





CITY OF DEER PARK, TEXAS

Online Policies Acknowledgment Form

I, _____, acknowledge and affirm that I have been provided the electronic location and site address of the Personnel Manual, Administrative Manual and Drug & Alcohol Policy Manual and further that I understand that it is my responsibility to review these documents in their entirety within 30 days of receipt and am responsible for compliance with these policies as a condition of employment.

As a reminder, I can access this policy in the Online Administrative Manual available on the Employee Intranet page at http://www.deerparktx.gov/egov/docs/1262102021_964172.pdf.

Employees can access the Online Personnel Manual at http://www.deerparktx.gov/egov/docs/1232481841_276794.pdf.

And I can access the online Drug & Alcohol Policy Manual at http://www.deerparktx.gov/egov/docs/1238679715_523406.pdf.

Employees can also access any of these manuals via the city's internet page at <http://www.deerparktx.gov/Index.aspx?NID=364>

Lastly, I recognize that employment with the City is on an 'at will' basis and nothing in this document changes or alters that working relationship.

Employee Signature

Date

CITY OF DEER PARK
710 E. SAN AUGUSTINE STREET
DEER PARK, TEXAS 77536

Adopted by Resolution 80-4
February 22, 1980

Revised and approved
by City Council
November 3, 1987

PERSONNEL MANUAL

To newly hired employees of the City of Deer Park.

Those of us who work for the City of Deer Park feel that we are not just employees but are the essential link in supplying the municipal needs to our citizens. We are proud of our City and proud of the job we do for our citizens.

The City of Deer Park offers a very competitive benefits package for our employees, and in turn, the city employees provide superior services to our citizens. The city employees of our City recognize a problem as our "opportunity to serve" the public. We believe that this handbook these policies will provide you with the general rules and regulations of our City, as well as establish our service goals. If you have any questions about these policies, please contact your supervisor as we they are ready to assist you as necessary. We are invested in your progress and want you to be successful and happy in your job.

As public employees, it is extremely important to remember that the way we conduct ourselves on our job reflects credit to the City as well as to our fellow employees. Again, welcome and we look forward to working with you.

From the Office of the
City Manager

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DEFINITIONS

1. CITY MANAGER - means a person appointed by the Mayor with approval by the Council as the chief administrator of the city responsible to the Council for the administration of all of the affairs of the city under his jurisdiction.
2. DEMOTION - an assignment of an employee from a position in one classification to a position in another classification having a lower maximum salary rate.
3. DEPARTMENT - a major functional unit of the city government.
4. DEPARTMENT DIRECTOR - a person appointed by the City Manager and is responsible to him for the administration of a department.
5. EMPLOYEE - any person working in the service of the city who is appointed under these rules and policies and has satisfactorily completed his probation period; or who entered into the service of the city before and has been serving continuously since that time.*
6. HE - shall mean both genders of sex.
7. MAY - "May" is permissive.
8. MONTH - one calendar month.
9. CALENDAR MONTH - means beginning on the first day of a month proceeding through the last day of that month.
10. OVERTIME - authorized time worked in excess of regular work week.
11. PART-TIME EMPLOYEE - any employee working less than 40 hours a week.
12. PROMOTION - an assignment of an employee from a position in one classification to a position in another classification having a higher maximum salary rate.
13. SHALL - "Shall" is mandatory.
14. TENSE OF WORDS - The words in the present tense shall mean the future tense also.
15. TRANSFER - any change of an employee from one position to another position having the same maximum salary rate.

*Unless otherwise stated herein reference to "Employee" shall mean "Regular Full Time Employee".

