNTIES

To: All Department Directors

From: James J. Stokes, City Manager

Date: October 5, 2010, Revised 9/17/18

Subject: Administrative Policy #35
Travel within Harris or Adjacent Counties
(That does not require overnight accommodations)

Reimbursement for travel within Harris or adjacent counties that does not require overnight accommodations shall be reimbursed on an itemized receipt and is not covered by the \$40.00 per diem as described in the City of Deer Park Travel Policy. Cash advances can be obtained prior to this travel (in accordance with the procedures for obtaining cash advances prior to travel) and must be supported by itemized receipts upon the employee's return. Funds expended under the cash advance must be returned to the City as soon after the employee's return as possible. Funds expended by the employee over the cash advance must be supported by itemized receipts and submitted on the proper form to the Department Director, Finance Manager and City Manager for approval before further reimbursement will be made to the employee.

Reimbursements and cash advance expenditures shall adhere to the following:

- a. All reimbursements and cash advance expenditures must be supported by an **itemized** receipt. No reimbursements shall be made for non-itemized receipts except by written authorization of the City Manager.
- b. Meals will be reimbursed at a maximum rate of \$20.00, inclusive of taxes and gratuity. Any itemized receipt in excess of this amount will only be reimbursed at a rate of \$20.
- c. The reasonable cost of only one (1) meal per employee is reimbursable.
- d. Gratuities given to wait staff are reimbursable at a maximum rate of 18% of the cost of the employee's meal and taxes. Any amount of gratuities in excess of 18% will not be eligible for reimbursement unless approved by the City Manager.
- e. Employees are expected to use good judgment in their choice of dining establishments while on City business, and are prohibited from dining in establishments that would cause embarrassment or reflect negatively on the City's reputation.
- f. Any variations from these requirements shall require the advance written approval of the City Manager.

Please see that all employees are advised of this.

James J. Stokes, City Manager

SECTION 5 – EMPLOYEE CONDUCT AND PROCEDURES

POLICY 5.13 – JURY DUTY SERVICE

Memo

To: All Department Heads

From: Ronald V. Crabtree, City Manager

Subject: Administrative Policy #50 – Jury Duty Service

Date: November 11, 2009

Purpose

To provide income protection while an employee carries out his/her civic responsibility, The City provides jury duty pay at the employee's regular daily rate for time spent serving on jury duty. Jury duty hours will NOT be factored into the computation of overtime. You will also continue to remain eligible for employee benefits as if you were actively employed during an approved jury duty. In the event you are dismissed from jury duty early on any day, you must report to work for the remainder of the day. Employees may leave work for late-scheduled jury duty up to two hours in advance.

Eligibility

Full-time and part-time regular employees are eligible to receive this benefit.

Responsibility

Upon receipt of notification from the municipal, state or federal courts of an obligation to serve on a jury or to act as a court witness, the employee should notify his/her supervisor. The employee is required to provide copies of the subpoena or jury duty summons to his/her supervisor and Human Resources.

The supervisor will make scheduling adjustments to accommodate the employee's obligation. The supervisor will also provide court documentation to Human Resources for processing.

Employees appearing as a plaintiff, defendant or for non-subpoenaed court appearance unrelated to their job duties or City business, will not receive paid time off. Vacation or unpaid time should be used for these instances.

SECTION 5 – EMPLOYEE CONDUCT AND PROCEDURES

POLICY 5.14 – INTERNET, INTRANET & EMAIL USE POLICY

Memo

To: All Department Directors
From: Ronald V. Crabtree, City Manager
Date: December 2, 2009
Revised: December 2, 2009

Subject: Administrative Policy #31- Internet, Intranet, and E-Mail Use Policy

The attached revised Internet, Intranet, and E-Mail Use Policy will be in effect as of the date of this Administrative Policy.

Please see that all full time, part time, volunteer fire personnel, volunteers or any other personnel using the city's Internet, Intranet or E-Mail services be provided a copy of this policy.

City of Deer Park Internet, Intranet, and E-Mail Use Policy

Overview

Internet, intranet, and e-mail are useful research and communication tools which are provided so that employees of the City, volunteers of the Fire Department, or other persons authorized by the City can serve the citizens of Deer Park more effectively and efficiently. Internet, intranet, and e-Mail access provide capabilities for contacting other resources for research, data sharing, service provision and informational purposes.

The internal network of resources provided and maintained by the City is referred to as the intranet. All employees can access the City's Intranet from the City's website or by visiting <http://www.deerparktx.gov/intranet>. A login is required and can be established by email request to the I.T. Services department at itsupport@deerparktx.org or by calling the Help Desk at 281-478-2033/34.

Internet, intranet, and e-mail services are provisioned by the I.T. Services department using wired network services, wireless network services, and cellular services (air cards). This policy applies to all types of network services provisioning.

This policy is intended to ensure that the use of the City's Internet service, intranet, and email service among employees, volunteers or other persons authorized by the City is consistent with City policies, all applicable laws, and the individual user's job responsibilities, and to establish basic guidelines for the appropriate use of these resources.

Internet Use and E-Mail Guidelines

By default, Internet access is provided on all workstations owned or leased by the City. Internet access can be restricted by request of the department director to the I.T. Services department on any workstation or to any user.

Internet access and electronic mail are provided for the purpose of conducting official City business. Employees should remember they are representatives of the City when using their Internet account and email account. Accordingly, they are expected to act and communicate professionally when using these network services. They should not use stationary styles or backgrounds or include personal messages or quotes when sending email on behalf of the City. A disclaimer will be added to all outbound email by the IT Services department.

Use of the City's internet and email must be in compliance with all applicable Federal and State laws and must not be used for illegal, improper or illicit purposes.

Use of the City's internet by City employees, volunteers, or other persons authorized by the City must be consistent with the City of Deer Park's Personnel policies regarding employee conduct and ethical standards. Use of the system in violation of the policy or applicable departmental policies is grounds for disciplinary action as defined in the City's Personnel Policy.

Employees, volunteers, or other persons authorized by the City have no right to privacy with regard to e-mail and internet usage. Management has the ability and right to view employee's usage patterns and take action to assure that the City's Internet resources are devoted to maintaining the highest levels of productivity and professionalism. Management DOES monitor email and internet usage patterns on a regular basis.

Electronic Records

All e-mails and/or e-mail attachments are considered official City records subject to the City's Records Management Program, and are required to be maintained by the department(s) in accordance with said policy and established retention schedules.

Internet Use and E-Mail Restrictions

Employees, volunteers, or other persons authorized by the City must not intentionally use the Internet facilities to disable, impair or overload performance of any computer system or network.

Employees, volunteers, or other persons authorized by the City must not use City's Internet or email services to watch videos, TV, or listen to music for personal entertainment. This type of activity degrades the performance of the City's network for all users.

Employees, volunteers, or other persons authorized by the City must not participate in chain letters. Employees or other persons authorized by the City must not download or install on the City's computers any application software from the Internet. Such software may not only contain embedded viruses and/or malware, but also is untested and may interfere with the functioning of standard applications and/or network performance This includes media players such as Napster, Real Player and other like software.

Accessing, posting or sharing any racist, sexist, threatening, pornographic, obscene or otherwise objectionable material using the City's network services is strictly prohibited.

Employees, volunteers, or other persons authorized by the City are prohibited from using the City's Internet service or email account to subscribe to mailing lists or mail services strictly for personal use and are prohibited from participating in electronic discussion groups, blogs, or chats for personal enjoyment.

Social Media

Except when used for City business with approval of the employee's department director, social media (Facebook, MySpace, etc.) shall not be used on City computers.

Personal Use

The City's network is intended for business purposes. Personal use must not violate the departmental or City's policies, including this policy. Personal use must not impede an employee's job performance, compromise or degrade the City's network performance and/or security, or incur any additional cost to the City. Personal use is acknowledged a privilege and not a right and can be revoked at any time by the employee's supervisor. There should be no expectation of privacy regarding personal use of the Internet or email services. All use of the City's internet and/or email service is subject to monitoring and reporting.

The email address citywide@deerparktx.org is a distribution list that emails all City employees in the deerparktx.org domain. It should only be used for communicating information related to City business. It should not be used for personal announcements, sale of personal items, or for communicating information not related to City business. Use of the citywide distribution list is restricted to approval by the department director or for emergency notifications. However, committee chairs have preauthorization to use the [citywide](mailto:citywide@deerparktx.org) distribution list to disseminate information related to the Committee's activities.

Employees, volunteers, or other persons authorized by the City may not install personal software or hardware on equipment owned or leased by the City. This includes personal MP3 players, cameras, USB drives, etc.

Employees, volunteers, or other persons authorized by the City may not use the equipment or internet/intranet services provided by the City for personal monetary gains, gambling, illegal, or illicit purposes. This includes conducting personal business on websites such as eBay and craigslist.

Employees, volunteers, or other persons authorized by the City may not use the equipment or internet/intranet services provided by the City to access personal email accounts. Accessing personal email accounts poses a risk to the employee's computer and to the City's network. Exceptions will be made for employees who travel in association with their role in the City and who have been assigned a laptop. For this group of employees access to personal accounts is permissible. However, it is the employee's responsibility to ensure the antivirus software is kept current and a virus scan is run before connecting the laptop to the City's network.

If an employee, volunteer, or other person authorized by the City receives personal email using their City email account, it should be forwarded to a personal account and then deleted immediately. Personal mail, attachments, or other electronic data may not be stored on equipment owned or leased by the City.

Network Use Guidelines

Security

A user's login name in a network environment determines the path and security clearance for each user to access files, directories, databases and software applications upon their login. The user's password is the authentication method used by the networked systems to permit entry to the network by authorized individuals or deny entry to unauthorized individuals. It is critical that passwords be kept private and protected. Users shall not authorize anyone to use their personal name, login, or password. A password policy will require every user to change their password at regular intervals. This procedure will occur automatically when prompted for a password change during the login process. Passwords must be unique and should not be shared unless such password is requested by your Department Director or a member of the I.T. Services technical support staff.

Personal computer equipment must be protected from theft, damage, destruction, misuse, and tampering. At the end of their work schedule each employee should log out of the network and shut down their computers. All offices should be locked in order to secure the environment in which the computer resides. In the event of an impending storm, refer to the Employee Emergency Handbook for additional information on protecting your computer equipment.

Remote Access

Remote access to the City's network services is strictly prohibited unless authorized by the I.T. Services Department and approved by the City Manager.

Data Backup

A backup of the data stored on the City's file servers will be performed nightly. All significant data should be stored on the file servers in an area reserved for the user or department. Users are strictly prohibited from storing any personal file(s) on the City's file servers. If your workstation does not have access to a file server or if you have a mobile laptop unit, contact the I.T. Services department for an alternate method of data protection. It is your responsibility to ensure that you are taking all necessary precautions to protect the electronic records you send, receive or create on behalf of the City.

Virus & Malware Protection

Viruses and malware can be introduced to a computer and eventually to the entire network system without detection. They can cause irreparable damage to the network, computers, files and databases. To prevent such a disaster, multi-level virus and malware protection software will be installed on the workstation and on all City servers. The workstation's portion of the software must be running in the background at all times. New viruses and malicious

code are being written daily. Many viruses are introduced via email and their attachments. It is strongly recommended that the user not open any e-mail or related attachments from any unknown sources. All suspicious email and/or unusual web browser activity should be reported to the I.T. Services department immediately for further investigation.

Software Licenses

It is the policy of the City of Deer Park to respect all computer software copyrights and to adhere to the terms of all software licenses. Only commercial software authorized by the Department director or the I.T. Services department shall be used on City computers. The I.T. Services department has the responsibility and right to inspect each workstation to ensure that it is within the guidelines of this policy.

Hardware Standardization

Uniform standards and guidelines across the network are keys to a smooth operation. They reduce time for hardware/software troubleshooting, training/assisting the staff, and compatibility problems. Purchases for computer equipment shall be coordinated through the I.T. Services department to ensure compatibility and standardization. A list of all computer systems will be maintained by the I.T. Services Department. At the beginning of the annual budget process the I.T. Services department will provide each department a list of their computer systems and department directors are responsible for verifying and returning the list with their budget submittal.

Web Site

The City's web site is a means of providing information about City services and programs to the on-line community. The I.T. Services department is responsible for the administrative and technical maintenance of the web site. It is important to keep the information on the web site current and accurate. Therefore, each department has been asked to designate an employee to serve on the Website Committee. It is their responsibility to provide timely and accurate information for the City's website. The City's official site is located at <http://www.deerparktx.gov>. Any other web site designed to represent the City of Deer Park or any individual department shall be prohibited with the exception of the site for the Volunteer Fire Department.

Violation of Policy

Employees, volunteers, or other persons authorized by the City found to be in violation of this policy are subject to disciplinary action up to and including termination as provided in the City of Deer Park Personnel Manual. Employees, volunteers, or other persons authorized by the City witnessing violations of this policy shall report such violations to their department director for further investigation and review. Questions regarding this policy should be directed to the IT Services Manager.

SECTION 5 – EMPLOYEE CONDUCT AND PROCEDURES

POLICY 5.15 – REMOTE ACCESS POLICY

Memo

To: All Department Directors

From: Ronald V. Crabtree
City Manager

Date: October 30, 2007

Subject: Administrative Policy # 48- Remote Access Policy

Attached you will find a copy of Administrative Policy #48 entitled Remote Access Policy. This policy should be issued to and the Acknowledgment of Remote Access Policy agreement signed by those employees authorized to use remote access connections to access the City of Deer Park's network. The acknowledgment signed by the employee shall be filed by the Information Technology Department with a signed copy forwarded to the Personnel Department for inclusion in the employee's personnel file.

Please see that this policy is issued as applicable to those employees authorized to use remote access to the City's network.

Ronald Crabtree
City Manager

City of Deer Park Information Technology Department Remote Access Policy

Purpose

The purpose of this policy is to provide guidelines for remote access connections to the City of Deer Park network.

Scope

This policy applies to all employees, volunteers, and other persons authorized by the City who may be granted remote access privileges to the City of Deer Park network.

Participation in the remote access program may not be possible for every employee. Remote access is intended to support a mobile workforce that can meet the business requirements of the City. Participation is determined by the City Manager, department director, and the Information Technology Coordinator.

The City may refuse to extend remote access privileges to any employee or terminate a remote access arrangement at any time.

The City's policies for remote access are as follows:

Acceptable Use

Hardware devices, software programs, and network systems purchased and provided by the City for remote access are to be used only for creating, researching, and processing City-related information. By using the City's hardware, software and network systems you assume personal responsibility for their appropriate use and agree to comply with this policy and other applicable City policies, as well as city, state and federal laws and regulations.

Eligibility

Your eligibility to remotely access the City's computer network will be determined by the Information Technology Coordinator. Upon approval, users must sign and agree to the Remote Access Policy. A user account and security credentials will be provided to you by the Information Technology department. It is the responsibility of the user to protect their sign-on information and ensure that unauthorized persons are not allowed access to the City of Deer Park network.

Provisioning

The City will provide the equipment necessary for remote access to the City's computer network. This may include computer hardware and/or software to establish connectivity to network host applications. In general, Internet service will not be provided. However, in circumstances deemed appropriate by the City Manager exceptions may be made.

The use of equipment and/or software provided by the City for remotely accessing the City's computer network is limited to authorized persons to which it is assigned and for purposes relating to City business. The City will provide for repairs to City equipment. Employees, volunteers, or others authorized for remote access are prohibited from using her/his own computer equipment or software when accessing the City's network.

Employees, volunteers, or other persons authorized by the City will be limited to the resources to which they need to conduct the business of the City. Remote access usage is subject to auditing and monitoring for all users.

Access of Non City Network

Gaining access to other non-City network(s) while in a remote access session is strictly prohibited. Remote access is to be used solely for access to the City's network and its related files systems.

Use of Personal Computers and Equipment

Use of personal computers or other equipment for remote access connectivity is prohibited. At its discretion, the City will revoke remote access privileges for anyone using a personal home computer, technology equipment, or personal software on the City's network.

Violations and Penalties

Violating the Remote Access Policy could result in disciplinary action leading up to and including termination of employment and civil and/or criminal prosecution under federal and/or state laws.

Acknowledgment of Remote Access Policy

This form is used to acknowledge receipt of, and compliance with, the City's Remote Access Policy.

Procedure

Complete the following steps:

1. Read the Remote Access Policy.
2. Sign and date in the spaces provided below.
3. Return a copy of this signed document to the Information Technology department manager.

Signature

Your signature attests that you agree to the following terms:

- (i) I have received and read a copy of the "Remote Access Policy" and understand and agree to the same;
- (ii) I understand and agree that any software and hardware devices provided to me by the City remains the property of the City;
- (iii) I understand and agree I am not to modify, alter, or upgrade any software programs or hardware devices provided to me by the City without the written permission of the Information Technology department;
- (iv) I understand and agree that I shall not copy, duplicate (except for backup purposes as part of my job), or allow anyone else to copy or duplicate any software;
- (v) I understand and agree that, if I leave the City for any reason, I shall immediately return to the City the original and copies of any and all software, computer materials, or computer equipment that I may have received from the City that is either in my possession or otherwise directly or indirectly under my control;
- (vi) I understand and agree I must make reasonable efforts to protect all City provided software and hardware devices from theft and physical damage;
- (vii) I understand City provided hardware, software, systems and remote access is not to be used for illegal activities under any circumstances.

Employee Signature

Employee Name

Employee Title

Date

Department/Location

SECTION 5 – EMPLOYEE CONDUCT AND PROCEDURES
POLICY 5.16 – SOCIAL MEDIA POLICY

To: All Department Directors
From: James J. Stokes, City Manager
Subject: Administrative Policy #53
Social Media Policy
Date: Revised February 15, 2019

With the rise of social media for both business and personal purposes, it has become necessary to establish and enact a social media policy for the City.

Attached is the City of Deer Park’s Social Media Policy. Its purposes are to address the personal use of social media by City employees and volunteers and establish protocol for the use of social media in the dissemination of public information by the City of Deer Park.

Please see that all employees are advised of this.

James J. Stokes, City Manager

CITY OF DEER PARK SOCIAL MEDIA POLICY

1. PURPOSE

This policy addresses the responsibility of all employees and volunteers with regard to their personal use of social media. This policy also outlines the protocol and procedure for employee and volunteer use of social media to disseminate public information and/or promote special events, programs, and services on behalf of the City of Deer Park.

2. DEFINITION

For purposes of this policy, “social media” shall mean the use of technology in combination with electronic social networks of any type. Social media sites may include, but not be limited to, Facebook, Twitter, Instagram, LinkedIn, MySpace, YouTube, blogs, Wikis, chat rooms, and on-line forums. It will also include official City of Deer Park websites and all forms of on-line community sites that are established and maintained by the city of Deer Park. Social media activity includes but is not limited to texting, blogging, posting, and other actions involving technology and social media sites. The term “Employee” shall mean a full-time, part-time, or contract employee or volunteer for the City.

3. COVERAGE

This policy applies to all city departments and all employees.

4. EMPLOYEE PERSONAL USE OF SOCIAL MEDIA

The lines between public and private, personal and professional can become blurred in on-line social networks. With that in mind, below are guidelines for social media use by City employees while off duty.

- 4.1 Employees who use social media for personal use should not discuss information about the City’s employees, citizens, vendors, issues, business, or legal matters without express consent to do so. Posting of confidential information may violate state law and subject the user to criminal penalty.
- 4.2 Personal use of social media while off duty must not interfere with or conflict with the employee’s duties or job performance, reflect negatively on the City or violate any City policy.
- 4.3 Employees are encouraged to act responsibly while off duty and to exercise good judgment when using social media. Employees should consider the following guidelines for personal use of social media:

- Respect coworkers and the City. Do not post any information and/or pictures on the Internet that may defame, embarrass, insult, demean or damage the reputation of the City or any of its employees.
- Do not post any information and/or pictures that may constitute violation of any City policy.
- Do not post pictures containing images of City uniforms or insignia, City logos, City equipment or City work sites.
- Do not permit or fail to remove postings violating this policy, even when placed by others on the employee's blog. Recognize that postings, even if done off premises and while off duty could have an adverse effect on the City's legitimate business interests.
- Do not link from a personal blog or social networking site to the City's internal or external web site.
- Do not post on social media sites the name, trademark, slogan or logo of the City.
- Do not use City names or identifiers for your personal social networking accounts or email accounts.
- The City may require removal of any material that is disruptive to the workplace or impairs the mission of the City.

The City has a vested interest in protecting its reputation and ensuring that an employee's communication with people outside the City, not only reflects positively on the employee as an individual, but also on the City.

5. USE OF SOCIAL MEDIA ON DUTY

The City of Deer Park permits the use of social media while on duty for the sole purpose of conducting City business and only with department director approval. Alternately, the City prohibits all personal use of social media while on duty regardless of whether the personal use is on a personal device or city- owned equipment, public Wi-Fi or city-owned private network unless such use is expressly permitted by the department director.

- 5.1 All communication representing the City through social media outlets should remain professional in nature. Incomplete, inaccurate, inappropriate, threatening, demeaning, harassing or poorly worded postings may be harmful to the City's reputation or violate City policy. Such wording will be removed by the Information Technology Services Department.
- 5.2 Employees bear full responsibility for the material they post on social media sites.
Inappropriate usage of social media can be grounds for disciplinary action, up to and including termination.
- 5.3 Public messages relating to City of Deer Park activities on social media sites and/or any messages that might act as the "voice" or attempt to reflect the views of the City of Deer Park must be approved by the department director.

- 54 Any Part-time employee who is tasked with generating content for a social media channel must submit all content to their supervisor for prior approval before that content is mad public.
- 55 Employees shall not ignore copyright laws, cite, or reference sources inaccurately. Plagiarism is prohibited.
- 56 All information published on social media sites must comply with City of Deer Park’s Privacy and/or data policies . This includes comments, pictures, video, audio, or Any other multimedia posted on social networking sites, blogs, and forums.
- 57 Media inquiries generated on social media sites should be referred to the City Secretary, City Manager or Public Relations/Marketing Administrator.