CHAPTER I

PURPOSE OF RULES AND POLICIES

- 1.1 PURPOSE - The purpose of these rules and policies is to promote a high degree of understanding, cooperation and efficiency among all employees and provide a good working relationship with a uniform personnel policy. The fundamental objectives of good personnel administration sought to be achieved by these policies are declared to be:
- (a) To inform employees as to their rights, duties, and obligations, in relation to their employer;
 - (b) To inform department heads and other supervisors as to their obligations towards the employees under their direction and their rights to assign and instruct the employees;
 - (c) To ensure that all Federal, State, and local laws in relation to employment and working conditions are fully complied with;
 - (d) To promote high morale among employees by providing good working relationships and consideration for employees welfare;
 - (e) 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.
- 1.2 AUTHORITY OF CHANGES IN THE RULES AND POLICIES - These rules are issued as a resolution by the City Council. The rules 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.
- Copies of these rules shall be issued to all employees after their publication and to each new employee after he has been appointed to a position in the service of the City. Department Directors will be responsible for inserting changes as they are issued and keeping their respective copies up to date.
- 1.3 TECHNICAL RULES - These rules relate only to matters of personnel management and do not cover any departmental procedures, standard practices, standing orders or other technical matters. The several department directors have full authority to make departmental rules not in conflict with these rules, and otherwise to direct the conduct of the work of their respective departments.
- 1.4 PERSONAL RECORDS - Personal history records of all employees shall be available for inspection only to the employees concerned, their authorized representatives and to proper city officials.

CHAPTER II APPOINTMENT AND TERMINATION

2.1 APPOINTMENT - New employees shall be considered for employment on the basis of their demonstrated ability to perform work required. This may be determined by prior work records or by performance testing as well as determination, attitude and personality. 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.

2.2 MINORS - Minors employed by the city shall furnish the city with a minors release signed by a parent/guardian.

2.3 PROOF OF ABILITY TO LEGALLY WORK IN THE U.S. - Each candidate for employment must verify their eligibility for employment as prescribed by the U. S. Immigration Control & Enforcement before their application is processed.

2.4 PHYSICAL EXAMINATION - Each candidate for employment shall obtain a job-related physical examination by the appointed city health doctor at city expense. The city reserves the right to have an employee re-examined at any time.

2.5 JOB POSTING PROCEDURE - Positions available within the city will be posted for a period of five (5) working days at locations accessible to all employees.

(a) Each position posted will list the title, job, description, department where vacancy has occurred, rate of pay and date.

(b) Any employee of the city has the right to apply for the open position providing it is a higher position and he meets the minimum qualifications. Minimum qualifications will be the same as shown on the job description.

(c) If qualified personnel for the posted position cannot be found among city employees or it is reasonable to assume based on role requirements that qualified internal candidates are not available, the Human Resources department ~~may~~ begin soliciting and accepting applications for the position from non-employees immediately.

2.6 TEXAS DRIVERS LICENSE -It will be mandatory for each city employee driving a city vehicle to have a valid Texas Driver's License (newly hired employees who have valid out-of-state licenses will be allowed up to 90 days to obtain a valid Texas license). At no time will a city employee drive a city vehicle without a valid Driver's License in their possession. Should an employee have their license suspended for any reason, they shall notify the department director at once.

2.7 AGE REQUIREMENTS - No applicant for appointment shall be considered who is less than 18 years of age unless otherwise specified on the job posting.

2.8 EMPLOYEE BENEFITS - The cash pay of an employee by no means constitutes their total pay since employees receive a number of benefits in kind, which have substantial value. Information on these benefits can be obtained from the Human Resources department.

2.9 RETIREE INSURANCE COVERAGE – A retired employee (excluding dependents) shall be extended health insurance if the meet the following requirements: a, b, or c.

a) Employee reaches age 60 with 10 years of credited service or

b) Employee is credited with 25 years of service regardless of age.

c) Employee has 10 years accredited service with TMRS while working for the City of Deer Park and qualifies under a or b above.

Under the retirement program, the city will pay for medical insurance (employee only) and \$2000.00 basic life insurance.