6. OFFICIAL SOCIAL MEDIA SITES

- 6.1 Official social media sites representing the City of Deer Park will be the property of the City of Deer Park. All social media sites and email accounts shall be established by the Information Technology Services Department.
- 6.2 The Information Technology Services Department shall be responsible for the technical oversight of the City of Deer Park’s social media formats to include:
 - 6.2.1 Establishing social media sites and related email accounts.
 - 6.2.2 Maintaining a list of social media domains, account logins and passwords and changing passwords. Notification to Information Technology Services is required if an employee is no longer designated to update content on a social media site(s).
 - 6.2.3 Utilizing Archive Social to maintain social media content per Texas State Library and Archive Commission requirements
- 6.3 Social media formats must meet one or both of the following purposes:
 - 6.3.1 Provide residents of Deer Park information about City events, activities and issues.
 - 6.3.2 Promote the positive aspects of the C ity of Deer Park to those in and outside the community.
- 6.4 The City’s official website, www.deerparktx.gov, will remain the pri mary location for internet content regarding city business, services and events. Whenever possible, links within social media formats should direct users back to

the City's website for more information, forms, documents or on-line services necessary to conduct business with the City of Deer Park.

6.5 Request to the Information Technology Services Department and PR/Marketing and approval by the City Manager is required prior to the establishment of any social media site. Requests to the Information Technology Services department must include:

- 6.5.1 Purpose for the site and intended content to be posted/shared including the primary audience to be served;
- 6.5.2 Indication of how often the site's content will be reviewed and updated to ensure material accuracy and appropriateness;
- 6.5.3 Identification of individual(s) responsible for managing/overseeing and corresponding with the public (employee's name and position must be included) as well as indicating what provisions will be made if the responsible party leaves the position or is absent.

7. CONTENT MANAGEMENT FOR SOCIAL MEDIA SITES

- 7.1 Only designated department employees approved by the Department Director will have authority to publish content on official social media sites of the City of Deer Park. Departments are required to maintain a list of such employees.
- 7.2 Department directors are responsible for monitoring site activity and ensuring content is consistent with the goals and objectives of the City.
- 7.3 While the intention of social media is to provide a two way communication platform between city departments and the community, best judgement must be applied in all circumstances. Departmental page administrators do have a right to respond to public commentary , inquires, or complaints – pertaining to the city or partnering entities – as they relate to the original message and intention of the original post. Departments are responsible for responding to public commentary, inquiries or complaints. Responses must be approved by the Department Head or Division Manager.
Public messages – be they initial posts or responses - relating to City of Deer Park activities on social media sites and/or any messages that might act as the “voice” or attempt to reflect the views of the City of Deer Park must be approved by the department director.
- 7.4 Communication through social media is a public record. Both the posts by City employees and any feedback by others will be part of the public records of the City of Deer Park and will be subject to the Texas Public Information Act (Chapter 552 of the T e x a s G o v e r n m e n t C o d e). Designated department employees posting content on these sites will be responsible for maintaining copies of content posted to comply the City of Deer Park Records Management Program.
- 7.5 Content posted by “friends,” “followers” or “fans” will not constitute a representation, agreement or endorsement on the part of the City of Deer

Park. The City of Deer Park Information Technology Services Department reserves the right to delete any comment or posting that is deemed inappropriate, malicious, offensive, threatening, profane or insulting. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, disability, national origin or sexual orientation will not be permitted. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, disability, national origin or sexual orientation will not be permitted. Content that promotes an event that the City of Deer Park is not affiliated with may be hidden and/or deleted.

In the event that an individual repeatedly posts egregiously abusive or threatening comments/images as outlined above, the City of Deer Park reserves the right to block the user from posting commentary to City social media sites/pages. The same will apply to commercial posting conducted by a spam account. For this purpose, users may be blocked after the third time a comment is deemed inappropriate and must be removed.

If blocking a user becomes a possibility due to an egregiously abusive comment, the administrator managing the individual social media channel must:

1. Screenshot the comment;
2. Hide the comment as soon as a screenshot has been created; and
3. Provide Information Technology with the name of the user and the nature of the comment.

Certain single egregious violations may result in immediate blocking of the user.

If blocking a user is deemed necessary, the administrator managing the individual social media channel must:

1. Capture screenshots of all three comments blocked as well as the primary post for permanent retention; and
2. Notify the Information Technology Department and the PR/Marketing Administrator prior to blocking the user.

Any user who is blocked from a social media platform may still utilize City contact points including the City website, email, phone or printed publications to gain access to current information.

- 7.6 Any comments posted by external parties on City of Deer Park social media sites are not official public testimony concerning any project or program. An opinion

expressed on a City of Deer Park page is posted for discussion only and is not a substitute for a formal statement in a public hearing process.

- 7.7 If a question arises regarding the use or posting of confidential information (e.g. litigation, investigations, etc.) on a social media site, the matter shall be referred to the City Attorney for review. The information in question shall not be posted, or if already posted, shall be removed until an opinion is rendered by the City Attorney.
- 7.8 The City Manager or designee reserves the right to restrict or remove City information from an official City social media site if the City Manager believes that the information does not serve the best interests of the city. This process may be completed with or without departmental notice, depending on the level of concern, but notice shall be provided upon removal.

8. DISCLAIMER

- 8.1 Each Official City of Deer Park Social Media Site/Page must include a Disclaimer that contains the following information:

“The City of Deer Park does not warrant or make representations or endorsements as to the quality, content, suitability, accuracy, or completeness of the information, text, graphics, links, and other items contained on a social media site’s server or any other server. Such materials have been compiled from a variety of sources, and are subject to change without notice from the City. The City’s primary and predominant internet presence shall remain the City’s official website at www.deerparktx.gov and no other website or social media site can characterize itself as such.

Except to the extent required by law, commercial use of the materials is prohibited without the written permission of the City.

Some of the links on the City’s social media pages may lead to resources outside the City of Deer Park municipal government. The presence of these links should not be construed as an endorsement by the City of these sites or their content. The City is not responsible for the content of any such external link. The responsibility for content rests with the third party organizations that are providing the information.

Comments posted on this site by “friends,” “fans,” or “followers” or others will be monitored and any postings or comments that are disrespectful, offensive, dishonest, or do not accurately reflect the views, values or objectives of the City of Deer Park will be deleted without notice.

Except to the extent required by law, communications made through e-mail and comments posted shall in no way be deemed to constitute legal notice to the City of Deer Park or any of its agencies, officers, employees, agents, or representatives with respect to any existing or potential claim or cause of action against the agencies, officers, employees, agents or representatives where notice to the City is required by any federal, state or local laws, rules or its regulations.

Further, comments on a social media site should not be utilized as a method of contacting the City in case of an emergency. Requests for City services or aid should be directed through channels which are monitored 24 hours a day, such as dispatch telephone lines. See respective pages/channels for 24 hour contact points.

Finally, comments on social media sites such as the Parks and Recreation or Deer Park Public Library Facebook pages concerning reservations for one-time or ongoing programs are not considered acceptable alternatives to in-person or over-the-phone reservations or registration completed through

online platforms such as ActiveNet.

Contact Information:

City of Deer Park, Texas

P.O. Box 700, Deer Park, Texas 77536

Information Technology Services

Phone: 281-478-2028

E-mail: info@deerparktx.org

9. ENFORCEMENT

- 9.1 Violations of this policy may result in immediate revocation of any or all electronic communications access and user privileges and may be grounds for disciplinary action up to and including termination. Certain violations could result in civil or criminal liabilities for the user. Individual supervisors do not have the authority to make exceptions to this policy.
- 9.2 No employee or volunteer should have any expectation of privacy or confidentiality when using any City resource, including the city's public and private networks. The City reserves the right to access, intercept, monitor and review all information accessed, posted, sent, stored, printed, or received through its communications systems or equipment at any time.
- 9.3 All social media access and use involving City equipment and resources are subject to the City's Internet, Intranet, and Email Use Policy.

10. CONTENT RESTRICTIONS

In keeping with the goals and objectives of the City of Deer Park to provide educational and governmental information, certain types of content are not allowed. These include, but are not limited to the following:

1. Political Use of Any City Website– Websites may not be utilized for the promotion or “use” of any elected official or candidate. Specific advertising messages on behalf of or opposing any political candidate or measure on any ballot shall not be permitted.
2. Position Advocacy – Any direct advocacy messages, including specific promotional messages on behalf of or opposing any ballot initiative, measure proposals, or items under consideration of the City Council, its commissions, or advisory bodies shall not be permitted.
3. Commercialism – There shall be no commercial advertising or other information which promotes the sale of any product or service offered, except for promotional announcements of City sponsored or sanctioned events, or approved sponsorship acknowledgments.
4. Lotteries – Advertising of other information concerning any lottery, gift enterprise, or similar promotion is prohibited.
5. Promotion of Religion – Programming which directly promotes religious beliefs or religious philosophies shall not be presented on the City's websites.
6. Promotions – Promotional announcement for City sponsored or sanctioned events will be permitted on the City of Deer Park's websites. However, promotional announcements for events, charities, or outside organizations in which the City has no official interest or sponsorship shall not be permitted.
7. Defamatory Material – Subject matter which is defamatory in nature (i.e.

slander) shall not be presented on the City's websites.

8. Indecent or Obscene Content – There shall be no presentation of programming content which, in the opinion of the City Manager or his/her designee, is indecent, obscene, or illegal.

9. Copyright Restrictions – Programs containing copyrighted materials will not be posted on the website without proper copyright authorization. Outside agencies submitting content for posting are responsible for obtaining all necessary copyright clearance and shall hold the City, its officers and agents, harmless in any case of copyright infringement.

10. Liability – The City of Deer Park will not be responsible for the accuracy of any information posted on the website that was provided by outside sources.

10. REPORTING VIOLATIONS

The City urges employees to report any violations or possible perceived violations to their supervisor, department director, or the Human Resources Department. Violations include discussions of the City and its employees and patrons, any discussion of personal information and any unlawful activity related to blogging or social networking.

SECTION 5 – EMPLOYEE CONDUCT AND PROCEDURES

POLICY 5.17 – ACCRUAL OF BENEFITS

MEMO

TO: All Department Heads

FROM: Ron Crabtree, City Manager

DATE: August 24, 1994

SUBJECT: Administrative Policy #13 - Accrual of Benefits

The following policy will be in effect regarding the accrual of benefits during incidences of approved leave:

1. Employees will accrue all benefits provided by the City during all incidences of leave as described in Chapter VI of the City of Deer Park Personnel Manual.
2. Employees utilizing extended leaves of absence under Administrative Policy #9 will not accrue benefits during periods of unpaid leave. (Per FMLA)

Please inform your employees of this policy at your earliest opportunity.

Ronald V. Crabtree
City Manager

SECTION 5 – EMPLOYEE CONDUCT AND PROCEDURES

POLICY 5.18 – EDUCATION REIMBURSEMENT POLICY

To: All Department Heads

From: James Stokes, City Manager

Subject: Administrative Policy #15: Education Reimbursement Policy

Date: December 13, 1994

Revised: 6/1/2015

The following policy will be in effect regarding educational reimbursement for regular full time employees who have successfully completed their probationary/introductory period with the City of Deer Park:

1. Regular full time employees who attend a pre-approved University or College level course on their off duty hours may be eligible for educational reimbursement from the City.
2. Educational reimbursement is intended to assist employees in maintaining a satisfactory level of knowledge, expertise in their present position and to enable them to fully develop their potential for future advancement with the City.
3. Courses eligible for reimbursement must be directly related to the employee's current position and must be approved for reimbursement prior to registration by the Department Director and City Manager.
4. Employees who have received prior approval to take a college course or pursue a degree program may receive reimbursement for 75% of the cost of tuition, lab fees, books, valid campus parking fees, and building use fees if the employee receives a grade of "C" or better in the course (or successfully "Passing" for Pass/Fail coursework) up to maximum amounts outlined below. Reimbursements shall not include miscellaneous expenses such as late fees, travel expenses, out of district fees, parking fines, finance fees, special online education fees and deposits, etc.
5. In instances where the employee is pursuing a college degree program (versus individual college-level courses), participation in the education reimbursement program will also be subject to the following terms and conditions:
 - a. The degree being sought must be directly related to the employee's current position; or
 - b. An employee may be considered for advancement to a position that requires a college degree.
 - c. In addition to "a" or "b" above, the employee must also receive the approvals of the employee's Department Director and the City Manager.
 - d. The City will provide reimbursement for only one (1) degree per employee at either the

Undergraduate (Bachelor's) or Master's degree level.

6. A two (2) year service requirement begins on the most recent reimbursement check date. A service requirement is not an assurance of continued employment by the City. Requirements for continued service with the City after course completion are an assurance that the City will benefit from employee participation in the program. If an employee leaves the City employment **for any reason** before a service requirement is completed, the employee must repay to the City all financial assistance that was provided to the employee.

a. If a termination of employment occurs (voluntary or involuntary) and a repayment amount is owed by the employee, and the employee does not otherwise repay the amount, the employee agrees to have the repayment amount deducted from the employee's paychecks that are issued after the termination decision occurs.

7. Employees who are eligible to receive education assistance through other programs (i.e., G.I. Bill, scholarships, or grants) are not eligible for duplicate assistance. Funds received from outside sources for the same purpose must be applied toward the cost of expenses before the Education Reimbursement policy shall apply.

8. Financial assistance will be capped at level of no more than \$5000.00 per fiscal year

9. Non-Exempt Employees attending courses under this educational reimbursement policy will not be compensated for their course work as hours of work. To have any coursework time considered non- exempt work hours would require the review and approval of the Department Director and City Manager.

10. All requests for pre-approval will be made on an Educational Reimbursement Request Form and will be signed by the Department Director before being forwarded to the City Manager. Upon City Manager action, the Educational Reimbursement Request Form will be returned to the requesting employee, with a copy sent to the Human Resources Department.

11. Upon successful completion of the pre-approved course(s), the employee will submit documentation of the grade(s) to the Department Director for reimbursement approval. The Department Director will provide a copy of the Educational Reimbursement Request Form along with a Check Request to the Finance Department, who will issue the reimbursement check to the employee.

12. UPDATES: It shall be the responsibility of the employee to update the Department Director and Human Resources Department of any changes to their degree plan or collegiate coursework. This process must occur at least on an annual basis, during the budget process.

a. Employees who fail to meet the objectives and criteria set forth in their educational degree plan are subject to termination from the reimbursement program and/or denial of tuition reimbursement. If the employee is unable to fulfill the objectives of his/her degree plan, or requires a change in the criteria set forth in their educational degree plan, the employee must notify their supervisor, with copies to the Department Director and Director of Human Resources.

Please inform your employees of this policy at your earliest opportunity.

EDUCATIONAL REIMBURSEMENT RETENTION/REPAYMENT AGREEMENT

Pursuant to **City of Deer Park Employee Educational Reimbursement Policy**, the undersigned employee, (herein referred to as “**Employee**”), for good and valuable consideration hereby confirmed, agrees that all funds that are paid to **Employee** from the **City of Deer Park** (herein referred to as “**City**”) as financial reimbursement assistance toward a college Degree, that must be, related to **Employee’s** current or future job, shall be repaid to the City if the **Employee** shall leave the employment of the **City**, for any reason, before the **Employee** has worked an additional two years after completion of the degree sought.

The **Employee** hereby acknowledges that the **City** is relying on this **Agreement** to induce the **City** to reimburse educational cost to said **Employee**, and without this **Agreement** the **City** would not provide educational reimbursement to **Employee**.

AGREED TO AND ACCEPTED BY EMPLOYEE:

Signature:

Print Name: _____

THE STATE OF TEXAS *

*

COUNTY OF HARRIS *

This instrument was acknowledged before me on this the _____ day of _____, 20__ by _____

Notary Public in and for the
State of **TEXAS**

**CITY OF DEER PARK
REQUEST FOR
EDUCATIONAL REIMBURSEMENT**

DATE: _____

EMPLOYEE: _____

DEPARTMENT: _____

<u>COURSE #</u>	<u>COURSE TITLE</u>	<u>UNIVERSITY/COLLGE SEMESTER</u>	<u>GRADE</u>	<u>AMOUNT</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL AMOUNT DUE EMPLOYEE _____

COMMENTS:

_____ **Approved**

_____ **Not Approved**

_____ **Department Director**

_____ **Date**

_____ **City Manager**

_____ **Date**

SECTION 5 – EMPLOYEE CONDUCT AND PROCEDURES
POLICY 5.19 – EMPLOYEE ASSISTANCE PROGRAM (EAP)

MEMORANDUM

Memo

To: All Department Directors

From: Ronald V. Crabtree, City Manager

Subject: Administrative Policy #44- Employee Assistance Program

Date: March 28, 2006

The City of Deer Park shall provide an employee assistance program to assist both the City and employees in situations that require professional counseling for employees that need assistance in personal matters and employees that may be referred by Supervisors with approval of Department Directors, the Director of Human Resources and final approval by the City Manager.

Personal Employee Assistance:

Employees that need counseling in personal matters concerning themselves and or their families should take advantage of the fact that the City provides this service to them by contracting with a professional outside counseling agency. Any counseling conducted at the office of the current agency providing this service is done at no charge to the employee. All counseling is confidential and no information is given to city administration on the purpose or subject of the counseling provided to the employee.

Employees can contact the EAP and talk to counselors concerning their professional needs. The telephone number to the EAP can be obtained by calling the Administrative Services Department.

Employee Referral to Employee Assistance Provider:

There may be situations whereby employees are referred to the employee assistance program by city administration. Any supervisor wanting to refer an employee to the employee assistance program must discuss the matter with the appropriate Department Director, the Director of Human Resources and get final approval from the City Manager. One of the purposes of the employee assistance program is to try and rehabilitate employees in lieu of termination of employment.

The City Manager, after meeting with the Department Director and Director of Human Resources will determine if the employee's individual situation warrants referral to the employee assistance program.

Reasonable Suspicion and Referral to Employee Assistance Provider:

Employees exhibiting behavior as outlined in the Drug Screen Manual shall, with the final approval of the City Manager, be referred to the employee assistance provider. Any employee referred to the employee assistance provider because of reasonable suspicion must complete the entire counseling program as outlined by the assistance provider. Supervisors shall complete the Reasonable Suspicion Form provided in the Drug Screen Manual.

Positive Drug Screen Result:

Employees, with the exception of Police Officers, **may be** offered a one-time opportunity to enter and successfully complete a rehabilitation program that has been approved by the City through the employee assistance program. Additional information is available in the Drug Screen Manual Section XI. Discipline.

Please see that all employees are given a copy of Administrative Policy #44.

Ronald V. Crabtree, City Manager

**SECTION 5 – EMPLOYEE CONDUCT AND PROCEDURES
POLICY 5.20 – IDENTIFICATION/ACCESS CARD POLICY**

MEMORANDUM

To: All Department Directors
From: James J. Stokes, City Manager
Subject: Administrative Policy #60: Identification/AccessCard Policy
Date: August 6, 2015

Identification/Access Card Policy

Attached please find the new Administrative Policy #60 related to Identification/Access Card. Please see that this new policy is distributed to your employees.

James J. Stokes
City Manager

CITY OF DEER PARK

IDENTIFICATION/ACCESS CARD POLICY

PURPOSE

This policy provides procedures for obtaining, wearing and replacement of Identification/Access Cards. The Card will allow access to secured areas of City facilities and act as Identification to non-uniformed employees that work in the field. The policy shall apply to, but is not limited to, all Employees, (full-time, part-time, and temporary/seasonal), Volunteers, Elected Officials, Visitors, and Contractors.

BACKGROUND

To enhance security at City Hall and city facilities where there is a need for controlled access, creation and tracking of access badges and systems. Employees need to have an access card to allow them to access work areas, and other locations for various employee activities.

DEFINITIONS

IDENTIFICATION/ACCESS CARD – An encoded data card that is read by card readers to provide access to secure areas and used as Identification for employees who work in the field.

VOLUNTEERS - Individuals that provide services to the City without any expectation of compensation or financial gain excluding volunteers serving on a Board, Commission or Task Force.

BUILDING SECURITY COORDINATOR – Person(s) designated to approve and/or systematically assign access rights to municipal facilities. This position may also be able to change schedules, times, and systematically lock/unlock facility doors. Building Security Coordinator(s) shall be responsible for understanding the guidelines outlined in this policy.

POLICY

All persons, as listed above (with the exception of public safety uniformed personnel), are required to display their Identification/Access Card at all times while present in City facilities. If there is a safety concern to have the badge displayed while conducting safety sensitive work, the employee must be able to present the card upon entrance to a monitored city facility and the card must be on the employee's person at all times while working.

Any employee entering a secured area of the City is personally responsible and liable for any unauthorized person(s) that they provide access to a secured area. An employee shall not loan or borrow another employee's badge.

Access to facilities is by access card readers or keypads in designated areas.

Employee Identification/Access Cards will display the individual's picture, name, title, and the employing City department.

Due to the nature of public safety requirements, the Police Department will issue all cards for its location, and control all access to its facility.

PROCEDURES

A. Distribution of Identification/Access Cards

Every employee shall be issued an Identification/Access Card by the Human Resources Department (Police Personnel will obtain departmental badges from the departmental badge coordinator) on the first day of employment. Elected Officials, after being sworn into office, shall be issued a Card. All person(s) will be required to sign an acknowledgment form signifying receipt of card and understanding of the card's valid use. The acknowledgement shall be placed in the individual Master Personnel File in Human Resources.

The type of card will be determined by the access required for the cardholder to perform their tasks. The receptionist or designated personnel at each facility shall distribute and track the temporary cards for short-term needs at each facility. (See Card Log).

Temporary Identification/Access Cards/Badges will be issued to non-employees (volunteers, temporaries, contractors) each day that they report to a city facility. A temporary IDENTIFICATION/ACCESS CARD WILL BE ISSUED FOR A PERIOD OF ONE SHIFT AND SHALL BE RETURNED TO THE RECEPTIONIST, DESIGNATED PERSONNEL, OR SUPERVISOR AT THE END OF EACH SHIFT. To obtain a temporary card, non-employees must present other valid identification credentials (state issued ID or driver's license, etc.) to the responsible staff representative to confirm identity.

Under special circumstances, the Department Head may make exceptions if the Identification/Access Card is needed longer (e.g. long-term temporary).

B. Identification/Access Card Access

Human Resources will issue new employees an Identification/Access Card on their first day of employment and notify the department and IT Services of the Identification/Access Card number via the Access Control Assignment Form.

City Hall Employees' Identification/Access Cards will be given general access to secured areas of City Hall and to the individual's department only.

Non-City Hall Employees' Identification/Access Cards will be given general access Monday through Friday, 8:00 a.m. – 5:00 p.m. to City Hall, with the exception of police officers.

Non-City Hall employees shall obtain access to their respective department work area through the Building Security Coordinator.

Access to various facilities will be provided by the Building Security Coordinator. (See Appendix A) If access is needed to facilities other than City Hall, or extended hours are needed, the Building Security Coordinator designated to each facility shall activate additional access levels as authorized by the Department Head of that department on the Access Control Assignment Form (see attached).

When an employee obtains a replacement Identification/Access Card, Human Resources will issue the Card and then forward to IT Services who will program the card with the same access levels currently dedicated to the employee's Identification/Access Card. When additional access is needed or extended hours are needed, the employee shall obtain authorization from the Department Head of that department on the form Access Control Assignment Form.

C. Loss Notification

In the event an employee loses or misplaces an Identification/Access Card, it shall be reported immediately to the Building Security Coordinator in the respective facility. The Building Security Coordinator shall notify Human Resources immediately to deactivate the Identification/Access Card and to begin issuance of new card if appropriate. Failure to report the loss can jeopardize security, therefore, it is mandatory that reporting take place immediately.

An employee reporting to work without a badge will not be allowed entry into secured areas of the City of Deer Park facilities without obtaining an Identification/Access Card from the receptionist or designated personnel at the respective facility. Shift employees shall obtain an Identification/ Card from the Supervisor on duty. THE IDENTIFICATION/ACCESS CARD SHALL BE ISSUED FOR A PERIOD OF ONE SHIFT AND SHALL BE RETURNED TO THE RECEPTIONIST, DESIGNATED PERSONNEL OR SUPERVISOR AT THE END OF THE SHIFT.

D. Replacement of Lost Badges

Replacement of a lost Identification/Access Card may be obtained by contacting the Human Resources Department. Employee(s) will be issued replacement cards when a card is lost. Upon the 3rd request (2nd lost card) for a replacement Identification Card, the Human Resources Department will notify the employee's Department Head. Beginning with the 2nd lost card, a \$10.00 fee will be assessed. Badges that are replaced because they are worn beyond recognition or use will not incur a fee.

E. Resignation/Termination or Suspension

When an employee resigns or is terminated, the employee shall surrender the Identification/Access Card, including any temporary badge issued, to the appropriate Supervisor. The Supervisor should immediately contact Human Resources via phone to notify of the termination/suspension. Human Resources shall record the terminated card and contact IT Services to deactivate all access on the effective date of termination. Temporary workers shall surrender their temporary badge to the receptionist. Department Directors shall ultimately be responsible for the deactivation of terminating employees.

If an employee is suspended, they shall surrender the Identification/Access Card to the relevant Supervisor. The Identification/Access Badge will be returned to the employee upon return to work.

F. Employee Transfers

An employee transferring from one department to another, is promoted, or receives title change may request new programming/access for the current Identification/Access Card. If access to other departments or off-site facilities is needed, authorization from the New/Receiving Department Head shall be obtained via the Access Control Assignment Form. The form shall be sent to Human Resources to be placed in the Employee's Master Personnel File. Human Resources will forward a copy of the form to IT Services for system/access update.

ACCOUNTABILITY

The Building Security Coordinators, IT Services and Human Resources Departments shall have the responsibility of monitoring enforcement of this policy.

FORMS/ATTACHMENTS

Appendix A – Types of Cards

Identification/Access Card Acknowledgement Form

Identification/Access Card and/or Manual Key Authorization Change Form

Identification/Access Card Log

APPENDIX A
 TYPES OF CARDS & BUILDING SECURITY COORDINATOR LOCATIONS

Type of Card	Description (Match color of badge to department)
E	Employee
V	Visitor (“Visitor” sticker for visits 1 day or less)
T	Temporary (Contractor/Vendor/Temp Agency or as requested by Supervisor for temporary employees)
Building Security Coordinator Locations	
City Hall	IT
Library	Library Director
Police	Police Captain
Fire Dept/EMS	Fire Secretary, EMS Director
Parks & Recreation	Mktg./Techincal Coord., Recreation Supv.
Public Works/Utilities	PW Operations Coord., Engr. Aide
Court	Court Administrator, Chief Deputy Court Clerk
Theatre	Theatre Supervisor
Gym	Athletics/Aquatics Supervisor
Maxwell	Senior Service Supervisor

EMPLOYEE ACKNOWLEDGMENT, IDENTIFICATION/ACCESS CARD

This acknowledges that I have received my City of Deer Park Identification/Access Card with the number as stated below. I understand that the policy states that all employees (full-time, part-time, and temporary/seasonal), Elected Officials and Volunteers with the exception of uniformed public safety personnel are required to display their Identification/Access Card at all times while present in secured areas of City facilities. I further understand that I will use this card for legitimate city business purposes only.

I understand that a complete copy of the Identification/Access Card Policy can be found on the City's Intranet Page and that it may be rescinded or modified at any time without prior notice.

Identification/Access Card # _____

Employee Printed Name: _____

Employee Signature: _____

Date: _____

City of Deer Park Access Control Assignment

Employee Name: _____ Requestor: _____

Department: _____ Security Coordinator Signature: _____

Please mark options for requested access.

CITY HALL	Weekday	Weekend	24x7	No Access
-Weekday Access is 7AM - 5PM				
-Weekend Access is 7AM - 5PM				
-24x7 Access				

COMMUNITY CENTER	Weekday	Saturday	24x7	No Access
-Weekday Access is 7:30AM - 11PM				
-Saturday Access is 10AM - 3PM				
-24x7 Access				

COURT/THEATER BUILDING	Weekday	Weekend	24x7	No Access
-Weekday Access is 7AM - 5PM				
-Weekend Access is 7AM - 5PM				
-24x7 Access				

COURT OFFICE	Weekday	Weekend	24x7	No Access
-Weekday Access is 7AM - 5PM				
-Weekend Access is 7AM - 5PM				
-24x7 Access				

LUELLA COMPLEX	24x7	No Access
-Weekday Gates Opened is 6:45AM - 5PM		
-Weekend Gates Opened:		
Middle Gate - 6:45AM - 5PM		
South Gate - 8AM - 12PM		
-24x7 Access		

WASTE WATER TREATMENT PLANT	24x7	No Access
-24x7 Access		

FIRE STATIONS	Daytime	24x7	No Access
Station 1			
Station 2			
Station 3			
EMS Supply Room(s)			
Station 3 Offices			

New Schedule (Explain):

Set Up Like Existing User: _____

SECTION 5 – EMPLOYEE CONDUCT AND PROCEDURES
POLICY 5.21 – RETIREMENT RECEPTIONS

Date: February 2016

Memo To: All Department Directors

Subject: Administrative Policy #34- Retirement Receptions

Revised: February 2016

The City of Deer Park has established the following criteria as policy concerning retirement receptions. In order for the city to participate in the cost of a retirement reception, the reception must be held in a city facility and catered by a local provider. "Local" is defined as an establishment in the Deer Park city limits or less than ½ mile outside of the city limits.

-Cost/ Requirement – 10-25 Years of Service: The City will contribute a total of \$600.00 towards the cost of a reception for an employee with at least 10 years but less than 25 years of service with the City of Deer Park to cover the cost of food and a gift (if one is proposed). Any cost over this amount can be supplemented by employee contributions.

-Cost / Requirement – 25+ Years of Service : The cost of a reception for food and a gift (if one is proposed) for employees with 25+ years of service with the City of Deer Park will be reviewed and approved by the City Manager. Gift Cards are discouraged for use as a retirement gift. Any cost over the approved amount can be supplemented by employee contributions.

Departments anticipating retirements in any budget period should notify the City Manager of that fact so funds can be budgeted for that budget year. All costs associated with a retirement reception must be approved by the City Manager prior to the event date.

The city shall pay for the cost, up to \$100.00, of a service plaque presented to the employee at their retirement reception.

No alcoholic beverages will be served at any reception.

Please make sure that all personnel responsible for retiree reception planning are made aware of this administrative policy.

SECTION 5 – EMPLOYEE CONDUCT
POLICY 5.22 – FLOWERS – BENEVOLENCE POLICY

To: All Department Heads
From: Jack McClelland, Personnel Director
Subject: Flower – Benevolence Policy
Date: April 12, 1994

Effective this date, the Personnel Department will assume the responsibilities for insuring that employees and their relatives are sent flowers/plants during times of illness or death. The following guidelines will be adhered to:

1. Flowers/plants will be sent to employees only during hospital stays, flowers/plants will be sent to the employee's home after outpatient procedures that result in the employee being away from the job at least three working days.
2. Flowers/plants will be sent to funerals for employees or their immediate Family members as defined by Chapter 6, Paragraph 9, City of Deer Park Personnel Manual – Funeral Leave (and amended by Administrative Policy #32 – Revision to Funeral Leave)
3. It will be the responsibility of the appropriate department to notify the Personnel Department of all known facts surrounding the above incidences.
4. The Personnel Department will also send notification of the above incidences to each department by memorandum.

Any department may decide to send flowers/plants to employees or their families for the above reasons separate from those sent at City expense.

SECTION 5 – EMPLOYEE CONDUCT
POLICY 5.23 – PURCHASING POLICY

CITY OF DEER PARK, TEXAS
PURCHASING POLICIES AND PROCEDURES
Amended and Adopted August 16, 2022

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Exhibit A. Policies and Procedures for Procurement with Federal Funds A-1

SECTION 1. PURPOSE.

A) The purpose of this policy is to establish procedures and guidelines for procurement of supplies, materials, and services for the City of Deer Park, Texas (City).

B) This policy shall further establish guidelines in order to provide the citizens and taxpayers of the City assurance that the best uses of the available resources of the City are being realized. Further, this policy is intended to promote competition among the bidders and vendors interested in providing products or services to the City.

C) The statutory authority for these policies and procedures shall be the Local Government Code (the Code), V.C.T.A., Section 252, and other State of Texas statutes referenced herein, the Deer Park City Charter Sec. 6.10 and other applicable policies and procedures.

SECTION 2. DEFINITIONS.

As used in this policy, the following terms and definitions shall apply:

A) "Purchases" shall mean the procurement of supplies, materials, and services by and for the City;

B) "Vendor" shall mean a supplier of materials or services to the City;

C) "User Department" shall mean a department or agency of the City;

D) "High Technology Procurement" shall mean the procurement of equipment, goods, or services of a highly technical nature, including:

- 1) data processing equipment and software and firmware used in conjunction with data processing equipment;
- 2) telecommunications equipment and radio and microwave systems;
- 3) electronic distributed control systems, including building energy management systems; and
- 4) technical services related to those items.

E) "City Manager" shall mean the City Manager of the City of Deer Park, or his authorized designee;

F) "Public work contract" shall mean a contract for constructing, altering, or repairing a public building or carrying out or completing any public work.

G) Gender. Unless otherwise specified, the use of the masculine pronouns, he, him, or his shall refer to both male and female gender.

SECTION 3. THE PURCHASING FUNCTION.

A) The basic function of a municipal purchasing system is to support and enhance the delivery of City services. The optimum performance of this function requires that the purchasing system continually provide the departments of the City the proper quality as well as quantity of requested commodities within an acceptable time frame at the lowest cost.

B) The City currently utilizes the concept of decentralized purchasing, rather than centralized purchasing. In a decentralized purchasing system, each user department shall be responsible for following these established procedures. A centralized purchasing system, in contrast, is a system where all purchase

requests are processed through a centralized purchasing office, with the central office responsible for purchasing and procurement.

SECTION 4. PURCHASING PROCEDURES.

A) Supplies or materials that are not available at any central warehouse of the City shall be purchased by following the procedures outlined in this policy. Further, replenishment of supplies at any central warehouse of the City shall also be purchased by following these procedures. Available and sufficient funding in the user department's budgetary authority shall be the basis for all purchases. No purchase shall be processed without the availability of funds, except upon written authorization from the City Manager or the City Council. All expenditures including, purchases, rentals, maintenance/contract agreements or any transaction that binds the City financially must be preceded by the issuance of a requisition and purchase order number, prior to the order being placed with the vendor. Certain exceptions may be allowed as authorized by the City Manager and Director of Finance to include items such as utility bills, payroll, TMRS, Contributions, Payments to Deferred Compensation Plans, and Accrued Employee Benefits, payments to the federal government or its agencies, transfer payments of employee deductions or garnishments, health insurance claims and fees, other insurance premiums, remittance to the State of Texas, procurement card remittance Scheduled bond or lease payments, and certain types of contracts for labor or instructors (such as sports referees or recreational program instructors).

B) Approval of Purchases

- 1) Purchases less than \$25,000 for all purchases shall be approved by the Department Director of the user department after obtaining quotes as described in Section 5 of this policy.
- 2) Purchases of \$25,000 - \$50,000 and for all purchases of capital items and rolling stock that do not exceed \$50,000 shall be submitted by the user department on a City Manager Purchasing Approval form and approved by the Department Director of the User Department after receiving quotes as described in Section 5 of this policy and the City Manager.
- 3) Purchases in excess of \$ \$50,000 shall be awarded only by City Council, or as otherwise prescribed in this policy.

C) Emergency Purchases.

- 1) Emergency purchases less than \$50,000 shall be permitted under this policy. During periods of an emergency, discretion is provided to the Department Director for authority to purchase supplies or materials in an emergency situation. Emergency purchases shall not relieve the user department from following normal purchasing procedures and guidelines as outlined in this policy. The Department Director shall follow up as soon as practicable after the emergency purchase in submitting the City Manager Purchasing Approval form.
- 2) Emergency purchases in excess of \$50,000 which are made without solicitation of competitive bids, shall be permitted under this policy, in accordance with Local Government Code V.T.C.A., Section 252.022, as amended. Whenever possible, in advance of issuing a purchase order/contract for an emergency purchase in excess of \$50,000, the City will endeavor to call an emergency city council meeting for council to authorize the emergency purchase. When this is not possible due to the nature of the emergency, City Staff will prepare an agenda item for a subsequent City Council meeting to seek Council ratification of the emergency purchase. The reason for the waiver of the competitive bid/proposal requirements must be cited, in writing, using the appropriate section of the Code shall be provided to City Council.

3) During events of natural disaster or declared emergency, the City shall communicate guidance for protocol. Immediately upon event declaration, all purchases shall comply with Exhibit A of this policy: Procurement Policies and Procedures for Procurement with Federal Funds.

4) No employee of the City shall have the authority to enter into a contract for purchase of goods or merchandise without first following the procedures put into place by this policy, except for emergency purchases as defined in this policy. In the event of an emergency purchase, the employee shall be responsible for full compliance of the policies relating to emergency purchases, as defined in this policy.

SECTION 5. PRICE QUOTATIONS AND PURCHASE AWARDS

Purchases Not Subject to Competitive Bidding. In order to obtain the best merchandise at the least possible cost to the City in a timely manner, the following procedures shall be utilized:

A) Competitive pricing by vendors shall be encouraged in order to obtain the best merchandise at the least possible cost;

B) Quantity discounts shall be utilized in order to obtain the least possible cost per unit for the purchases made by the City; and

C) Procedures for Purchases Not Subject to Competitive Bidding. 1) User departments shall endeavor to obtain competitive price quotations from vendors. The guidelines of this policy require that the user department obtain at least three (3) price quotations from vendors for all purchases in excess of \$5,000. Single supplier or single source vendors should be duly noted, in writing, by the user department. (Single supplier or single source purchases are defined as purchases which are available from only one supplier because of patents or copyrights, or because the vendor is the only one which can supply the product or service.) Purchases between \$3,000 and \$50,000 shall comply with Texas Local Government Code 225.0215 relating to historically underutilized businesses (HUB). At least two (2) HUB vendors shall be contacted. If the list fails to identify a HUB vendor within Harris County, the city is exempt from this requirement.

2) Purchases less than \$5,000 may be obtained may be ordered directly by the user department after receiving verbal quotations from vendors. It shall be the responsibility of the user department to generate a requisition and a purchase order for the purchase.

Purchase requisitions for \$5,001 to \$50,000. Purchases in excess of \$5,000 will require written competitive price quotations from at least three (3) vendors. The quotations shall be entered into Incode. In the event that every effort has been made to obtain at least three (3) quotes but are unable to do so, adequate documentation must be attached showing staff efforts to obtain the minimum number of quotes.

a) The user department shall generate, a requisition and a purchase order which must be approved by the Department Director. After approved purchase orders shall be returned to the purchasing department. The purchasing department shall forward the approved purchase order to the end user department or shall order the goods or services at the end user's request.

b) No purchase shall be made for orders over \$5,000.00 until such time as a purchase order is generated and a purchase order number is issued.

c) Any additional items added to a purchase order after it has been generated (change orders) must be approved by the department director.

d) Purchases made through one of the cooperative purchasing programs do not require three written quotes as these vendor contracts have already met the requirements of the state law, provided that City Council has authorized the City's participation in said purchasing cooperative.

e) Any order for the purchase of an item over \$5,000.00, (except as exempted above or because it is an emergency purchase) must be accompanied by at least three informal quotes unless there is only a sole source vendor. Documentation the sole source vendor qualifies as such is required.

D) Purchases Subject to Competitive Bidding. Purchases in excess of \$50,000 shall be competitively bid and awarded by the City Council, except as otherwise provided in this policy. Such purchases shall be solicited by formal competitive bids, competitive proposals, or a method described by Chapter 2269, Government Code.

- 1) Items specifically excluded from competitive bidding requirements by Section 252.022 as follows:
- a) A procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the City's residents or to preserve the property of the City;
 - b) A procurement necessary to preserve or protect the public health or safety of the City's residents;
 - c) A procurement necessary because of unforeseen damage to public machinery, equipment, or other property;
 - d) A procurement for personal, professional (including legal) or planning services;
 - e) A procurement for work that is performed and paid for by the day as the work progresses;
 - f) A purchase of land or right-of-way;
 - g) A procurement of items that are available from only one source, including:
 - (i) items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies;
 - (ii) films, manuscripts, or books;
 - (iii) gas, water, and other utility services;
 - (iv) captive replacement parts or components for equipment;
 - (v) books, papers, and other library materials for a public library that are available from the persons holding exclusive distribution rights to the materials; and
 - (vi) management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits.
 - h) A purchase of rare books, papers, and other library materials for a public library;
 - i) Paving drainage, street widening, and other public improvements, or related matters if at least one-third of the cost is to be paid by or through special assessments levied on the property that will benefit from the improvements;
 - j) A public improvement project, authorized by the voters of the City, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes authorized by the voters;
 - k) A payment under a contract by which a developer participates in the construction of a public improvement as provided by Subchapter C, Chapter 212;
 - l) Personal property sold:
 - (i) at an auction by a state licensed auctioneer;
 - (ii) at a going-out-of-business sale held in compliance with Subchapter F (V.T.C.A) Chapter 17, Business and Commerce Code; or
 - (iii) by a political subdivision of this state, a state agency of this state, or an entity of the federal government; or
 - (iv) under an interlocal contract for cooperative purchasing administered by a regional planning commission established under Chapter 391.
 - (v) Services performed by blind or severely disabled persons;
 - (vi) Goods purchased by a municipality for subsequent retail sale by the municipality;
 - (vii) Electricity; or
 - (viii) Advertising, other than legal notices.
 - (ix) This section does not apply to bonds or warrants issued under Subchapter A, Chapter 571.
 - (x) Purchases made through an existing state contract, cooperative purchasing program, or interlocal cooperation. The City Council must have approved the City's participation in any of these programs. In purchasing from a vendor through a purchasing cooperative, the user department must document the contract number that the vendors is providing the good or

services under. SPECIAL NOTE: Department Directors of user departments shall not use cooperation purchasing for procurement with federal funds unless written documentation is provided from the federal agency issuing said funds that procurement through a cooperative purchasing satisfies all federal requirements.

SECTION 6. COMPETITIVE BIDDING REQUIREMENTS FOR PURCHASES/AWARDS APPROVED BY CITY COUNCIL

A) In accordance with Local Government Code, V.T.C.A. Section 252.021, as amended, competitive bidding is required in order for the City to enter into a contract requiring an expenditure of more than \$50,000, except for those items or procurements excluded from competitive bidding requirements, as herein provided. Such bids shall be solicited by sealed bids or proposals. The Code specifies the following purchases avoid competitive bidding requirement and, as a result, may subject the City as well as employee to criminal charges:

- 1) Separate Purchases. Purchases of items made separately, that in normal purchasing practice would be bought in one purchase, i.e., splitting on purchase in excess of \$50,000 into two purchases of \$25,000 each.
- 2) Sequential Purchases. Purchases made over a period of time that, in normal purchasing practice would be bought in one purchase.
- 3) Component Purchases. Purchases of parts of an item, in normal purchasing practice would be bought in one purchase.

B) Types of Competitive Bidding. Competitive bidding consists of the following types of solicitations; (1) competitive bidding, (2) competitive proposals, and (3) one of the methods described by Chapter 2269, Government Code.

- 1) Competitive Sealed Bids. Formal sealed bids shall be solicited for all purchases in excess of \$50,000, except as otherwise provided herein. These bids are to be advertised, and subsequent contracts or awards shall be based on the detailed specifications and conditions of purchase. Generally, a competitive bid may not be negotiated after bid opening.
- 2) Competitive Proposals. The competitive sealed proposal procedure may be used for the purchase of goods or services, including high technology items and insurance. The contract must be awarded to the responsible offeror whose proposal is determined to be the most advantageous to the municipality considering the relative importance of price and the other evaluation factors included in the request for proposals. The proposal documents must list the factors by which the proposal will be evaluated, and the weight to be given to each evaluation factor.
- 3) A Method Described by Chapter 2269, Government Code (Contracting and Delivery Procedures for Construction Projects). The alternate construction delivery methods apply to a "Public work contract" which means a contract for constructing, altering, or repairing a public building or carrying out or completing any public work. If the City Council considers using a construction delivery method other than competitive bidding, the Council must, before advertising, determine which method provides the best value for the governmental entity. The request for proposals or qualifications must include the criteria that will be used to evaluate the offerors and the applicable weighted value for each criterion. The alternate construction delivery methods include: competitive sealed proposals, construction manager-agent, construction manager-at-risk, design build method (does not apply to "civil works projects"), and job order contracting. These delivery methods may be used as alternative delivery methods to the standard competitive bidding for public works construction projects. The City Council may delegate its authority under Chapter 2269 regarding an action authorized or required by Chapter 2269 to a designated representative, committee, or other person. The City Council shall provide notice of the delegation, the limits of the delegation, and the name or title of each person designated by rule

B-1) Award of Contract: Sec. 252.043 Texas Local Government Code states that for the award of contract:

(a) If the competitive sealed bidding requirement applies to the contract for goods or services, the contract must be awarded to the lowest responsible bidder or to the bidder who provides goods or services at the best value for the municipality.