Personnel Policy Sub-Section 2.
EMPLOYMENT OF RELATIVES/NEPOTISM

I.PURPOSE

In order to prevent conflicts of interest, to avoid accusations and perceptions of biased conduct, and to maintain the confidentiality of restricted information, the City adheres to State statutes regarding employment of relatives and further enacts policies to define what circumstances are prohibited regarding the employment of relatives.

For the purposes of the policy, Nepotism is defined as a familial relationship that is established to within the second degree of affinity (marriage) or to within the third degree of consanguinity (blood).

II.POLICY

It is the policy of the City that:

(A) Applicants

- An applicant related to the City Manager or Assistant City Manager by blood or marriage within the second degree according to common law shall not be employed by the City.
- An applicant related to any member of the City Council by blood or marriage within the second degree according to common law shall not be employed by the City.
- Under no circumstances will an applicant be employed under the same department director in which he or she has a relative who is also an employee of the city.
- Under no circumstances will an applicant be employed in an arrangement in which he or she may directly or indirectly supervise, have control of or jurisdiction over a relative who is also an employee of the city. An applicant of the city shall not directly or indirectly be under the supervision, control or jurisdiction of a relative who is also employed by the city.
- For purposes of this section, the term "relative" is defined as father, mother, son, daughter, sister, brother, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, grandchild.

(B) Promotion

In the event of a promotion that would create any of the prohibited situations or positions listed above, any employed family member(s) of the person considered for the promotion, whose relationship constitutes the prohibited scenario identified above must agree to immediately tender written, conditional resignation before the candidate will be formally considered for the proposed promotion. If the candidate is selected for and chooses to accept the promotion, the conditional resignation becomes final. Once final, any such resignation will not become effective until ninety (90) days after the promotion takes effect. Negatively impacted employees may wish to seek a transfer to another available position within the City for which the employee is qualified and which meets the requirements of this

policy. If a suitable transfer cannot be made within ninety (90) days of the event giving rise to a relationship prohibited by this policy, the employee will be required to resign from employment.

(C) Reorganization

In the event of a reorganization giving rise to a relationship prohibited by this policy, one of the related employees will be required to immediately resign his/her employment. Any such resignation will not be effective until ninety (90) days after the reorganization occurs if the reorganization creates any new nepotism issues as outlined in this policy.

(D) Marriage of Current Employees

In the event of a marriage (including common law) between two City employees, or any other situation giving rise to a relationship prohibited by this policy, one of the affected employees must immediately seek a transfer to another available position within the City for which the employee is qualified and that meets the requirements of this policy. If a suitable transfer cannot be made within ninety (90) days of the event giving rise to a relationship prohibited by this policy, one of the affected employees will be required to resign from employment. If no choice is made by the employees, the city will be authorized to make a decision to separate one of the affected employees and will utilize what is determined to be in the best interests of the city to make the determination of which role is to be terminated.

(E) Other Restrictions

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

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

****Relatives will not be permitted to work in the same department with each other without prior written authorization from the City Manager (or designee).***

(F) Grandfather Clause

The city is aware that, as of the above revision date of this policy, a number of City employees are related, by blood or by marriage, to other City employees. These employees will be "grandfathered" under this policy for any existing family relationships. Please be informed that the above "grandfathered" provision is for family relationships as they exist as of the revision date of this policy. Any future changes to the family relationship and/or the employment status of the affected employee(s) will be governed by the requirements of this policy.