(b) In determining the best value for the municipality, the municipality *may* consider:

- (1) the purchase price;
- (2) the reputation of the bidder and of the bidder's goods or services;
- (3) the quality of the bidder's goods or services;
- (4) the extent to which the goods or services meet the municipality's needs;
- (5) the bidder's past relationship with the municipality;
- (6) the impact on the ability of the municipality to comply with laws and rules relating to contracting with historically underutilized businesses and nonprofit organizations employing persons with disabilities;
- (7) the total long-term cost to the municipality to acquire the bidder's goods or services; and
- (8) any relevant criteria specifically listed in the request for bids or proposals.

(b-1) In addition to the considerations provided by Subsection (b), a joint board described by Section 22.074(d), Transportation Code, that awards contracts in the manner provided by this chapter may consider, in determining the best value for the board, the impact on the ability of the board to comply with laws, rules, and programs relating to contracting with small businesses, as defined by 13 C.F.R. Section 121.201.

(c) Before awarding a contract under this section, a municipality must indicate in the bid specifications and requirements that the contract may be awarded either to the lowest responsible bidder or to the bidder who provides goods or services at the best value for the municipality.

(d) Except as provided by Subsection (d-1 below), the contract must be awarded to the lowest responsible bidder if the competitive sealed bidding requirement applies to the contract for construction of:

- (1) highways, roads, streets, bridges, utilities, water supply projects, water plants, wastewater plants, water and wastewater distribution or conveyance facilities, wharves, docks, airport runways and taxiways, drainage projects, or related types of projects associated with civil engineering construction; or
- (2) buildings or structures that are incidental to projects that are primarily civil engineering construction projects.

(d-1) A contract for construction of a project described by Subsection (d) that requires an expenditure of \$1.5 million or less may be awarded using the competitive sealed proposal procedure prescribed by Subchapter D, Chapter 2269, Government Code.

(e) If the competitive sealed bidding requirement applies to the contract for construction of a facility, as that term is defined by Section 2269.001, Government Code, the contract must be awarded to the lowest responsible bidder or awarded under the method described by Chapter 2269, Government Code.

(f) The governing body may reject any and all bids.

(g) A bid that has been opened may not be changed for the purpose of correcting an error in the bid price. This chapter does not change the common law right of a bidder to withdraw a bid due to a material mistake in the bid.

(h) If the competitive sealed proposals requirement applies to the contract, the contract must be awarded to the responsible offeror whose proposal is determined to be the most advantageous to the municipality

considering the relative importance of price and the other evaluation factors included in the request for proposals.

(i) This section does not apply to a contract for professional services, as that term is defined by Section 2254.002, Government Code.

C. Preparation of Bid documents and Request for Proposal (RFP). Bid documents and RFP's shall be prepared by the user department, or an authorized agent of the City, such as a registered engineer or architect. Bid documents and RFP's shall be submitted to the City Manager's Office for review. In some instances, the City Attorney may need to review and prepare associated legal documents prior to distribution to prospective bidders. The final step is to seek City Council approval to seek bids of proposals, unless the City Manager makes an exception to waive this step due to the urgency of time.

4) Bids or RFP's Prepared by User Department. The bid document or RFP shall be prepared in accordance with statutory provisions and user department recommendations. User departments shall review all bid/RFP drafts, and recommend any changes necessary to ensure competitive bidding. Upon completion of bid/RFP's the user department may provide a distribution list of prospective bidders. The user department will coordinate the distribution of the final bid/RFP to prospective bidders. Each bid/RFP shall be sequentially numbered by the City, and any correspondence relating to a bid/RFP should reference the bid number.

5) Bids or RFP's Prepared by Agents of the City. For more technical, or design bid/RFP's (for example, public works projects), the use of an authorized agent of the City may be necessary in order to prepare the bid document(s). Such agents or representatives may include registered professional engineers, architects, or consultants. The user department shall provide any information necessary for competitive bidding practices to the City's representative. Bid/RFP's prepared by City representatives may or may not be sequentially numbered, although for bid reference purposes, it is recommended that bids prepared by agents of the City utilize the City's bid numbering system.

6) High Technology Procurements. Competitive proposals or RFP's for high technology procurements may be prepared by the user department or an authorized agent of the City, and must specify the relative importance of price and other evaluation factors.

7) Notice Requirements. Notice requirements concerning competitive bidding shall follow the Local Government Code, V.T.C.A., Section 252.041, which states in part:

a) All Notice to Bidder/Proposer advertisements shall be placed by the City Secretary's office. Notice of the time and place at which the contract will be awarded must be published at least once a week for two consecutive weeks in a newspaper published in the City. The date of the first publication must be before the 14th day before the date set to award the contract.

b) If the competitive sealed proposal requirement applies to the contract, notice of the request for proposal (RFP) must be given in the same manner as that prescribed above.

c) Criteria for Notice Requirements. Additional requirements of proper notice at a minimum must contain the following information:

- (i) time, place, date and location or mailing address where the bid/proposal is to be submitted;
- (ii) the closing date the bid/proposal is due (the due date); a brief description of the item(s) being bid or proposed;
- (iii) a name and department to contact for bid documents and information;
- (iv) if applicable, state the time, date and location of any pre-bid conference;
- (v) state whether or not a bid security is required; and

(vi) disclose the City's right to reject all bids.

8) Pre-bid/pre-proposal conferences may be arranged by the City with prospective bidders/proposers when deemed necessary. Prospective bidders will be invited to the conference to inquire about any part of the bid specifications or procedures.

9) Submission of Sealed Bid/Proposals. Bid or proposal notices shall be provided by the user department to the City Secretary's office for publishing in the newspaper. All notice to bidder advertisements shall be placed by the City Secretary's office. Hard copy bids or proposals shall be mailed, hand-delivered by bidders/proposers to the City Secretary's office (time and date stamped upon receipt) to the address stated in the bid/RFP. Certain construction bids may be requested by the City to be submitted electronically only, and in these instances, hard copy bids will not be allowed. Each hard copy bid or proposal must be returned in a separate, sealed envelope, with the bid or proposal number indicated on the outside of the envelope. Electronic bids shall be submitted as instructed in the Notice to Bidders. On hard copy bids/proposals, only one bid per envelope is to be submitted. Multiple hard copies of the bid/proposal and a copy on a thumb drive may be requested by the City. All bids/proposals received will be unopened until the date and time stated in the bid/RFP for bid opening. Hard copy bids/proposals are opened at the prescribed time and date by the City Secretary or designee in the Council Chambers or designated location with applicable departmental personnel, City's consultants, if applicable, in attendance and open to the public. Electronic bids shall be opened publically and virtually at the prescribed time and date.

10) The City Council has authorized electronic bids on construction projects via Civcast pursuant to LGC Chapter 252, Sec. 252.0415. The rules governing the receipt of electronic bids through Civcast for construction projects approved by resolution of City Council took effect on June 1, 2021.

11) The City shall expressly reserve the right to reject any and all bids/proposals, or to accept the bid deemed to be most advantageous to the City.

12) Bid Opening. Bids shall be opened by the designated City staff member on the date and at the time specified in the bid/RFP. Bidders, vendors, and the public are encouraged to attend the bid opening.

13) Disqualifications for Bids. Bids may be disqualified due to one or more of the following reasons:

- a) Non-compliance with any part or section of the bidding instructions or specifications, or omission of any requested information;
- b) Late bids, which will be returned to the bidder unopened, in accordance with the terms specified in the bid/RFP;
- c) Failure to state deviations from bid specifications or terms; or
- d) Unsigned bids/proposals or bids/proposals signed by unauthorized individuals.

14) Correction or Withdrawal of Bid/Proposal. Correction or withdrawal of inadvertently erroneous bids before or after bid opening may be permitted where appropriate. Mistakes discovered before bid opening may be withdrawn by written notice received in the office designated in the bid/RFP prior to the time set for bid opening. After bid opening, no change in bid prices or other provisions of bids prejudicial to the interest of the City of fair competition shall be permitted. In lieu of bid correction, a low bidder alleging a material mistake of fact may be permitted to withdraw its bid if:

- a) The mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or
- b) The bidder submits evidence, which clearly and convincingly demonstrates that a mistake was

made. All decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by a written determination made by the City Manager.

15) Bid Bond, Performance Bond, Payment Bonds for Public Works Contracts.

a) Bid Bond. All bids for contracts subject to the competitive bidding and competitive proposal requirements by law, if the contract exceeds \$50,000, shall be accompanied by an official bidder's bond signed by both the surety and bidder, in an amount equal to ten percent (10%) of the total bid or proposal. Such bond must be payable to the City and executed by a corporate surety licensed to do business in Texas. The bond must be conditioned such that if the bidder is awarded the contract and then fails either to execute the contract timely or to provide any required bonds timely, or to do both, then in that event the surety will be obligated to pay the City an amount equal to the difference between the bid of the bidder on whom the bond was written and the bid of the bidder who is finally awarded the contract and who executes the contract, up to the full sum of the bond.

Cashier's or Certified Check in-lieu-of Bid Bond. Bidders submitting bids shall have the option of furnishing to the City, with any such bid, a cashier's check or certified check, in lieu of the bid bond on the same terms and conditions as the bond. The cashier's check or certified check will not be allowed on an electronic bid submitted through Civcast on a construction contract.

b) Performance Bond. If the contract exceeds \$100,000 the bidder to whom the contract is awarded must provide a performance bond signed by both the surety and bidder, in an amount equal to one hundred percent (100%) or the total bid. Such bond must be payable to the City and executed by a corporate surety licensed to do business in Texas. The bond must be conditioned upon the faithful performance of work in accordance with the plans, specifications and contract documents. The bonds must also comply with any other special requirements contained in the bid documents. The bond will be on a form provided by the City.

c) Payment Bond. A payment bond is required if the contract is in excess of \$50,000, in an amount equal to one hundred percent (100%) or the total bid. Such bond must be payable to the City and executed by a corporate surety licensed to do business in Texas. The bond is intended solely for the protection of all claimants supplying labor and material in the prosecution of the work provided for in the contract. The bond will be on a form provided by the City. If the contract requires an expenditure of less than \$100,000, the City may elect to not require the payment bond if the contract provides that no payment is due to the contractor until the work is completed and accepted by the City.

16) Cancellation of bid/RFP's. A bid/RFP or other solicitation may be canceled, or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when it is for good cause and in the interest of the City. Each solicitation issued by the City shall state that the solicitation may be cancelled and that any bid or proposal may be rejected in whole or part for good cause when in the best interests of the City. Notice of cancellation shall be sent to all vendors solicited. The notice shall identify the solicitation, explain the reason for cancellation and, where appropriate, explain that an opportunity will be given to compete on any re-solicitation or any future procurements of similar items.

SECTION 7. PROCUREMENT OF PROFESSIONAL SERVICES.

A) Contracts for professional services, as defined herein, shall comply with the provisions of this policy, and in accordance with the Professional Services Procurement Act, Texas Government Code Chapter 2254. The following shall apply to procurement of, or contract for defined professional services:

1) The City may not select a provider of professional services or a group or association of providers or award a contract for the services on the basis of competitive bids submitted for the contract or for the services, but shall make the selection and award: a) on the basis of demonstrated competence and qualifications to perform the services; and
b) for a fair and reasonable price.

2) The professional fees under the contract may not exceed any maximum provided by law.

B) Contract for professional services of architect, engineer, or surveyor.

1) In procuring architectural, engineering, or land surveying services, a governmental entity shall:

a) first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications; and
b) then attempt to negotiate with that provider a contract at a fair and reasonable price.

2) If a satisfactory contract cannot be negotiated with the most highly qualified provider of architectural, engineering, or land surveying services, the entity shall: a) formally end negotiations with that provider;
b) select the next most highly qualified provider; and
c) attempt to negotiate a contract with that provider at a fair and reasonable price.

3) The entity shall continue the process described in Subsection (B) to select and negotiate with providers until a contract is entered into.

SECTION 8. BID SPECIFICATIONS PROCEDURES.

A) Defined. A specification is defined as a concise description of an article or service an entity seeks to buy, and the requirements to be satisfied by the vendor in order to be considered for the award. It may include requirements for testing, inspection or preparing an item for delivery, or preparing (installing) it for use. It is the total description of the purchase.

B) Characteristics of Specifications.

1) It sets the minimum acceptability of the item or service. The term minimum acceptability is key, since the vendor must know the minimum standard of what to provide. Too high a standard means tax dollars will be wasted; too low, and products, materials or services will not achieve the end user requirements.

2) It should promote competitive bidding. The maximum number of responsible vendors should be able to bid to the specification. Restrictive specifications act to decrease competition.

C) Bid specifications are to be prepared by the user department. Bid specifications may be obtained from the following organizations.

- 1) other local governments (cities or counties);
- 2) the State government;
- 3) the Federal government;

- 4) trade associations and vendors; Note: if using vendor specifications, remove any “vendor bias,” i.e., specifications which fit only one brand name;
- 5) other public or private standards and associations; and
- 6) professional associations for procurement managers.

SECTION 9. IDENTICAL BIDS.

Pursuant to Texas Local Government Code:

Procedure for awarding a contract if a municipality receives identical bids:

- 1) If a municipality or district is required to accept bids on a contract and receives two or more bids from responsible bidders that are identical, in nature and amount, as the lowest and best bids, the governing body of the municipality or district shall enter into a contract with only one of those bidders and must reject all other bids.
- 2) If only one of the bidders submitting identical bids is a resident of the municipality or district, the municipality or district must select that bidder. If two or more of the bidders submitting identical bids are residents of the municipality or district, the municipality or district must select one of those bidders by the casting of lots. In all other cases, the municipality or district must select from the identical bids by the casting of lots.
- 3) The casting of lots must be in a manner prescribed by the mayor of the municipality or the governing body of the district and must be conducted in the presence of the governing body of the municipality or district. All qualified bidders or their legal representatives may be present at the casting of lots.
- 4) This section does not prohibit a municipality or district from rejecting all bids.
- 5) This section applies to all municipalities and districts required by general or special law or by municipal ordinance or charter to accept bids and award contracts on the basis of the lowest and best bid, but does not apply to bidding for contracts to act as a depository for public funds or as a depository for school funds under Subchapter G, Chapter 45, Education Code.

SECTION 10. BID TABULATION AND AWARD

A) The basis for awarding bids or proposals shall consist of reliable evaluations of the bids or proposals in order to make effective decisions. Depending on the project, the bid/proposal tab will be created from the opened bids/proposals by the user department, consulting engineer or architect or other consultant, City Secretary’s office, or Civcast in the case of electronic bids for construction projects, and provided to applicable departments for their agenda preparation and City Council. The bids or proposal by performing the following:

- 1) tabulate and verify the bid or proposal as to mathematical accuracy;
- 2) determine that the bid item or proposal meets or exceeds the minimum specifications in the bid or proposal; if the bid does not meet or exceed specifications, determine that deviations from specifications have been documented by the bidder;
- 3) determine that the bid or proposal is signed by an authorized agent of the bidder.

B) Recommendation of Bid or Proposal. The City Manager or Department Director of the user department shall recommend the most advantageous bid to City Council for action based on the procurement method used (e.g. competitive sealed bids, proposal, and alternative construction delivery methods). The recommendation must include a copy of the bid/proposal tabulation. In competitive sealed proposals or construction manager-at-risk methods of construction delivery, a selection committee may be established to review, evaluate, score and rank proposals and make a recommendation to award.

SECTION 11. PURCHASING ETHICS AND CONFLICTS OF INTEREST.

A) City of Deer Park Employees.

- 1) Public employment is a public trust. Public employees must discharge their duties impartially so as to assure fair competitive access to governmental procurement by responsible vendors. Moreover, they should conduct themselves in such a manner as to foster public confidence in the integrity of the City's procurement activities.
- 2) The City shall maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.
- 3) No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if that employee, officer, or agent has a real or apparent conflict of interest (e.g., an immediate family member or partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in, or a tangible personal benefit from, a firm considered for a contract). [See 2 CFR §200.318(c)(1)].
- 4) Officers, employees, and agents of the City may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. [See 2 CFR §200.318(c)(1)].
- 5) The City will disclose, in writing, to the Federal awarding agency or pass-through entity, any potential conflicts of interest in accordance with the applicable Federal awarding agency policy. [See 2 CFR §200.112]. Additionally, the City will disclose in a timely manner, and in writing, to the Federal awarding agency or pass-through entity, all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. If applicable, the City will also make post-award reports as provided by Appendix XII to 2 CFR 200. Failure to make a required disclosure may result in any number of significant remedies, including suspension or debarment. [See 2 CFR §200.113 & §200.339].
- 6) Violations of this policy by officers or employees of the City may result in disciplinary action, up to and including termination of employment. Violations of this policy by agents of the City may result in repercussions, including cancellation of the contract, as stipulated in the contract provisions related to conflicts of interest.

B) Conflicts of Interest. The Local Government Code, Section 171, defines and regulates the conflicts of interest regarding local government officials. Its purpose is to establish the procedures for local government officials to carry on activities in the event there is some commercial interest in the entities that conduct business with the City.

1) Definitions.

a) A "local government official" means a member of the governing body or another elected or appointed officer, paid or unpaid, of any district, county, municipality, precinct, central appraisal district, transit authority or district, or other local government who exercises responsibilities beyond those which are merely advisory in nature. For the purpose of this policy, a local government official includes all City officials, either elected or appointed, but not ordinary employees. To be affected, the local official must have a "sovereign authority largely independent of others."

b) A "business entity" includes all commonly accepted business entities, such as a corporation,

C) Applicability.

1) "substantial interest in a business entity" occurs if an official has:

- a) ten (10) percent or greater ownership of the voting stock or shares of the business entity or owns ten (10) percent or more or \$5,000 or more of the fair market value of the entity; or
- b) ten (10) percent of the official's gross income from the business entity.

2) An official has a substantial interest in real property if the interest (equitable or legal) exceeds a fair market value of \$2,500 or more.

3) An official is considered to have a substantial interest if a person related to the official in the first degree of consanguinity (blood) or affinity (marriage) has a substantial interest under this section.

4) If an official has a substantial interest in a business entity or in real property, the official must file an affidavit stating the nature and extent of the interest before any vote involving the business or real property. The affidavit must be filed with the City Secretary, and the official must abstain from any further participation in the matter if:

- a) for a business entity, the vote will have a special economic effect on the business different from the general effect on the public; or
- b) for real property, it is reasonable to believe that the vote will benefit the value of the property over any benefit to the general public.

D) Texas Government Code 2252.908 - Disclosure of Interested Parties - Form 1295. Section 2252.908, Texas Local Government Code: Section 2252.908 relates to interested party disclosures and applies to contracts entered into after January 1, 2016. The law provides that: 1) The City is prohibited from entering into a contract with a business entity unless the business entity submits a disclosure of interested parties (i.e., discloses a person who has a controlling interest in the business or who actively participates in facilitating the contract for the business) if the contract requires an action OR vote by the City Council before the contract may be signed;

2) The disclosure must be on a form prescribed by the Texas Ethics Commission; and

3) The City must, not later than 30 days after receiving a disclosure, submit a copy to the Texas Ethics Commission.

SECTION 12. PROCUREMENT CARDS.

This subsection shall apply to purchases made using city procurement cards. Use of a procurement card does not replace or override the city's purchasing procedures or state law. Procurement cards are to be used for city business only and any purchases are subject to review. A procurement card may be revoked at any time with or without prior notice.

A) Each cardholder must sign a procurement card agreement prior to issuance of the card to confirm understanding of an agreement to comply with all guidelines, policies, and procedures relating to the expenditure of funds.

B) Purchases made using a city procurement card, can be made only by the employee to whom the procurement card was assigned or an employee authorized by the cardholder to make a purchase.

C) Purchases may not be made above the limit established by the end user department director. The maximum limit is \$5,000.00, but if the city manager has authorized an exception, the maximum limit may be \$10,000.00.

D) The director of each department shall be responsible for reviewing and approving all purchases charged to

a procurement card. E) It shall be the responsibility of the end user to reconcile all procurement card statements and forward the approved monthly statement with all itemized receipts, to the purchasing department immediately following the end of each billing cycle. The end user shall be responsible for any unauthorized charges on their procurement card.

SECTION 13. BID LISTS.

An official bid or vendor list is not maintained by the City. Each user department shall be responsible for maintaining bid or vendor lists.

SECTION 14. RECEIPT AND INSPECTION OF MERCHADISE.

A) Inspection of merchandise received shall be the responsibility of the user department. Damaged merchandise shall be returned to the vendor by the user department immediately, along with any description of the damages. The City shall not be responsible for payment for damaged merchandise received. In addition, the City shall not be responsible for payment of merchandise or goods which have not been ordered in accordance with this policy, or have not been accepted for delivery by the Department Director of the user department. Such goods or merchandise shall be immediately returned to the vendor by the user department.

B) Shipping of merchandise shall be designated FOB destination (Deer Park). FOB destination means that the vendor (seller), not the City (buyer) must bring action against the carrier for any damage of loss during shipping. The title to the merchandise remains with the seller until the merchandise is delivered to the buyer's destination. Although the seller is responsible for payment of shipping charges, the freight cost is usually reimbursed by the buyer when the seller processes the invoices for the merchandise delivered.

SECTION 15. CONSTRUCTION AND ENGINEERING/ARCHITECTURAL CONTRACT ROUTING FORMS

Department Directors of user departments responsible for processing of contracts for construction or engineering or architectural consultants shall utilize the appropriate current contract routing form to obtain approval signature and any required insurance, bonds, or other documents prior to final execution of the contract by the Mayor.

SECTION 16. PAYMENT PROCESSING.

A) Payments for purchases shall be made to the vendor only after the proper approval process, as provided in this policy, and only in compliance with these procedures and policies. User departments shall approve all documents prior to payment, subsequent to the approval of all purchase requests. All payments to vendors shall be centrally processed through the Finance Department.

B) Payments shall be made in accordance with the prices and rates specified in the bid or purchase order. No payment shall be made which exceeds the approved amount, unless proper authorization has been received in advance. The City Manager shall approve any departures from amounts authorized through the purchasing process. On formally bid contracts over \$50,000, any cumulative change orders increasing those contracts in an amount exceeding 10% of the contract or \$10,000, whichever is lower, shall be approved by City Council. Any cumulative change order less than 10% of the contract or \$10,000, whichever is lower, may be approved by the City Manager. The original contract price may not

be increased by more than 25 percent. The original contract price may not be decreased under this section by more than 25 percent without the consent of the contractor. Vendor payments are generally processed weekly by the Finance Department in order to take advantage of vendor discounts, and also for cash management purposes. All documents and necessary forms are due in the Accounts Payable's Office by 5:00 p.m. on Tuesday.

C) The Prompt Payment Act (V.A.C.S., Art. 601f) provides that payments to vendors shall be made within thirty (30) days, or interest shall become due and payable to the vendor. All user departments shall process all necessary payment authorizations in order to prevent an unnecessary accrual of interest under this provision. Any interest charges accruing to the City as a result of this provision shall be charged against the budget of the user department.

D) The City is exempt from all applicable State sales taxes (State Tax Code, Section 151.309), and certain federal taxes, except for taxes specifically designated by State and Federal statutes or regulations. All vendors shall be notified of the City's exempt status. The City does not maintain a tax exempt number for the State of Texas; however, the City may provide an exemption certificate to any vendor requesting a tax exempt number. The exemption certificate shall substitute for a tax exempt number.

SECTION 17. BOYCOTTING ISRAEL.

Texas Government Code Sec. 2271.002:

A) applies to a contract provides that: 1) is between a governmental entity and a company with 10 or more full-time employees; and

2) has a value of \$100,000 or more that is to be paid wholly or partly from public funds of the governmental entity.

B) A governmental entity may not enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it: 1) does not boycott Israel; and

2) will not boycott Israel during the term of the contract.

SECTION 18. PROCUREMENT POLICIES AND PROCEDURES FOR PROCUREMENT WITH FEDERAL FUNDS.

A) The City of Deer Park follows the procurement standards in 2 CFR 200.317 – 2CFR 200.327 and Appendix II to Part 200 for procurement actions to be funded with Federal funds. All attempts are made to adhere to these policies and procedures and updates are made as needed. The entirety of the language found in 2 CFR 200.317 – 2 CFR 200.327 may not be applicable in all instances, programs, and/or situations. This document contains the most current 2 CFR 200.317 – 2 CFR 200.327 language available at the adoption of these policies and procedures.

B) These procurement policies and procedures are contained in Exhibit A and are made part of the City's purchasing policy.

SECTION 19. CITY COUNCIL

The City Council shall periodically review and, if necessary, recommend changes in, these purchasing policies and procedures, bidding procedures, bid specifications, and any other applicable purchasing function.

EXHIBIT A

CITY OF DEER PARK

PROCUREMENT POLICIES AND PROCEDURES FOR PROCUREMENT WITH FEDERAL FUNDS

The City of Deer Park follows the procurement standards in 2 CFR 200.317 – 2CFR 200.327 and Appendix II to Part 200 for procurement actions to be funded with Federal funds. All attempts are made to adhere to these policies and procedures and updates are made as needed. The entirety of the language found in 2 CFR 200.317 – 2 CFR 200.327 may not be applicable in all instances, programs, and/or situations. This document contains the most current 2 CFR 200.317 – 2 CFR 200.327 language available at the adoption of these policies and procedures.

§200.317 Procurements by states.

When procuring property and services under a Federal award, a State must follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will comply with §§200.321, 200.322, and 200.323 and ensure that every purchase order or other contract includes any clauses required by §200.327. All other non-Federal entities, including subrecipients of a State, must follow the procurement standards in §§200.318 through 200.327.

§200.318 General procurement standards.

- (a) The City of Deer Park, as a non-Federal entity, must have and use documented procurement procedures, consistent with State, local, and tribal laws and regulations and the standards of this section, for the acquisition of property or services required under a Federal award or subaward. The City of Deer Park’s documented procurement procedures must conform to the procurement standards identified in §§200.317 through 200.327.
- (b) The City of Deer Park must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
- (c)(1) The City of Deer Park must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the City of Deer Park may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, the City of Deer Park may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.
- (2) If the City of Deer Park has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the City of Deer Park must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the City of Deer Park is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.
- (d) The City of Deer Park’s procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.
- (e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the City of Deer Park is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Competition requirements will be met with documented procurement actions using strategic sourcing, shared services, and other similar

procurement arrangements.

(f) The City of Deer Park is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(g) The City of Deer Park is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(h) The City of Deer Park must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also §200.214.

(i) The City of Deer Park maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: Rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(j)(1) The City of Deer Park may use a time-and-materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time-and-materials type contract means a contract whose cost to the City of Deer Park is the sum of:

(i) The actual cost of materials; and

(ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

(2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the City of Deer Park awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

(k) The City of Deer Park alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the City of Deer Park unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

[85 FR 49543, Aug. 13, 2020, as amended at 86 FR 10440, Feb. 22, 2021]

§200.319 Competition.

(a) All procurement transactions for the acquisition of property or services required under a Federal award must be conducted in a manner providing full and open competition consistent with the standards of this section and §200.320.

(b) In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

(1) Placing unreasonable requirements on firms in order for them to qualify to do business;

(2) Requiring unnecessary experience and excessive bonding;

- (3) Noncompetitive pricing practices between firms or between affiliated companies;
- (4) Noncompetitive contracts to consultants that are on retainer contracts;
- (5) Organizational conflicts of interest;
- (6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
- (7) Any arbitrary action in the procurement process.

(c) The City of Deer Park must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

(d) The City of Deer Park must have written procedures for procurement transactions. These procedures must ensure that all solicitations:

(1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and

(2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(e) The City of Deer Park must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the City of Deer Park must not preclude potential bidders from qualifying during the solicitation period.

(f) Noncompetitive procurements can only be awarded in accordance with §200.320(c).

§200.320 Methods of procurement to be followed.

The City of Deer Park must have and use documented procurement procedures, consistent with the standards of this section and §§200.317, 200.318, and 200.319 for any of the following methods of procurement used for the acquisition of property or services required under a Federal award or sub-award.

(a) **Informal procurement methods.** When the value of the procurement for property or services under a Federal award does not exceed the *simplified acquisition threshold (SAT)*, as defined in §200.1, or a lower threshold established by the City of Deer Park, formal procurement methods are not required. The City of Deer Park may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the SAT include:

(1) **Micro-purchases—(i) Distribution.** The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (See the definition of *micro-purchase* in §200.1). To the maximum extent practicable,

the City of Deer Park should distribute micro-purchases equitably among qualified suppliers.

(ii) **Micro-purchase awards.** Micro-purchases may be awarded without soliciting competitive price or rate quotations if the City of Deer Park considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly. Purchase cards can be used for micro-purchases if procedures are documented and approved by the City of Deer Park.

(iii) **Micro-purchase thresholds.** The City of Deer Park is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the City of Deer Park must be authorized or not prohibited under State, local, or tribal laws or regulations. The City of Deer Park may establish a threshold higher than the Federal threshold established in the Federal Acquisition Regulations (FAR) (<https://www.ecfr.gov/current/title-48/chapter-1/subchapter-A/part-2/subpart-2.1>) in accordance with paragraphs (a)(1)(iv) and (v) of this section.

(iv) **City of Deer Park increase to the micro-purchase threshold up to \$50,000.** Non-Federal entities may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements of this section. The City of Deer Park may self-certify a threshold up to \$50,000 on an annual basis and must maintain documentation to be made available to the Federal awarding agency and auditors in accordance with §200.334. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:

(A) A qualification as a low-risk auditee, in accordance with the criteria in §200.520 for the most recent audit;

(B) An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,

(C) For public institutions, a higher threshold consistent with State law.

(v) **City of Deer Park increase to the micro-purchase threshold over \$50,000.** Micro-purchase thresholds higher than \$50,000 must be approved by the cognizant agency for indirect costs. The City of Deer Park must submit a request with the requirements included in paragraph (a)(1)(iv) of this section. The increased threshold is valid until there is a change in status in which the justification was approved.

(2) **Small purchases**—(i) **Small purchase procedures.** The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the City of Deer Park.

(ii) **Simplified acquisition thresholds.** The City of Deer Park is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk and its documented procurement procedures which must not exceed the threshold established in the FAR. When applicable, a lower simplified acquisition threshold used by the City of Deer Park must be authorized or not prohibited under State, local, or tribal laws or regulations.

(b) **Formal procurement methods.** When the value of the procurement for property or services under a Federal financial assistance award exceeds the SAT, or a lower threshold established by the City of Deer Park, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with §200.319 or paragraph (c) of this section. The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold the City of Deer Park determines to be appropriate:

(1) **Sealed bids.** A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction, if the conditions.

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(i) In order for sealed bidding to be feasible, the following conditions should be present:

(A) A complete, adequate, and realistic specification or purchase description is available;

(B) Two or more responsible bidders are willing and able to compete effectively for the business; and

(C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(ii) If sealed bids are used, the following requirements apply:

(A) Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;

(B) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;

(C) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;

(D) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(E) Any or all bids may be rejected if there is a sound documented reason.

(2) **Proposals.** A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:

(i) Requests for proposals must be publicized and identify all evaluation factors and their relative importance.

Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;

(ii) The City of Deer Park must have a written method for conducting technical evaluations of the proposals received and making selections;

(iii) Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the City of Deer Park, with price and other factors considered; and

(iv) The City of Deer Park may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services through A/E firms that are a potential source to perform the proposed effort.

(c) **Noncompetitive procurement.** There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:

(1) The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (see paragraph (a)(1) of this section);

- (2) The item is available only from a single source;
- (3) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;
- (4) The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the City of Deer Park; or
- (5) After solicitation of a number of sources, competition is determined inadequate.

§200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

- (a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
- (b) Affirmative steps must include:
 - (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 - (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
 - (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
 - (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
 - (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (b)(1) through (5) of this section.

§200.322 Domestic preferences for procurements.

- (a) As appropriate and to the extent consistent with law, the City of Deer Park should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.
- (b) For purposes of this section:
 - (1) "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
 - (2) "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

§200.323 Procurement of recovered materials.

The City of Deer Park, as a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

§200.324 Contract cost and price.

- (a) The City of Deer Park must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals.
- (b) The City of Deer Park must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
- (c) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the City of Deer Park under subpart E of this part. The non-Federal entity may reference its own cost principles that comply with the Federal cost principles.
- (d) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

§200.325 Federal awarding agency or pass-through entity review.

- (a) The City of Deer Park must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the non-Federal entity desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.
- (b) The City of Deer Park must make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:
 - (1) The City of Deer Park's procurement procedures or operation fails to comply with the procurement standards in this part;
 - (2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
 - (3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;
 - (4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
 - (5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.
- (c) The City of Deer Park is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.
 - (1) The City of Deer Park may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third-party contracts are awarded on a regular basis;

(2) The City of Deer Park may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the City of Deer Park that it is complying with these standards. The City of Deer Park must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

§200.326 Bonding requirements.

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the City of Deer Park provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

- (a) A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
- (b) A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's requirements under such contract.
- (c) A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

§200.327 Contract provisions.

The non-Federal entity's contracts must contain the applicable provisions described in Appendix II to this part.

Appendix II to Part 200 - Contract Provisions for City of Deer Park Contracts under Federal Awards

In addition to other provisions required by the Federal agency or City of Deer Park, all contracts made by the City of Deer Park under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by [41 U.S.C. 1908](#), must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under [41 CFR Part 60](#), all contracts that meet the definition of “federally assisted construction contract” in [41 CFR Part 60-1.3](#) must include the equal opportunity clause provided under [41 CFR 60-1.4\(b\)](#), in accordance with [Executive Order 11246](#), “Equal Employment Opportunity” ([30 FR 12319](#), 12935, [3 CFR Part, 1964-1965 Comp.](#), p. 339), as amended by [Executive Order 11375](#), “Amending [Executive Order 11246](#) Relating to Equal Employment Opportunity,” and implementing regulations at [41 CFR part 60](#), “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

(D) [Davis-Bacon Act](#), as amended ([40 U.S.C. 3141-3148](#)). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the [Davis-Bacon Act](#) ([40 U.S.C. 3141-3144](#), and [3146-3148](#)) as supplemented by Department of Labor regulations ([29 CFR Part 5](#), “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The City of Deer Park must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The City of Deer Park must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act ([40 U.S.C. 3145](#)), as supplemented by Department of Labor regulations ([29 CFR Part 3](#), “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The City of Deer Park must report all suspected or reported violations to the Federal awarding agency.

(E) [Contract Work Hours and Safety Standards Act](#) ([40 U.S.C. 3701-3708](#)). Where applicable, all contracts awarded by the City of Deer Park in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with [40 U.S.C. 3702](#) and [3704](#), as supplemented by Department of Labor regulations ([29 CFR Part 5](#)). Under [40 U.S.C. 3702](#) of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of [40 U.S.C. 3704](#) are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under [37 CFR § 401.2](#) (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of [37 CFR Part 401](#), “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

(G) [Clean Air Act](#) (42 U.S.C. 7401-7671q.) and the [Federal Water Pollution Control Act](#) (33 U.S.C. 1251-1387), as amended - Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the [Clean Air Act](#) (42 U.S.C. 7401-7671q) and the [Federal Water Pollution Control Act](#) as amended (33 U.S.C. 1251-1387).

Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689) - A contract award (see [2 CFR 180.220](#)) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at [2 CFR 180](#) that implement Executive Orders 12549 ([3 CFR part 1986](#) Comp., p. 189) and 12689 ([3 CFR part 1989](#) Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than [Executive Order 12549](#).

(I) Byrd Anti-Lobbying Amendment ([31 U.S.C. 1352](#)) - Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by [31 U.S.C. 1352](#). Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See § 200.323*

(K) See § 200.216**

(L) See § 200.322***

***§ 200.323 Procurement of recovered materials.**

A **non-Federal entity** that is a **state** agency or agency of a political subdivision of a **state** and its **contractors** must comply with section 6002 of the **Solid Waste Disposal Act**, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at **40 CFR part 247** that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

****§ 200.216 Prohibition on certain telecommunications and video surveillance services or equipment.**

(a) **Recipients** and sub **recipients** are prohibited from obligating or expending **loan** or grant funds to:

(1) Procure or obtain;

(2) Extend or renew a **contract** to procure or obtain; or

(3) Enter into a **contract** (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in **Public Law 115-232**, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any **subsidiary** or affiliate of such entities).

(i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any **subsidiary** or affiliate of such entities).

(ii) Telecommunications or video surveillance services provided by such entities or using such equipment.

(iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

(b) In implementing the prohibition under **Public Law 115-232**, section 889, subsection (f), paragraph (1), heads of executive agencies administering **loan**, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

(c) See **Public Law 115-232**, section 889 for additional information.

(d) See also § 200.471.

*****§ 200.322 Domestic preferences for procurements.**

(a) As appropriate and to the extent consistent with law, the **non-Federal entity** should, to the greatest extent practicable under a **Federal award**, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United **States** (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all **subawards** including all **contracts** and purchase orders for work or products under this award.

(b) For purposes of this section:

(1) “Produced in the United States” means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

(2) “Manufactured products” means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

These Policies and Procedures are passed and approved by the City of Deer Park through the City Council on August 2, 2022.

Sara Robinson, Director of Finance
City of Deer Park, Texas

SECTION 5 – EMPLOYEE CONDUCT
POLICY 5.24 – PROCESSING CITIZEN WORK REQUESTS

Memo

To: All Department Heads
From: Ronald V. Crabtree, City Manager
Subject: Administrative Policy # 41: Processing of Citizen Work Requests
Date: April 26, 2005

Citizen Work Requests will be processed in the following manner:

1. All CWRs are to be received by or directed to the City Manager's Office
2. City Manager's Office will forward to appropriate department for a response
3. Contact will be made within 48 hours of receipt of CWR by the appropriate department, informing the citizen of the following information:
 - Request will be taken care of by a certain date; or
 - Request requires additional authorization or funding and the citizen will be contacted again with an update by a certain date; or
 - Request cannot be addressed at this time and offered an explanation why
 - Thank the citizen for bringing this matter to our attention and inquire if there is anything else we can do for them
4. Departments will return a response upon completion, or an update on the status, of the CWR to the City Manager's Office

Please see that all employees concerned are advised of this matter.

Ronald V. Crabtree, City Manager

SECTION 5 – EMPLOYEE CONDUCT

POLICY 5.25 – EMPLOYEE FINANCIAL RESPONSIBILITY FOR DAMAGED CITY EQUIPMENT, CITY OR PRIVATE PROPERTY

Memo

To: All Department Directors

From: Ronald V. Crabtree
City Manager

Date: August 29, 2006

Subject: Administrative Policy #46
Employee Financial Responsibility for Damaged City Equipment,
City or Private Property

Section A: If an employee is found to have damaged City equipment, city property or private property using that equipment out of the course and scope of their duties and/or in violation of written departmental policy, which causes the city to be liable, the employee may be subject to disciplinary action up to and including termination. In lieu of termination an employee may receive any and/or all combinations of the following: A letter of reprimand placed in the employee's personnel file, days of suspension without pay and a percentage of reimbursement to the city for the cost of repairs to the city equipment, city property and/or damage to private property. A recommendation will be made to and final determination will be made by the City Manager. The employee's financial responsibility shall not exceed \$1000.00 .

Section B: If an employee is found to be negligent in the operation of City equipment in the course and scope of their duties, as first determined by the Department Director, the Department Director may recommend termination or in lieu of termination disciplinary action including any and/or all combinations of the following : A letter of reprimand placed in the employee's personnel file, days of suspension without pay.

In some cases the Department Director may make recommendation to the City Manager and Director of Human Resources that the employee also be held accountable for financial reimbursement to the city. The City Manager will make the final decision on the employee's financial responsibility and the amount of reimbursement not to exceed \$1000.00

Please see that all employees are given a copy of this policy.

SECTION 5 – EMPLOYEE CONDUCT

POLICY 5.26 – Volunteer Time Off Program & Policy

Memo

To: All Department Directors

From: James Stokes - City Manager

Date: September 21, 2023

Subject: Administrative Policy 5.26 - Volunteer Time Off Program & Policy

- I. Purpose: The Volunteer Time Off (VTO) Program is a pilot program for calendar year 2024. The purpose of the Volunteer Time Off (VTO) program is to encourage City of Deer Park employees to give back to our community. Its purpose is to:
 - a. Support volunteer activities that enhance and serve communities in which we live and work, especially Deer Park.
 - b. Support communities that are impacted by disasters.
 - c. Address issues that impact quality of life.

- II. Policy: Full-time employees can volunteer up to 4 hours per calendar year with a 501(c)(3) nonprofit or an equivalent organization in accordance with City's giving and volunteering guidelines. More than one organization may be chosen. If you are not sure of the status of your chosen organization, please contact your supervisor or the Human Resources Department for guidelines. Below are guidelines to follow:
 - a. Employees will be paid at their normal base pay rate for the volunteer hours taken (VTO time is not included in the calculation of overtime).
 - b. VTO leave must be taken in either one (1), two (2), three (3), or four (4) hour increments per calendar year.
 - c. VTO hours must be taken during the employee's regular work schedule.
 - d. VTO hours may not be coupled around other forms of leave (vacation leave, sick leave, etc.) without City Manager approval.
 - e. VTO is refreshed at the beginning of each calendar year. It cannot be accrued or carried over beyond the calendar year and cannot be paid out to the employee if it has not been used during the year.
 - f. Usage of VTO does not affect other leave usage.

Note: Disaster Response Volunteering is managed separately based on individual skill sets and community needs. Please contact your Supervisor or the Human Resources Department should you need to request clarification.

- III. Eligibility: All full-time regular employees of the city are eligible to participate in this program after completing their probationary period. The employee must be in good standing. The employee must provide a minimum of a week's notice of intent to use VTO by completing the VTO request form. The employee's Supervisor may deny requested VTO when work demands need take priority over the VTO request. Employees can choose a charity of their choice, and also may work together with others on a team volunteer activity.

- IV. Ineligibility: Employees are ineligible to participate in the VTO program if:
- a. The employee is on a Performance Improvement Plan.
 - b. The employee's employment with the City terminates for any reason.
 - c. The employee is still in their probationary period of employment.
 - d. The VTO program is discontinued.
- V. Other: The City reserves the right to modify, amend, suspend, or discontinue this program at any time without prior notice. The City reserves the right to revoke approval if it is felt the employee is misusing the program.

Examples of Appropriate Uses for VTO:

- Volunteering at Clothed by Faith, The Wheelhouse, the City's Humane Shelter, or the Deer Park Food Bank
- Building a house for Habitat for Humanity
- Cleaning up Dow Park, a beach, or a trail
- Volunteering at a local hospital
- Judging a science fair competition
- Serving on a nonprofit board

Examples of Inappropriate Uses for VTO:

- Coaching your child's basketball team
- Serving as your child's scout leader
- Attending a professional, religious, or personal interest conference
- Taking a ski vacation and charitably giving ski lessons
- Judging a beauty pageant

VTO may not be used for organizations that discriminate based on race, color, age, gender, religious affiliation, veteran status, marital status, sexual orientation, national origin or ancestry, physical or mental disability, medical condition or genetic information, or political affiliation.



VOLUNTEER TIME-OFF REQUEST FORM

Employee Name: _____

Date of Volunteer Request: _____

Name of non-profit Organization: _____

Local organization contact info (name, phone, email) _____

Organizations Website: _____

Organization's Mission: _____

Volunteer Activity Details: _____

Start and Ending times: _____

Employee Acknowledgement:

I certify that the information provided is complete and correct to the best of my knowledge. By signing below, I verify that the volunteer efforts and recipient organization meet CITY OF DEER PARK's VTO guidelines.

Employee Signature/Date

Supervisor Signature/Date

SECTION 6 – SAFETY

POLICY 6.1 – DISASTER WORK PROCEDURE

MEMORANDUM

To: All Department Heads
From: James J. Stokes, City Manager
Subject: Administrative Policy #5: Disaster Work Procedure
Date: December 1, 2009
Revised: December 10, 2014

The following policy will be in effect for all employees in the case of any natural, man-made or any other extraordinary circumstances:

It is the City of Deer Park's responsibility to its citizens to assist them before, during and immediately after any natural, man-made or other extraordinary circumstances. Therefore, the City shall have the authority to require as many employees as deemed necessary, depending on the situation, either to be held over to work or to be on emergency standby. Work assignments may vary from routine employment responsibilities. These employees will be paid for all hours worked according to Emergency Pay policy #49.

Some employees will be released from work duty. Others may be unable to report to their work stations due to adverse weather or other conditions. These employees will be paid in accordance with Emergency Pay Policy #49.

Please inform all of your employees of this policy at your earliest opportunity.

James J. Stokes
City Manager

SECTION 6 – SAFETY

POLICY 6.2 – HAZARDOUS CHEMICALS

MEMO

To: All Department Heads

From: Ronald V. Crabtree, City Manager

Subject: Administrative Policy #12: Hazardous Chemicals

Date: March 18, 1994
Revised: April 26, 2005

Pursuant to the Texas Hazard Communication Act, the City of Deer Park shall provide annual awareness training to employees exposed to hazardous chemicals in their workplaces. The Director of Emergency Services shall be responsible for providing this training, identifying employees for training and for retaining records of the same.

The following items will be included during the training of employees:

1. Workplace Chemical List

The City will maintain a list of hazardous chemicals used or stored in the workplace in excess of 55 gallons or 500 pounds. This list shall be updated by the City as necessary, but at least annually, and made readily available for employees and their representatives on request.

2. ~~Material~~ Safety Data Sheets

Employees who may be exposed to hazardous chemicals shall be informed of the exposure by the City and shall have ready access to the most current safety data sheets, which detail physical and health hazards and other pertinent information on those chemicals.

3. Employee Education Program

Covered employees shall receive training by the City on the hazards of the chemicals and on measures they can take to protect themselves from those hazards, and shall be provided with appropriate personal protective equipment. This training shall be provided as needed. The City shall also provide training to new or newly assigned employees before the employees work with or in a work area containing a hazardous chemical.

4. Labels

Employees shall not be required to work with hazardous chemicals from unlabeled containers, except portable containers for immediate use, the contents of which are known to the user.

5. Exemptions

The following chemicals are exempt from coverage by this policy: Articles that do not normally release hazardous chemicals, food, drugs, cosmetics, hazardous waste, tobacco and tobacco products, wood or wood products, consumer products used in the same manner as normal consumer use, and radioactive waste.

5. Reporting Fatalities or Injuries

The City will report to the Texas Department of State Health Services, Division of Occupational Health, Hazard Communication Branch within 48 hours the occurrence of a chemical accident that results in one or more employee fatalities or results in the hospitalization of five or more employees.

6. Employees may file complaints with the Texas Department of State Health services at 888-973-0022 and may not be discharged or discriminated against in any manner for the exercise of any rights provided by the Texas Hazard Communication Act.

Please inform your employees of this policy at your earliest opportunity.

Ronald V. Crabtree
City Manager

SECTION 6 – SAFETY

POLICY 6.3 – SAFETY PROGRAM

MEMO

To: All Department Heads

From: Ronald V. Crabtree, City Manager

Subject: Administrative Policy #11: Safety Program

Date: February 8, 1994
Revised 3/8/05

PURPOSE AND OBJECTIVES

The City of Deer Park has a sincere concern for the welfare and safety of its employees and the public it serves.

Many employees have seen the City continue to grow and provide more and more attractive sites for the people who live here and those who visit.

With growth comes complexity and the increased risks of human injury and property loss through incidents. We have reached the point where an incident prevention program for the City is a necessity.

To develop and maintain this incident prevention program, City Management has authorized the establishment of a comprehensive risk and safety program.

The first step is to make all departments aware that total cooperation is essential in education, incident prevention and reporting procedures.

Additionally, it shall be the responsibility of all supervisors to impress upon City employees the importance of each and every incident. This will help each and every one of us both at work and at home.

Employees are the City's most valuable asset and your safety is of prime concern. Safety is important because injury means emotional and financial hardship for the worker and his family and loss of his/her knowledge and ability to the City.

Policy - It is the policy of the City of Deer Park to conduct its operations with the utmost regard for the safety of its employees, its customers and the public. Therefore, these instructions are for the protection of all employees and are to be considered at all times by the various department heads, division heads, supervisors, lead personnel and all employees.

Many incidents are due to unsafe conditions and can be minimized with periodic inspections and preventive loss control.

These rules represent minimum requirements and are only intended to cover average conditions. Since it is not practical to cover all conditions and emergencies, it is the duty of management and employees alike, to assure that all assignments are clearly understood and that all safety rules are observed.

*****THINK SAFETY! TODAY-TOMORROW-ALWAYS*****

Safety Program Index

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City of Deer Park
Safety Program

Section I - Organization and Responsibility

The City Manager, or his appointed representative shall be responsible for the coordination, implementation and maintenance of this policy. All specific recommendations for safety improvements or other concerns regarding the effectiveness of this policy will be directed to the Director of Human Resources.

1. Management shall:

- A. Provide means to accomplish this policy.
- B. Enforce this policy and take disciplinary action (as per Personnel Rules) against employees' willfully disregarding - said policy.
- C. Encourage contractors of City Departments to abide by this policy.
- D. Conduct safety inspections regularly and file reports.
- E. Establish and provide safety training for personnel.
- F. Establish and maintain an employee safety and recognition program.

2. Supervisors shall:

- A. Be responsible for on-site safety.
- B. Make available the necessary personal protective equipment, safety materials and first aid kits.
- C. Instruct employees on safe practices and conditions.
- D. Delegate and train subordinate personnel in safety and loss prevention.

3. Employees shall:

- A. Adhere to this safety policy and work according to good safety practices, as posted, instructed and discussed.
- B. Refrain from any unsafe act that might endanger them or their fellow employees or members of the public.

- C. Use all safety devices available for the safe performance of their assigned duties.
- D. Report any unsafe condition or act to their immediate supervisor immediately.

Section II - General Rules

1. At no time is an employee to be under the influence of alcohol or drugs prior to or during work hours.
2. Employees under medical care, taking prescription drugs must inform their immediate supervisor prior to working. This is to include the name of the drug, dosage and effects, if any.
3. Supervisors must carry first aid kits in their vehicles and be trained in first aid. Employees who drive City vehicles must ensure that an accident information card and proper insurance coverage documents are carried in each City vehicle.
4. Employees must report all injuries and vehicle incidents; however slight, to their immediate supervisor as soon as possible. Any motor vehicle accident involving a City owned vehicle must be reported immediately to the appropriate law enforcement agency.
5. All employees must dress appropriately for their assigned positions. Uniform personnel will have shirts buttoned and tucked in at all times.
6. Personal protective equipment provided by the City must be utilized by the employee whenever it is necessitated by reasons of hazards of processes or environment. Reflective outer wear must be worn by any employee working in or near vehicular traffic.
7. All employees are to become familiar with the location of fire extinguishers, eye washers, first aid stations, chemical showers, emergency telephone numbers and escape routes.
8. Horseplay and willful misconduct is prohibited.
9. Smoking is allowed only in designated areas.

Section III - Office Safety

1. Falling and Tripping:
 - A. Excessively long cords such as electrical and extension cords should be discouraged; however, when needed, such cords shall be placed under furniture or covered properly.
 - B. Equipment cords should not cross a traffic aisle.

- C. Before entering any area, be sure to have adequate lighting.
- D. Floor surfaces are constantly being wiped or waxed, always use caution when walking.
- E. Loose throw rugs will not be acceptable on any floor.
- F. Loose or frayed carpeting must be reported immediately.
- G. All floors must be free of pens, pencils and other items that could create a hazard.
- H. Never run on stairways, use handrail and never carry more than you can carry in one hand and maintain good visibility.
- I. Never use office furniture as a ladder, and report all defective furniture immediately.

2. Office Furniture:

- A. Desks, cabinets and general work areas must be clean and orderly at all times.
- B. All file cabinets, desks and table drawers should be kept closed when not being used.
- C. Do not overload the top drawer on any file cabinet.
- D. Paper cutters always require caution. Be sure the guard is in place, and when finished, the cutting arm must be down and locked.
- E. Most office equipment is electrically operated, including typewriters, calculators, pencil sharpeners, etc. Employees should be alert for frayed wiring, loose connections and sparks. These occurrences shall be reported to the department head immediately.
- F. Employees working in mail rooms and opening cartons must always use caution.

1. Avoid the use of a razor blade under any circumstances.
2. Use only a commercially approved cutter. Always cut away from you and have the carton on a firm table. When not in use the cutter should be closed and stored properly.

G. Staplers can be dangerous items when used improperly.

1. Use only for its intended purpose.
2. When clearing a jam, do not use a sharp instruments such as letter openers or knives.
3. When removing staples, never use fingernails. Use the proper staple remover.

3. General Traffic:

- A. When walking in aisles, stairways and corridors, always walk on the right side.
- B. When approaching corners, slow down before turning.
- C. Never carry pointed articles in front of you when you are in traffic (i.e. pencils rulers, etc.)
- D. Use extreme caution when approaching doorways, especially if they do not have two way windows. Also, be aware that doors may open towards you.

Section IV - Work Site Inspections and Safety Meetings

1. It shall be the primary responsibility of each and every employee, regardless of position, to constantly remain alert for any unsafe condition on a daily basis, and to correct or report them immediately.
2. The Human Resources Director along with insurance officials and other designated personnel, will conduct on-site safety inspections, with or without notice to detect unsafe conditions. Any such conditions shall be reported to the department director for correction.
3. Safety meetings will be scheduled on a monthly basis and it will be the responsibility of management to have their employees attend and participate.

4. Employees may participate, speak or assist at safety meetings if they have good knowledge of a specific area and submit a short outline to the safety meeting representative.

Section V - Operation of Vehicles and Equipment

1. No employee is to drive or operate a vehicle or piece of equipment until they have been fully trained in the areas listed below:

- A. Knowledge of Texas driving laws.
- B. Knowledge of vehicle or equipment and pre-trip checks.
- C. Passage of written and/or operational tests, where applicable.
- D. Employees who operate city vehicles must have a valid Texas Driver License for the class vehicle they are operating and must notify their supervisor immediately should the license be suspended, or revoked.
- E. Upon conviction, employees shall assume financial responsibility for traffic violations other than those involving equipment or mechanical failure.
- F. Responsibility for citations received for traffic violations of Texas law.
- G. Awareness of correct backing procedures, proper usage of traffic cones, barricade placement and traffic control.
- H. Awareness of correct signals from operator to ground crews in all operations of all divisions.
- I. Responsibility for a clean vehicle interior at all times.
- J. Supervisors must carry first aid kits in their vehicles and be trained in first aid. Employees who drive City vehicles must ensure that an accident information card and proper insurance coverage documents are carried in each City vehicle.
- K. When fueling, properly shut off engine, extinguish cigarettes.
- L. When a vehicle or piece of equipment breaks down, authorized maintenance personnel only will attempt to repair, push or tow the disabled unit.
- M. All units in the field must be equipped with safety lights, cones, flags, safety vests, fire extinguishers and first aid kits. Police vehicles will be equipped as required by the Chief of Police.

N. Remember, children play outside every day of the year, always remain alert in driving practices.

O. Employees who abuse or negligently use City owned vehicles or equipment will be subject to disciplinary action per personnel policies.

P. Seatbelts must be worn according to state law. All factory installed seatbelts on special equipment must be utilized.

Q. Back up alarms must be installed on vehicles of one ton, or larger in size.

Section VI - Personal Protection

1. Eye and Face:

Employees must use provided suitable eye and face protection where injury may occur from flying objects, glare, liquid splashes, weed eaters, edgers, chemicals, grinding, and sand blasting.

2. Welding:

Welding goggles or welding face shields must be worn during all welding procedures by the welder and all other personnel in the immediate area.

3. Respiratory Protection:

Proper respiratory protective gear must be worn in confined spaces, (i.e. tanks, dangerous air contamination, liquid chlorine, gases, vapors, fumes, dust, and other areas as instructed.)

4. Hand, Arm and Body:

Protective gloves must be worn when handling toxic materials and potentially hazardous operations, (i.e., acids, welding, sandblasting, sanitation operations and other work operations which may require aprons and hard hats where applicable.)

5. Footwear:

Employees, who are provided city issued safety foot wear must wear them at all times in the performance of their duties. Where slippery, explosive or toxic solvents are present, employee must wear rubber boots. Wearing of sandals, thongs, sneakers, loafers or other similar footwear will not be acceptable during work hours for employees serving in laborer, maintenance, construction, or inspection positions.

6. High Visibility Gear:

Employees must wear provided high visibility vests when:

A. Working early or late hours where there is not enough natural light to work by.

B. Exposed to vehicular traffic in streets and

alleys. C. Directing traffic as required.

7. Lifelines:

Employees must wear required lifeline and lanyards when working in overhead positions, trenches and sewer lines.

Section VII - Handling and Storage

1. Lifting and Carrying:

A. Know your lifting and carrying abilities and boundaries and stay within them.

B. Size up the item and only lift what you can handle easily. When possible, face in the direction you plan to go before lifting.

C. Get as close as possible, squat down keeping the back straight.

D. Use smooth motion, do not jerk, and with a firm grip, stand up.

E. Bring load close to the body, and proceed in normal steps.

F. Do not overextend yourself. Stop and rest if necessary.

G. Do not overload, get help and divide the load or obtain the proper equipment to move heavy materials.

H. Immediately report to your supervisor, any pain or other symptoms however slight.

2. Stacking Material:

A. Keep piles neat, firm, straight and level.

B. Keep aisles, stairways and exits free and clear at all times.

C. Use proper protective gear when handling sharp or rough objects.

D. All plastic containers, cans or drums, which have a usable product in them, must be sealed and properly labeled with correct information required by law. Avoid the mixing and transferal of products when possible.

E. Maintain good housekeeping and do not allow rubbish, oily rags or other combustible materials to accumulate.

F. Do not stack combustible or flammable materials next to heat generating machinery.

3. Hazardous Materials:

A. Hazardous material can be found virtually in every municipality. It may vary from a few ounces in aerosol cans to several thousand gallons in bulk storage tanks.

B. Employees assigned to working with these materials must always:

1. Be up to date on all handling procedures.

2. Be constantly aware of all potential dangers.

3. Be licensed as required.

C. Each and every container, regardless of size or substance must be sealed and properly labeled at all times as required by law. Never mix or transfer toxic chemicals.

D. Storage site areas are never to be left open, unlocked or unattended.

E. Whenever in doubt, never assume, it might be fatal.

F. All employees are to become familiar with the location of fire extinguishers, eye washers, first aid stations, chemical showers, emergency telephone numbers and escape routes.

Section VIII - Confined Spaces

Some examples of confined spaces are tanks, manholes, sewers, excavations, casings, smoke filled room, etc. Confined spaces can be very dangerous and caution should be exercised when working in these areas.

1. Planning and Preparation:

Safe entry into confined spaces begins with proper planning and preparation. Each employee involved should share in the planning step by step.

A. Prepare the space for entry and review all work to be done in the confined area.

B. Define and review all safety equipment, respirators, goggles, gloves, helmets, lifelines, ample lighting and communication at the work site, (i.e. rescue procedures)

C. Take all the necessary precautions. Shut off electrical power, pumps and/or drain liquids and flush with water and check ladders and lifelines before entering said areas.

D. Before entering confined area, tests must be performed and the area checked for toxic agents, oxygen deficiency and combustibles.

E. Proper respiratory protective gear must be worn in confined spaces, (i.e. tanks, dangerous air contamination, liquid chlorine, gases, vapors, fumes, dust, and other areas as instructed.)

F. At no time shall an employee enter a confined space without a back-up partner.

2. Back Up:

A. In spite of these precautions, emergencies can still occur with someone inside a confined space. The safety of the employee usually depends on quick rescue. Consequently, personnel involved in entering confined spaces should be familiar with rescue procedures. Safety precautions shall include the following:

1. Not only a safe entry, but a safe exit.
2. An emergency plan if a person becomes injured or loses consciousness.
3. Wrist or full harness with a safety line attached.
4. Another employee standing by.

Section IX - Trenching and Shoring

Trenches of four feet or more of depth will always be protected. Trenches less than four feet deep must be protected when examination by a competent supervisor indicates that ground movement may be expected.

1. Trenches four feet deep or more in depth must be shored, sheeted, braced, sloped or otherwise supported by means strong enough to protect the employee.
2. All materials used in support systems must be in good serviceable condition and of proper dimensions.
3. Constant examinations are required based on such factors as variation in water content, exposure to air, sun, rain, loading and unloading operations, on site vibrations from equipment or traffic and the type of soil, sand, gravel being used.

Section X - Reporting Procedures

1. When involved in a vehicle or motorized equipment incident without personal injury, the following steps will be completed.

A. Call Police.

B. Call your immediate supervisor.

C. Do not make any statement of liability to anyone other than the investigating officer at the scene or City Officials.

D. Employee will complete **Accident Report and Investigation Form and forward to supervisor, within 24 hours.**

E. Supervisor will complete the appropriate section of **Accident Report and Investigation Form and forward to the Director of Human Resources, within 48 hours.**

F. The supervisor of the employee involved in the incident shall contact the Human Resources Department as soon as possible after the incident so it can be determined whether a liability claim form needs to be submitted to TML.

2. Upon being injured, and based on the severity of the injury, the following steps will be completed.

A. Contact Police.

B. Call an ambulance, if required

C. Call your immediate supervisor.

D. Obtain medical treatment form from Insurance coordinator.

E. Obtain medical treatment, minor first aid.

F. Minor injuries **not requiring medical attention**, will require the completion of the Minor Injury Report, as described in Administrative Policy #10; **Section A. Minor injuries requiring medical attention should obtain a medical authorization form as described in administrative policy #10 section B.**

G. Major injuries will require the supervisor to notify the Human Resources Director as soon as practical.

H. All accidents with or without injury will require the supervisor to complete the appropriate section of the **Accident** Report and Investigation form and forward it to the Human Resources Director, within 48 hours. **Immediately after receiving medical treatment for a minor injury or as soon as possible after receiving treatment for a major injury, the injured employee shall contact the Administrative Services department so the worker's compensation reports can be completed and filed with the State and the workers compensation insurance company.**

3. Any near miss that does not result in an injury to anyone, but could have resulted in a major injury, or causes damage to any property to an apparent extent of five hundred dollars or more, shall be reported to the Human Resources Director within 48 hours by the supervisor involved through the **Accident** Report and Investigation Form.

4. Any employee who is involved in an accident, while operating a city vehicle or equipment, resulting in injury to or death of any person, or damage to the property of any one person, including the city, to an apparent extent of one thousand dollars or more, shall be required to undergo a drug and/or alcohol analysis as detailed in the City of Deer Park Drug and Alcohol Policy.

Section XI - Incident Review Procedures

1. A Safety Committee will be established with representatives selected from several city departments. The Human Resources Director will serve as the Chairman of the Safety Committee.

2. The Safety Committee will meet on a monthly basis and review all **Accident** Report Investigation Forms submitted and will conduct any appropriate investigation in order to prevent future incidents.

3. The Safety Committee will prepare a written response to the appropriate Department Director, reviewing the incident and making any recommendations. A copy of this memorandum will be forwarded to the City Manager.

Please inform your employees of this policy at your earliest opportunity.

Ronald V. Crabtree
City Manager

SECTION 6 – SAFETY

POLICY 6.4 – ACCIDENTS & ON THE JOB INJURIES

MEMORANDUM

To: All Department Heads

cc: All Employees, Volunteer Firefighters, and Other Volunteers

From: James J. Stokes, City Manager

Subject: Administrative Policy #10: Accidents & On the Job Injuries

Date: November 13, 2000

Revised: December 10, 2014

The following policy will be in effect for all employees in the case of accidents and on the job injuries:

Form Required:

All injuries or accidents must be reported on the Accident\Injury Report Form (attached) and forwarded to the appropriate department director before the end of the work day. The department then will forward a copy of the report to the Human Resources Department.

Section A: (Injuries not Requiring Medical Attention)

A copy of the Accident\ Injury Report Form shall be retained by the Supervisor, a copy given to the Employee and a copy forwarded to the Human Resources Department. It shall be the responsibility of the Supervisor to ensure this procedure is followed after the employee notifies them of an accident either verbally or in writing. It shall be the responsibility of the employee to report all accidents no matter how minor the injury. Failure to report the accident could result in denial of medical treatment, should medical treatment become necessary in the future.

Note: Failure of an employee to report an injury after 30 days of its occurrence may release the City from any responsibility as outlined in the Texas Workers Compensation Guidelines.

Section B: (Minor on the Job Injuries Requiring Medical Attention)

All City Employees, volunteers, and Volunteer Firemen sustaining on the job injuries requiring medical attention shall immediately contact their supervisor. The supervisor or injured employee (if possible) should contact the Human Resources department who will then provide necessary authorization to medical providers.

Please note that the City utilizes a network of providers for Workers Compensation care and treatment. Additionally, if a post-accident drug screen is necessary, this screening will take place at Deer Park Family Clinic (or the emergency treatment facility).

Section C: (Major on the Job Injuries Requiring Immediate Medical Attention)

City Employees, volunteers and Volunteer Firemen sustaining on the job injuries requiring immediate medical attention shall call the Police Dispatcher (or 911) and request an ambulance for treatment and/or transport. Supervisors, Department Heads and the Human Resources department should be notified of the major injury as soon as possible. The injured employee shall report to the Human Resources Department either in person or verbally, as soon as they are physically able.

Section D: (After Hour Injuries)

City Employees, volunteers and Volunteer Firemen sustaining any kind of on the job injury or accident before or after normal working hours should follow the same procedures as outlined above. Reporting to the Human Resources department for completion of Worker's Compensation Forms should be completed the following work day or as soon as is physically possible. Supervisors should contact the Human Resources After Hours Cell Phone to arrange for post-accident after hours drug/alcohol testing as necessary.

Section E: (Accidents without Injuries)

Should a City Employee, volunteer or Volunteer Firemen have an accident without injury they are still required to fill out the Accident\ Injury Report Form per instructions. Filling out this form will allow the city to review the accident for implementation of preventative measures if needed.

Section F: (Employee Lost Time due to Injury on the Job)

Due to the fact that the City of Deer Park has an injury leave benefit while employees are absent from work recuperating from work related injuries, employees that experience on the job injuries that make them incapable of returning to work even for light duty assignments shall contact the Human Resources Department as soon as practical. Employees continuing to be absent due to work related injuries shall contact their Department Head or Immediate Supervisor no less than once a week to discuss the employee's need for continued lost time. Employees shall provide the Human Resources Department with copies Work Status Reports and Doctor's and\or therapy appointment paperwork. All lost time must be directed by the attending physician and documented in writing. Copies of this documentation shall be submitted to the Human Resource Department. The purpose of this contact is to keep the City informed on the injured employee's health status and insure that the employee is receiving all means of medical attention to enable them to return to work as quickly as possible. All information received shall be kept appropriately confidential and protected under the employee's right to privacy.

This revised policy supersedes any previous policy concerning this matter.

All employees, volunteers, and Volunteer Firemen shall be given a copy of this policy.

James J. Stokes
City Manager

EMPLOYEE FIRST REPORT OF ACCIDENT or INJURY

Instructions: Employees shall use this form to report all work-related injuries, illnesses, or "near miss" incidents (which could have caused injury or illness) - no matter the severity. Page 4 for auto incidents (If no DP PD investigation). Page 5 for any employee injury. **TYPE OR PRINT LEGIBLY EXCEPT FOR SIGNATURES**



This is a report of a work-related:																			
<input type="checkbox"/> Injury (Incl. pg 5) <input type="checkbox"/> Auto Incident (Incl Pg. 4) <input type="checkbox"/> Near Miss <input type="checkbox"/> Fatality																			
Employee Name:	Department:																		
Date of Occurrence:	Time of Occurrence: am pm																		
Part of Body Affected (Highlight all that apply)	Type of Injury (most serious)																		
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; padding: 2px;"><input type="checkbox"/> Abrasion, scrape</td> <td style="width: 50%; padding: 2px;"><input type="checkbox"/> Damage to body systems</td> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/> Amputation</td> <td style="padding: 2px;"><input type="checkbox"/> Exposure</td> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/> Broken Bone</td> <td style="padding: 2px;"><input type="checkbox"/> Hernia</td> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/> Bruise</td> <td style="padding: 2px;"><input type="checkbox"/> Illness</td> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/> Burn (heat)</td> <td style="padding: 2px;"><input type="checkbox"/> Poison Plant Exposure</td> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/> Burn (chemical)</td> <td style="padding: 2px;"><input type="checkbox"/> Sprain, Strain</td> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/> Concussion</td> <td style="padding: 2px;"><input type="checkbox"/> _____</td> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/> Crushing Injury</td> <td style="padding: 2px;"><input type="checkbox"/> _____</td> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/> Cut, laceration, puncture</td> <td style="padding: 2px;"><input type="checkbox"/> _____</td> </tr> </table>	<input type="checkbox"/> Abrasion, scrape	<input type="checkbox"/> Damage to body systems	<input type="checkbox"/> Amputation	<input type="checkbox"/> Exposure	<input type="checkbox"/> Broken Bone	<input type="checkbox"/> Hernia	<input type="checkbox"/> Bruise	<input type="checkbox"/> Illness	<input type="checkbox"/> Burn (heat)	<input type="checkbox"/> Poison Plant Exposure	<input type="checkbox"/> Burn (chemical)	<input type="checkbox"/> Sprain, Strain	<input type="checkbox"/> Concussion	<input type="checkbox"/> _____	<input type="checkbox"/> Crushing Injury	<input type="checkbox"/> _____	<input type="checkbox"/> Cut, laceration, puncture	<input type="checkbox"/> _____
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<input type="checkbox"/> Concussion	<input type="checkbox"/> _____																		
<input type="checkbox"/> Crushing Injury	<input type="checkbox"/> _____																		
<input type="checkbox"/> Cut, laceration, puncture	<input type="checkbox"/> _____																		
DESCRIPTION OF THE ACCIDENT/INCIDENT																			
<p>Where, exactly, did the incident occur?</p> 																			
<p>What was the injured employee doing at the time of the incident? Describe the type of work being performed and any special equipment or tools being used.</p> 																			
<p>What were the physical conditions where the accident took place? (weather, wet surfaces, etc.)</p> 																			
<p>Describe, step-by-step, what led up to the incident.</p> 																			

Please complete all pages

EMPLOYEE FIRST REPORT OF ACCIDENT or INJURY

CAUSES OF THE ACCIDENT

Using the list below, please identify cause(s) or potential cause(s) that contributed to this incident. Check all that apply.

- | | |
|--|---|
| <input type="checkbox"/> Improper instruction | <input type="checkbox"/> Failure to lockout equipment for use |
| <input type="checkbox"/> Lack of training or skill | <input type="checkbox"/> Inadequate lighting |
| <input type="checkbox"/> Operating without authority/unauthorized activity | <input type="checkbox"/> Inadequate ventilation |
| <input type="checkbox"/> Horseplay | <input type="checkbox"/> Unsafe lifting |
| <input type="checkbox"/> Physical or mental impairment | <input type="checkbox"/> Inoperative safety device |
| <input type="checkbox"/> Failure to use proper personal protective equipment | <input type="checkbox"/> Unsafe arrangement or process |
| <input type="checkbox"/> Unsafe clothing | <input type="checkbox"/> Improper use of equipment |
| <input type="checkbox"/> Improper maintenance | <input type="checkbox"/> Failure to use available tools/equipment |
| <input type="checkbox"/> Unsafe/Defective tool or equipment | <input type="checkbox"/> Poor housekeeping |
| <input type="checkbox"/> Distraction | <input type="checkbox"/> |

Why did the unsafe condition exist or unsafe act occur?

Did the incident/injury require medical treatment beyond first aid and/or damage to any property of over \$1000?

Was there a reward, incentive, or supervisory order, or time constraint that may have encouraged the unsafe conditions or acts to occur? Yes No

Were the unsafe acts or conditions reported prior to the incident? Yes No

Have there been similar incidents or near misses prior to this one? Yes No

If 'Yes' to any of the above three, please provide a detailed explanation below and/or attached.

EMPLOYEE FIRST REPORT OF ACCIDENT or INJURY

WITNESS INFORMATION

List the names of anyone witness to the incident. Provide phone numbers for any witnesses.

Name	Phone Number

Safety equipment in use at time of accident:

Tools or Equipment in use at time of accident:

<i>Do you feel the accident was preventable?</i>	<i>Yes</i>	<i>No</i>
--	------------	-----------

If yes, how:

DEPARTMENTAL REVIEW

Date Reported to Human Resources: _____

Employee/report completed by:

_____ Name

_____ Date

Employee's Supervisor

_____ Name

_____ Date

Department Head

_____ Name

_____ Date

Please complete all pages

EMPLOYEE FIRST REPORT OF ACCIDENT or INJURY

AUTO INCIDENTS (To Be Completed ONLY IF no Deer Park Police Investigation)

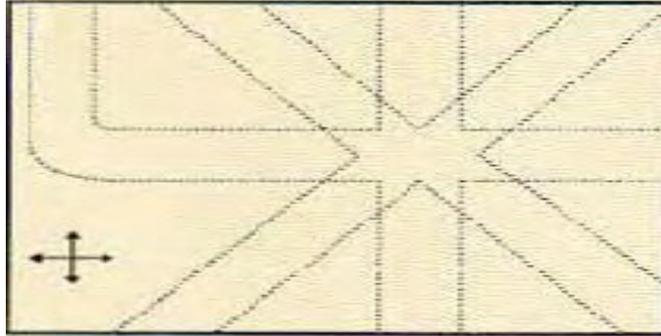
Diagram of Accident

Indicate names of streets, direction of vehicles and N, S, E or W

Label Vehicles:

1 (you)

2 (other)



Describe the auto incident in as much detail as possible (incl. road/weather cond., time, etc)

City Driver/Vehicle Information:

Driver's Name: _____ Phone #: _____

Yr/Make/Model of Vehicle: _____ Unit #: _____

License Plate #: _____ VIN# (last 4 digits): _____

Police Officer Name: _____ Police Report #: _____

Name of Doctor/Hospital injured employee(s) taken to: _____

Other Vehicle Driver Information:

Driver's Name: _____ Phone #: _____

Make/Model of Vehicle: _____ D.L. #: _____

Name of Insurance Co.: _____ Insur. Phone #: _____

Name of Doctor/Hospital injured employee(s) taken to: _____

EMPLOYEE ACCIDENT (Employee Completes If They Sustain an Injury)

CITY OF DEER PARK, TEXAS

Employee Acknowledgement of the Alliance Contracting Program and Concurrent FMLA Time

It has been communicated to me that my employer has workers' compensation insurance coverage for on the job injuries/illnesses. If I am hurt on the job, I understand that:

- 1. I must choose a treating doctor from the Alliance list of doctors designated as treating doctors.
2. I must have a post-accident drug screen conducted by a City authorized screen provider (Deer Park Family Clinic, DISA or Forward Edge) if a screen is necessary.
3. I must go to my treating doctor for ALL health care for my injury. If I need a specialist, my treating doctor will refer me. If I need emergency care, I may seek emergency treatment.
4. I may have to pay the bill if I receive health care from a doctor other than an Alliance doctor without approval from the Texas Municipal League Risk Pool Adjuster.
5. The City generally continues employee wages (via injury leave) during an injury. Should I receive temporary income benefits (TIB) from TML for the injury, to prevent overpayment of wages, I would be required to sign over and return any TML TIB checks to the City as soon as I receive them.
6. If eligible, Family Medical Leave (FMLA) will run concurrently with Workers' Compensation leave time.
7. If I need prescription drugs as a result of the injury, I should contact Human Resources for a "First Fill" prescription card for initial workers' compensation medication coverage.

Employee Signature

Date

Employee Printed Name

Name of Direct Contracting Program: Political Subdivision Workers' Compensation Alliance (the Alliance). Direct Contracting service areas are subject to change. To locate a treating doctor within your area, visit the PSWCA web site at www.pswca.org or contact your adjuster.

Sample Listing of Participating Pharmacies in the "First Fill" program

The below is a sampling of nearly 64,000 pharmacies that honor our program:

- Albertsons Receipt Pharmacy Costco
H-E-B Pharmacy Sam's Pharmacy Wal-Mart Pharmacy
Brookshire Brothers Texas Oncology Pharmacy CVS Pharmacy
Walgreens Tom Thumb Target Pharmacy
K-Mart United Pharmacy Randall's
Medicine Shoppe

For additional pharmacies within your area, call Progressive Medical's Client Services department at 1.866.939.6014 or visit our Web site at www.progressive-medical.com. Go to either Workers' Compensation or Auto No-Fault, Tools and Resources, Pharmacy Look Up and enter your city, state or zip code and click on "Locate". You will see a listing of pharmacies in your area.

Complete ONLY IF Employee Sustains Injury



SUPERVISOR'S INVESTIGATION REPORT OF INCIDENT

EMPLOYEE NAME: _____ DATE & TIME OF INCIDENT: _____

LOCATION OF INCIDENT: _____

TYPE OF INCIDENT: _____

WAS THERE AN INJURY BEYOND FIRST AID? YES NO

*IF YES, AN "EMPLOYEE'S FIRST REPORT OF INJURY" MUST BE COMPLETED AND SUBMIT TO HUMAN RESOURCES.

WAS POST-ACCIDENT DRUG AND ALCOHOL TESTING PERFORMED? YES NO

DETAILS OF SUPERVISORY INVESTIGATION OF INCIDENT IF ADDITIONAL SPACE IS NEEDED, PLEASE ATTACH PAGES TO THIS FORM (ATTACH PHOTOS IF APPLICABLE)

WERE THERE ADDITIONAL EMPLOYEES INVOLVED OR WHO CONTRIBUTED TO THE INCIDENT? YES NO

WAS THERE A CITY DEPARTMENTAL POLICY THAT ADDRESSES THE INCIDENT OF ANY CIRCUMSTANCES OR CAUSES LEADING TO THE INCIDENT? YES NO

If yes, what policy?

What changes are recommended to prevent future occurrences of similar incidents?

Stop this activity/task

Redesign the activity/task

Redesign the workstation

Train the employee(s)

Train the supervisor(s)

Enforce existing policy/procedure

Develop new policy/procedure

Additional personal protective equipment

Additional oversight by supervisor(s)

Routinely inspect for the hazard

Other _____

Other _____

WAS THIS INCIDENT PREVENTABLE?

YES _____ NO

If yes, how?

ADDITIONAL COMMENTS: _____

Supv. Signature and Date

Dept. Lead Signature and Date

SECTION 6 – SAFETY

POLICY 6.5 – USE OF SEAT BELTS

To: All Department Director

Subject: Administrative Policy #1

Use of Seat Belts

Revised: May 23, 2011

Texas Transportation Code 545.413 requires that all persons operating or riding in a seat equipped with a safety belt shall wear the safety belt. This applies to both the front and rear seats. It will be the policy of the City of Deer park, that all persons operating or riding in the front or back seat of a City of Deer Park vehicle, where seat belts are provided, shall properly utilize the seat belts at all times while the vehicle is in operation. Failure to properly utilize the seat belts creates an avoidable and unnecessary risk of injury and will subject the employee to disciplinary action. Department Heads are responsible for the proper administration of this policy.

Please see that all employees are advised of this policy.

SECTION 6 – SAFETY

POLICY 6.6 – DISASTER/EMERGENCY WORK ASSIGNMENTS

MEMORANDUM

To: All Department Heads

From: James J. Stokes, City Manager

Subject: Administrative Policy #42: Disaster/Emergency Work Assignments

Date: July 26, 2007 (as revised August 14, 07) Revised: May 18, 2015

Because the City has an obligation to its citizens during disasters and/or emergency situations, it is necessary that some City employees be required to remain in the City, be called in or be on standby and be available to work during these situations. The purpose of this policy is to give Department Directors the authority to designate employees that will be required to remain on standby or be assigned to various workstations throughout the city in order that the department can maintain staffing to provide services to its citizens during these extraordinary circumstances.

Due to the City's location on the Texas Gulf Coast, it is particularly important for City personnel to be prepared for hurricane season, which runs from June 1 – November 30. Among other assigned responsibilities related to preparation and response to emergencies, on or before June 1 of each year, Department Directors will:

- Meet with all Supervisors and/or employees concerning early preparation for storm-related emergencies.
- Review responsibilities in assigned Annexes of the Integrated Emergency Plan.
- Identify essential and non-essential personnel and prepare a comprehensive employee list identifying two (2) categories: Emergency essential personnel and non-essential personnel. Emergency essential personnel include emergency services personnel and all individuals who are required by the City in the course and scope of their employment to provide services for the benefit of the general public during emergency situations. Said list shall be forwarded to the City Manager's Office by June 1st of each year in a Microsoft Excel spreadsheet.
- Obtain non-essential employees' emergency contact information, including:
 - * Address
 - * Phone Number
 - * E-mail address
 - * 3rd party contact

Department Directors shall also submit an updated list of designated essential employees to the City Manager's Office as situations call for them to be available for service. Employees that are required to be on standby or man City facilities will, if possible, be given time to secure their households and make arrangements for their family members to evacuate or locate to a shelter.

It is important to note the City of Deer Park will not provide use of a City shelter for employee family members, be they emergency essential personnel or non-essential personnel. Family members will not be allowed to remain at a City facility or an employee's work location during the emergency period. Essential personnel should take steps to ensure adequate arrangements are made for their family members.

When instructed to do so, it shall be mandatory for employees to report, be on standby or remain on duty. Failure of an employee to do so may be cause for disciplinary action, up to and including possible termination.

The City is unique in that it cannot shut down as other employers may be able to do during emergencies or disasters. Because of this fact, it is necessary that the City have a policy in place that ensures that it can meet its responsibility to the citizens during these situations.

Please make sure that those employees selected to be available as described herein are given a copy of this policy as soon as possible.

James J. Stokes, City Manager

SECTION 6 – SAFETY

POLICY 6.7 – IN PLACE SHELTER PROCEDURE

October 18, 1999

To: All Department Directors

Subject: Administrative Policy #27
In Place Shelter Procedure

Revised: March 28, 2011

Attached for your reference is a copy of the In Place Shelter Procedure, as revised on this date. Please advise your employees concerning this policy.

James J. Stokes
City Manager

CITY OF DEER PARK
IN PLACE SHELTER PROCEDURES

PURPOSE

This procedure is provided to give safety guidelines to all City Employees both inside and field personnel, as well as, visitors on city property during chemical emergencies.

EXPLANATION

“Shelter in Place” is the recommended action by the city to protect human lives during a major chemical release. “Shelter in Place” is the action of taking shelter inside a building or vehicle until the outside air is safe.

CONTROL

Each Director will appoint a building leader and a back-up for each city building in Deer Park. Each building leader will be responsible for implementation of “Shelter in Place” procedures during chemical emergencies. The building leader will designate a safe shelter within each city building and keep a safe shelter supply of materials on hand. Local Emergency Management will assist each building leader to determine a safe shelter.

PROCEDURE

If you are in a building and hear the outside alarm or the building pager sound:

1. Make sure all employees and visitors in the building are aware there is an emergency
2. Close all doors and windows
3. Shut down the air/heat systems
4. Disengage any automatic door openers
5. Invite employees and visitors who are outside to enter the building
6. Keep an employee posted at the main entrance to the building in order to explain in place sheltering to visitors and employees and assist in keeping the door closed
7. Unattended minor age children should not be allowed to leave a shelter until the all clear has been sounded
8. Adults should be advised of the danger, but allowed to leave the building if desired

If the employee is working in the field, take the following actions:

1. If you have a vehicle available, get inside, close the windows, cut off the air conditioner and drive to a safe location where you can shelter in a building.
2. Advise your supervisor by radio of your location and identify the employees with you, if any.
3. Field employees on foot or tractors should seek shelter in the business closest to your work site.
4. Employees without two-way radios should call their director’s office and advise their location and/or business where they are sheltered at their earliest convenience.

Personnel Accountability:

1. Each building leader will account for all personnel assigned to the building.

2. Each department with field personnel will assign a supervisor to take a head count of all personnel.
3. Each employee shall report in to their assigned supervisor as soon as they have reached shelter.

Reporting information:

1. Each building leader and field supervisor should make a written report with date, time and individual name that is unaccounted for.
2. Each building leader and field supervisor with unaccounted for personnel should contact their department director.
3. Each department director with unaccounted for personnel should contact the Police Chief in the EOC.
4. The Police Chief will report any unaccounted for personnel to the EOC Manager.

Buildings:

1. Each building should maintain one open access for employees and the public.
2. The building leader along with other building employees should lock other doors and tape any loose seals.
3. Signs will be placed on all locked doors indicating the location of accessible entrances.
Note: Signs should indicate a chemical emergency is in progress, action to take is "In-Place Shelter"

SECTION 6 – SAFETY

POLICY 6.8 – LIGHT DUTY WORK ASSIGNMENTS

Memo

To: All Department Directors

From: Ronald V. Crabtree, City Manager

Subject: Administrative Policy # 24- Light Duty Work Assignments

This policy shall pertain to injuries on or off the job.

Light duty status is for a specified period of time with a defined duration and may be in another department. All employees returning to light duty must be coordinated through the ~~Personnel~~ Human Resources Department. Before any employee is permitted to work light duty they must receive a light duty release from the attending Physician. They city shall have the right to request examination by the City Physician. Every 30 days it is a requirement that the employee receive a physician update and turn it in to their immediate supervisor. The supervisor will then forward a copy of the physician's medical report to the Human Resources Department. Light or restricted duty work assignments will be at the employer's discretion based on the tasks available and the physical restrictions placed upon the employee.

In order for an employee to return to regular duty it is a requirement that they receive a release from their attending Physician stating they are able to return to regular duties without restrictions. The city shall have the right to request examination by the City Physician. The Human Resources Department shall be notified when an employee on light duty returns to their regular job assignments.

Department Heads are responsible for the administering of this policy. Please see that all employees are informed as soon as possible.

Ronald V. Crabtree
City Manager

SECTION 6 – SAFETY

POLICY 6.9 – SAFETY FOOTWEAR

MEMORANDUM

To: All Department Directors
From: James J. Stokes, City Manager
Subject: Revised Administrative Policy #20-Safety Footwear
Date: October 1, 2023

- Approved safety footwear shall be worn by all field employees including custodial personnel with safety exposures, public safety attendants and EMS personnel that are not considered administrative personnel. Footwear shall have the prior approval of the immediate supervisor. Approved footwear shall meet all ASTM F2413 standards and shall be job specific to best meet the safety requirements of the specific job function.
- The City shall have the right to specify brands that are approved and vendors that are to be used for the purchase of safety footwear. Vouchers will be available through departmental representatives
- Safety footwear shall be worn every day the employee is on duty and when on emergency call out. Employees should exercise proper care and maintenance of their safety shoes so as ensure the function, comfort, fit and to extend the life of the shoes.
- Full-time employees shall be eligible for a safety footwear voucher in an amount not to exceed \$160.00 for the purchase of approved safety footwear. To be eligible for this allowance, the footwear voucher must be utilized with a city-approved vendor (approved vendor/voucher information is maintained by city's Purchasing Coordinator). Any amount over the voucher allowance will be paid by the employee. In no case shall the City reimburse any sales tax paid by an employee when purchasing safety footwear.
- If for some reason a Full-time employee does not utilize the safety footwear voucher amount in an annual cycle, the voucher amount may be carried forward to the following cycle and applied in addition to the current year voucher amount (for a total voucher amount not to exceed-\$320.00 for one pair of boots. Selected safety footwear must meet all ASTM F2413 standards.
- Full-time employees on probation and regular part-time employee positions shall also be eligible to receive the \$160.00 safety footwear voucher if required to wear safety footwear. To be eligible for this allowance, the footwear voucher must be utilized with a city-approved vendor. Any amount over this allowance will be paid by the employee. In no case shall the City reimburse any sales tax paid by an employee when purchasing safety footwear. If an employee does not successfully complete the probationary period or if regular part-time employees are employed less than six months, the \$160.00 safety footwear allowance shall be withheld from the employee's final check to the extent allowed by law. For any amounts still

owed after final paycheck deductions, the employee shall make sufficient direct payment to the City to reimburse the remainder of the \$160.00 owed, to the extent allowed by law.

- Temporary or part-time employees with defined term assignments (e.g., summer seasonal) of at least three (3) months shall also be eligible to receive a \$100.00 safety footwear allowance if required to wear safety footwear. To be eligible for this allowance, the footwear voucher must be utilized with a city-approved vendor. Any amount over this allowance will not be reimbursed. In no case shall the City reimburse any sales tax paid by an employee when purchasing safety footwear. Employees who leave city employment earlier than the full term of employment will have the footwear allowance withheld from the employee's final check to the extent allowed by law.
- Employees are eligible for the replacement of safety foot wear on an annual basis if the condition of the footwear warrants replacement at that time (Transfer Station and Water/Sewer Maintenance personnel may utilize a six-month replacement cycle if needed with approval of Supervisor or Director). The City of Deer Park shall have the right to determine whether a specific job function requires the replacement of worn shoes before the next scheduled replacement period. This determination will be made by the Department Director or Supervisor.
- It shall be the responsibility of the employee to replace lost or stolen footwear.
- Certified Police Officers, some Civilian Police Personnel, Dispatchers and Crossing Guards are exempt from this policy as they have alternate safety footwear practices and policies.
- This revised policy supersedes any and all previously issued city policies or appendices concerning this matter.

Please see that all employees receive a copy of this revised policy.

SECTION 6 – SAFETY

POLICY 6.10 – CITY FUEL USAGE BY EMPLOYEES DURING EMERGENCY PERIODS

To: All Department Heads

From: Ronald V. Crabtree, City Manager

Subject: Administrative Policy #45 City Fuel Usage by Employees during Emergency Periods

Date: February 23, 2009

The purpose of this Administrative Policy is to clarify the City's policy with regards to the use of City fuel by City staff during Emergency Periods. Because there is an expectation that Emergency Essential City staff must be present at work during certain emergency periods; and because gasoline/diesel fuel may not be readily available for said employees to purchase from privately owned sources due to such an emergency, the City may provide some basic fuel for commutation to and from work for personal vehicles during identified emergency periods.

Emergency Essential staff may be allowed access to the City's Public Works fuel depot to fuel their personal vehicle on a limited basis during emergency periods. This access will be limited to the period at which:

1. The Mayor has declared a State of Emergency in the City; and
2. The City Manager determines that consumer fuel supplies are not readily available in the area; and
3. Fuel supplies must be sufficient to first supply City vehicles/equipment. If excess capacity is available, the vehicles of Emergency Essential City personal will be allowed to receive fuel on a limited basis.

The City Manager will announce when this access period will begin and end and will communicate accordingly to Department Directors who will then communicate to their Emergency Essential staff.

Staff must utilize the Public Works fuel depot (located at the Service Center) for this program. No other fuel depot can be utilized for this program. Both the Department Director and the Fleet Maintenance Shop Supervisor must authorize and administer ALL staff fuel disbursements. Staff are instructed to utilize the **Essential Employee Emergency Fuel Request form** (attached) to obtain emergency fuel and a copy should be provided to the employee's Department Director. Staff who utilize the City fuel supply during this access period will be required to pay for the fuel and all applicable fuel taxes as calculated by the Finance Department via payroll deduction.

Recognize that the purpose of this access period is to provide fuel for the commutation to and from work during the emergency period, consequently, employees will be limited to no more than 30 gallons of fuel per emergency period. Any additional usage beyond that will require Department Director and City Manager approval.

Ronald V. Crabtree
City Manager

ESSENTIAL EMPLOYEE EMERGENCY FUEL REQUEST FORM

Employee's Printed Name: _____

Employee's Department: _____

Employee's Job Title: _____

Department Director Approval/Signature: _____

Date Fuel was Accepted: _____

Amount of Fuel Accepted: _____/gallons

Fleet Maintenance Shop Supervisor Signature: _____

My role has been deemed to be emergency "essential" and as such I am allowed access to City fuel supplies in accordance with City Administrative Policy # 45 on a limited basis. I confirm that I will repay the City for any fuel used during this emergency period (including any applicable taxes) and authorize the City to deduct the cost of this fuel via payroll deduction.

Employee Signature

Date

***ORIGINAL SIGNED COPIES OF THIS DOCUMENT WILL BE MAINTAINED BY THE FLEET MAINTENANCE SHOP SUPERVISOR

SECTION 6 – SAFETY

POLICY 6.11 – TRANSPORT OF PERSONS IN CITY VEHICLES OR EQUIPMENT

Memo

To: All Department Directors

From: Ronald V. Crabtree
City Manager

Date: August 29, 2006

Subject: Administrative Policy #47
Transport of Persons in City Vehicles or Equipment

Because it is the City of Deer Park's responsibility to transport employees, or any other persons in the safest manner possible, it shall be the City's policy that no person shall be transported in the back of a vehicle or unenclosed piece of equipment such as a trailer or any other piece of equipment not specifically made for the transport of persons in an enclosed cab.

Exceptions to Policy:

There may be times as described below that persons may be transported in the back of City vehicles or on trailers, however all safety precautions should be taken during these special exceptions to prevent accidents and/or injuries from occurring.

Parades\Carnivals or Special Events:

This policy shall not apply to City Parades or Parades the City may participate in outside of the City of Deer Park or City sponsored events such as an event during a city festival or carnival.

Refuse Bag Delivery:

Because the City has the responsibility of delivering refuse bags door to door, the transport of persons in the back of a vehicle or on a trailer during the course and scope of delivering refuse bags shall be an exception to this policy. **However, this exception will not apply in route to or from the actual delivery site.**

Rear Loading Refuse Truck Operations:

This policy shall not apply to personnel responsible for the collection process of residential refuse. **However, sanitation laborers shall refrain from being transported to or from the Transfer Station or different collection sites riding on the rear of the vehicle.**

Placement of Flags:

This policy shall not apply to those employees in the process of placing flags in City esplanades or other areas as assigned. However, employees shall refrain from transporting employees in the back of City vehicles or trailers to and from the locations for the placement of the flags.

Additional Policy Exceptions:

Any additional exceptions for the transport of persons contrary to this policy must be pre-approved by the City Manager.

Please see that all employees are given a copy of Administrative Policy #47.

Ronald V. Crabtree, City Manager

SECTION 6 – SAFETY

POLICY 6.12 – EMERGENCY PAY POLICY

Administrative Policy #49 - Emergency Pay Policy

Created and Approved by Council August 2009

Effective August 2009, Revised January 2013

When an emergency impacts City employees' work schedules and status during emergency conditions and a state of emergency has been determined by governing bodies, the City Manager may grant emergency administrative leave with pay after the occurrence of a disaster, whether natural or manmade. Depending on the duration of the emergency, the City Manager may consider a "cap" or limitation on emergency administrative leave with pay.

If it is determined that a civil emergency exists, including but not limited to, riots, civil disorders, severe weather or hurricane conditions, other natural disasters, chemical incidents, or similar conditions, the City Manager may then implement the provisions of this Emergency Pay Policy and may suspend all regular pay practices.

No one is excused from work until the City Manager authorizes employees to leave, even if a public announcement of office closures or suspension of services is issued.

This policy applies to all non-exempt and exempt employees.

Declaration of Emergency

Notification of State of Emergency: When a state of emergency is imminent or has been declared, the City Manager, or designee, will notify all employees, through Department Directors, of such declaration.

Emergency Periods

a) Pre-Impact Period. This is the time period prior to the impending disaster and includes emergency response activities and preventive measures by the City of Deer Park's departments in preparing for the impending emergency. This period begins and ends as determined by the City Manager.

b) Emergency Period. This is the time period during which emergency response activities and restoration of critical services are conducted to protect life and property, and most other regular City services are suspended. This period begins and ends as determined by the City Manager.

c) Post Impact Period. This is the time period immediately following the emergency/disaster, during which activities are conducted to restore the City's infrastructure and services to pre-disaster conditions. During this period, some employees may be required to return to work to assist with restoration of critical services, conduct emergency clearance of roadways, provide damage assessments, etc. This period begins and ends as determined by the City Manager.

d) Recovery Period. This period begins when the City Manager determines it is safe for all employees to return to work. The period ends as determined by the City Manager in consultation with department directors or relevant EOC staff.

Employees must return to work as soon as an emergency is over to participate in the Post Impact and/or Recovery Periods. Employees dismissed from work during an emergency will be on emergency paid administrative leave. Said leave will start when the employee is dismissed by his/her Department Director and will continue until the City Manager determines it is safe for all employees to return to work. Employees are expected to return to work on their next scheduled work day or shift following the City Manager's determination that it is safe to return to work. If an employee fails to show up for work or cannot show up for other reasons then the time lost will be Leave of Absence without Pay, unless other paid leave (vacation, sick, etc.) is approved.

The City of Deer Park recognizes that employees have personal and family responsibilities that may conflict with the obligation to fulfill their job requirements during hazardous weather or a state or local emergency. When evacuation of personal residences is required, every effort will be made to allow employees to make arrangements for their families like any other citizen, including the use of authorized shelters. Emergency Essential employees may be granted up to 4 hours of Emergency Administrative Leave for this purpose.

Employees who are not able to return to work due to emergency conditions (for instance, they have evacuated the area and are unable to return, or they are unable to leave their residence to return to work at City facilities due to impassable roadways, etc.) must contact their Department Director or designated supervisor as soon as possible and utilize appropriate leave time.

During a state of emergency, any unauthorized leave from work or assignment may be considered sufficient cause for disciplinary action up to and including dismissal.

Employee Status

Department Directors shall designate "Emergency Essential" and "Emergency Non-Essential" personnel within their department. All personnel shall be advised of their status upon hire and as of May 1st of each year. An individual employee's status may change, as the needs of the City change during the civil emergency, or at the discretion of the Department Director.

a) Emergency Essential Personnel. Each Department Director and/or Supervisor is responsible for identifying those employees who will be required to remain or respond in the event of emergency conditions and those employees will be designated as "Emergency Essential." "Emergency Essential" employees may be required to be available immediately before (Pre-Impact), during (Emergency) and/or after (Post Impact and Recovery) the emergency condition to perform duties directly related to emergency conditions as determined by the City Manager.

b) Emergency Non-Essential Personnel. Each Department Director and/or Supervisor is responsible for identifying employees who are considered "Emergency Non-Essential". "Emergency Non-Essential" employees may be required to perform emergency related duties prior to an incident and immediately following the incident, as directed by their supervisor. These employees may be temporarily dismissed from work, concurrently or successively, as determined by the emergency need and the department or function. These employees will be placed on Emergency Paid Administrative Leave pursuant to this policy.

c) Emergency Duty Assignment. In the event of an emergency, the City Manager may assign employees to any duty to the extent that the City is not in violation of any State or Federal Law. This includes employees of one department serving in an emergency capacity for any other department or function as assigned.

Compensation for Hours Worked during a Declared State of Emergency

a) Exempt employees working during an emergency period may accrue "Emergency Comp" time up to 40 hours (approximately 27 hours of actual hours worked). This comp time can be earned during the Pre-impact, Emergency or Post-impact periods. After the 40 hours are accrued, the exempt-status employee's base salary will be computed to arrive at an hourly rate; then the City will pay the exempt-status employee one and one-half times (1.5x) his/her calculated hourly rate for hours worked after the initial 27 hours. ***Note – Emergency Comp time balances are NOT payable upon termination of employment and must be used within nine months of when the comp time was earned.*

b) During the Pre-Impact, Emergency and Post-Impact periods Exempt and Non-Exempt employees released from work or who are not required to report to work due to the emergency event shall receive pay for their normally scheduled workday. These hours shall NOT be counted as "time worked" for the purpose of computing overtime for non-exempt employees and shall be clearly noted on the time sheet with the appropriate emergency coding as designated by the Finance Department.

c) During the Pre-Impact, Emergency and Post-Impact periods, non-exempt employees authorized to perform work for the benefit of the City shall be paid at a rate of one and a half times (1.5x) their base hourly rate for all hours worked during the emergency periods, Non-exempt employees working on the Seventh (7) consecutive workday will be paid at a rate of two times (2x) their base hourly rate for hours worked during the emergency period(s). During emergency periods, being on call or off shift is not considered time worked. d) During the Recovery Period, regular pay practices will apply to all employees.

e) All Emergency pay for Pre-Impact, Emergency and Post-Impact Periods must be approved by the City Manager. Employees will be paid their regular rates of pay until the appropriate approvals are received.

f) Nothing herein shall be construed to affect the non-exempt or exempt status of the impacted employees.

g) Employees who are out on prior-approved leave during any of the three periods (FMLA, workers' compensation, comp time, sick leave pool, bereavement leave, etc.) will continue to be charged for such leave and if they do not have sufficient accruals will be placed on Leave without Pay.

h) At the Department Director's discretion and with review of the Human Resources Director, previously approved leave (vacation, etc.) may be canceled when an emergency is imminent or declared.

i) All other policies concerning remuneration shall comply with the City of Deer Park's Personnel Policies and the Fair Labor Standards Act.

Period Description	Pre-Impact Period	Emergency Period	Post-Impact Period	Recovery Period
	This is the time period prior to the impending disaster. This period includes emergency preparation activities and preventive measures by the City of Deer Park departments preparing for the impending emergency.	This is the time period during which emergency response activities and restoration of critical services are conducted to protect life and property, and most other regular City services are suspended.	This is the time period during which activities are conducted to restore the City's infrastructure and services to pre-disaster conditions. During this period, some employees may be required to return to work to provide damage assessments, emergency clearance of roadways, etc.	This is the time period when normal City services may resume. Recovery efforts will be ongoing; however, all employees will be required to return to work.
Period Begins:	The Mayor declares an emergency or disaster is imminent and the City Manager implements this policy.	As determined by the City Manager.	As determined by the City Manager.	City Manager determines it is safe for employees to return to work.
Period Ends:	As determined by the City Manager.	As determined by the City Manager.	City Manager determines it is safe for employees to return to work.	As determined by the City Manager, in consultation with the Department Directors.

	Non-Exempt:	Non-Exempt:	Non-Exempt:	Non-Exempt:
How do you compensate for each period for staff who are working?	<p>1.5x for all hours worked</p> <p>Exempt: Regular Salary Plus "Emergency Comp Time" for the first 40 hours worked.</p> <p>1.5x the converted hourly rate for hours worked over 40</p>	<p>1.5x for all hours worked and 2x for all hours worked on the 7th consecutive day</p> <p>Exempt: Regular Salary Plus "Emergency Comp Time" for the first 40 hours worked.</p> <p>1.5x the converted hourly rate for hours worked over 40</p>	<p>1.5x for all hours worked and 2x for all hours worked on the 7th consecutive day</p> <p>Exempt: Regular Salary Plus "Emergency Comp Time" for the first 40 hours worked.</p> <p>1.5x the converted hourly rate for hours worked over 40</p>	<p>Regular pay practices apply</p> <p>Exempt: Regular pay practices apply</p>
How do you pay if on preapproved leave?	Continue to charge leave			

SECTION 6 – SAFETY

POLICY 6.13 – ICS TRAINING & NIMSCAST REPORTING

To: All Department Directors

From: James J. Stokes, City Manager

Subject: Administrative Policy #55
ICS Training & NIMSCAST Reporting

Date:

Many employees throughout our organization are required to complete Incident Command Structure (ICS) training. Much of this training is achieved through the National Incident Management System Compliance Assistance Support Tool (NIMSCAST).

Attached is the City of Deer Park's ICS Training & NIMSCAST Reporting Policy and Procedure manual. Its purpose is to document the minimum processes the City of Deer Park will follow in order to ensure the appropriate personnel have received the required ICS training in a timely manner and that training is being accurately reported.

All Departments are to utilize the guidelines listed within this manual for the purposes of completing and reporting all required training.

Please see that all employees are advised of this.

James J. Stokes, City Manager

ICS Training and NIMSCAST Reporting

Policy and Procedure

City of Deer Park, Texas



Original Date of Issue: April 1, 2012

Date of Last Revision: February 24, 2022

Effective Date:

Written/Revised By: Jamie Galloway

Approved By: Signature: James Stokes Date: 3/2/2022

I. PURPOSE

City of Deer Park, Texas

The NIMS Compliance Assistance Support Tool (NIMSCAST) is a web-based self-assessment tool for State, territorial, tribal, and local governments to evaluate and report their jurisdiction's achievements of all NIMS Compliance Objectives.

The purpose of this procedure is to document the minimum processes the City of Deer Park will follow in order to ensure the appropriate personnel have received the required Incident Command Structure (ICS) training in a timely manner and that training is being accurately reported.

The City Departments required to comply with the policy include, but are not limited to:

- City Manager's Office
- City Secretary's Office
- Emergency Management
- EMS
- Fire Department
- Fire Marshal's Office
- Finance
- Human Resources
- IT
- Police Department
- Public Works
- Parks and Recreation
- Planning and Engineering

II. PROCEDURES

A. Department Contacts

- 1) The Emergency Management Coordinator will serve as the NIMSCAST Point of Contact (POC) for the City.
- 2) Each Department identified in this policy will appoint a minimum of one NIMSCAST Department POC. Departments are also encouraged to appoint a Back-up Department POC.
- 3) All departments are required to keep their POC's current and immediately notify the NIMSCAST POC of any changes.
- 4) The City's NIMSCAST POC will research and inform City Department POC's of changes in NIMS training policies.

B. Completing the Survey

- 1) To maintain current ICS training records for each department and ensure NIMS Compliance, a NIMSCAST Survey will be completed annually by the Department POC's (See Attachment 2). The survey should also include a list of those employees who are new to or who have left their department since the last NIMSCAST Survey as well as the position they hold within the department (See Attachment 2.a).
- 2) The NIMSCAST POC will notify all Department POC's on August 1st of each year that the completion of a new NIMSCAST survey is required.
- 3) The NIMSCAST POC will provide a survey to each of the Department POC's.
- 4) The Department POC will return the completed surveys to the NIMSCAST POC in ten (10) working days for entry into NIMSCAST.

C. Training Compliance Objectives

- 1) It is of particular importance that all departments maintain accurate records of personnel who have received ICS training (See Attachment 1 for guidelines on required training). Additionally, it is important that departments ensure personnel receive the required training in a timely fashion (See Section II.C.3 below).
- 2) Departments must maintain written documentation that shows, at a minimum:
 - a. The specific ICS training required for a position.
 - b. The timeframe in which all required training must be completed.
 - c. The process by which completed training will be tracked.
- 3) Training should take place within the following time period based on the date of employment, promotion or change of job duties:

IS-100c	Introduction to Incident Command System (ICS)	90 days
IS-200c	ICS for Single Resources & Initial Action Incidents	90 days
ICS-300	Intermediate ICS for Expanding Incidents	One Year

ICS-400	Advanced ICS, Command and General Staff	One Year
IS-700b	National Incident Management System (NIMS)	90 days
IS-800d	National Response Framework	90 days
IS-29a	NIMS Public Information Systems	90 days
IS-703	NIMS Resource Management Course	90 days
IS-2200	Basic EOC Functions (only if assigned to EOC)	180 days

Course References

IS Courses <https://training.fema.gov/is/crslst.aspx>

FEMA Transcript Request <https://training.fema.gov/emiweb/downloads/tranrqst1.pdf?d=07-31-2019>

FEMA SID Request <https://cdp.dhs.gov/femasid>

Texas Training: www.preparingtexas.org

D. Submission of Training Certification

- 1) When each Department’s POC notifies the NIMSCAST POC of the completion of their Department Survey, the Department’s POC will also submit the ICS Training Certification (See Attachment 3) and any new individual certificates.
- 2) A Department’s NIMSCAST Survey will not be considered completed until the ICS Training Certification has been received by the NIMSCAST POC.
- 3) The NIMSCAST POC may request an audit of a Departments POC records at anytime during the year.

NOTE: Part-time employees in Public Safety Depts. should have the minimum entry level training. Part-time and seasonal employees in other departments are not required to have the minimum training.

ATTACHMENT 1

NIMS Training Requirements

DISCIPLINE/JOB	IS-100c	IS-200c	ICS-300	ICS-400	IS-700b	IS-29a	IS-703b	IS-800d	IS-2200
Fire/EMS Captains, Lieutenants, Firefighters, EMTs	R	R			R			R	
Public Information Officers, Assistant Public Information Officer	R	R	R		R	R		R	R
EOC Manager, Assistant EOC Manager	R	R	R	R	R		R	R	R
Shelter Staff and First Line Supervisors for Public Works and Parks	R	R			R				
Human Resources	R	R	R		R			R	
Mid-level Management including Branch Directors and Deputies, Unit Leaders, Division/Group Supervisors, Police Lieutenants, Fire Deputy Chiefs, Field Police Sergeants,	R	R	R		R		R	R	R
Incident Command Staff including, Incident Commander, Safety Officer, Liaison Officer, Operations, Planning, Logistics, and Finance/Administration Section Chiefs their Deputies and Assistants; Department heads with EOC management responsibilities	R	R	R	R	R		R	R	R
Field Staff: Public Works, Parks, IT, Police, and Dispatchers; EOC Support Staff	R				R				

LEGEND

Not Required	
Required	R

ALL First Responders and entry level employees who may have a role in response, recovery, or planning.

All Supervisors within the response organization.

Managers and EOC Staff, in addition to the above highlighted courses.

ATTACHMENT 2

(Year) NIMSCAST Survey

Department Name: _____

Department POC: _____

Course Number	Number of Personnel Required to Complete Training	Number of Personnel that Have Completed Training
IS-100c		
ICS-200c		
ICS-300		
ICS-400		
IS-700b		
IS-800d		
IS-29a		
IS-703b		
IS-2200		

ATTACHMENT 3

ICS Training Certification

Department Name: _____

This certifies that information entered into the City of Deer Park NIMSCAST Survey accurately represents:

- Individuals have been informed of the appropriate levels of required training.
- The number of individuals who have taken the specific ICS course identified.
- That the training has been completed in the required timeframe.
- The departments records of individuals who have taken the required training. (certificate or transcript)

Signature

Printed Name

Date