(G) Periodic Review

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

(H) Application of Policy

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

Personnel Policy III – Probationary Period

PROBATIONARY PERIOD FOR EMPLOYEES –

- (a) The first twelve (12) months of service for sworn police officers (18 months for non-licensed officer cadets) and the first six (6) months of service of all other regular full-time or part-time employees is a probationary period during which there shall be no responsibility on the part of the city for their continued employment. Newly promoted employees are also subject to a probationary period for the first six (6) months in their new position.
- (b) At the end of a probationary period the department director will submit a change of status indicating regular full-time employment, extension of probationary status, or termination for the probationary employee. Only employees who meet acceptable standards during their probationary periods shall be retained. The satisfactory completion of a probationary period does not constitute an agreement of continuing employment for an unlimited period. Re-hires would be in a probationary status just as any other similarly situated new hire.
- (c) An employee who has not completed their probationary period is an “at will” employee and may be terminated at any time during the probationary period when, in the judgement of the department head, the quality of their work and/or behaviors does not merit continuation.
- (d) Throughout the probationary period of initial employment at the city, the probationary employee cannot utilize or access the city’s grievance procedure and is subject to discharge without recourse through the city’s policies and procedures.

CHAPTER IV CLASSIFICATION AND COMPENSATION

4.1 All city positions, whether occupied or vacant, are allocated to classes of work in accordance with the actual duties and responsibilities of the several positions. There may be one or more positions in a class. Each class is, in turn assigned to a pay range. The pay ranges are alphanumeric from the lowest to the highest. The body of classes and pay ranges constitutes the city classification plan.

4.2 PAY PLAN - Each pay range in the classification plan has a certain number of steps of monthly pay, each step being higher than the preceding step. These steps are identified by letters. Copies of the plan, classifications and pay ranges shall be made available in the Human Resources office to interested parties.

4.3 USE OF JOB CLASSIFICATION - All jobs shall be designated by job classification on all official records and payrolls. No job shall carry an official classification, which has not been approved by the City Manager.

4.4 STARTING PAY - New employees shall normally start work at the P (Probationary) step of the grades to which their positions are allocated by the classification plan. In the case where a candidate for employment clearly has exceptionally good qualifications for the work of the position, he may be employed initially at a step in the pay plan higher than the P step provided, however, that the department director and the City Manager shall approve such within-grade recruitment.

4.5 PERFORMANCE EVALUATION - Performance evaluations will be conducted at least once a year at which time an employee being evaluated may also have the opportunity to discuss working conditions and other matters which he might wish to discuss. A performance evaluation should be conducted so as to coincide with a recommendation for a merit pay increase (if performance rating qualifies for merit increase and employee is not at the top of their pay grade) and should accompany a change of status recommending such increase.

4.6 PAY INCREASES -

(a) The pay plan is designated to grant pay increases to outstanding workers as a reward for ability, attitude and production record. The steps provided for in the Compensation Plan does not mean raises are automatic but is a plan used by the department director in recommending raises for employees who qualify. Increases may be withheld in cases of inferior performance.

(b) Classified employees after completion of their probationary period may be raised to the next immediate pay step above their present pay on the first month in which their employment anniversary falls, provided their work is satisfactory (receiving a performance rating of 3.6 or higher) and upon recommendation of their department director and approval of the City Manager. All pay rates shall be rates set by the classification and compensation plan.

4.7 TRANSFER, PROMOTION OR DEMOTION - When an employee in one classification is transferred, promoted, or demoted to a position in another classification and his current rate of pay is:

(a) less than the minimum rate of the new classification, it shall be increased to the new minimum rate,

(b) more than the maximum rate for the new classification, it shall be reduced within the salary range of the classification as recommended by the department director with approval of the City Manager,

(c) at the same level on the salary range for the new classification it shall remain the same in the case of transfer, be lowered in case of demotion,

(d) newly promoted employees from one position to another shall be considered in a "probationary period" for the first six months in his new position. The probationary employee may be raised to the

next immediate step at the end of the six-month period upon recommendation of the department director and approval of the City Manager.

4.8 PART-TIME RATES - An employee who works regularly and less than forty (40) hours per week may be paid by the hour or at a wage proportioned to the amount of time worked.

4.9 PAY DAYS - Pay days are bi-weekly, every other Friday.

4. 10 MAINTENANCE OF THE CLASSIFICATION AND PAY PLANS - The City Manager assisted by the Human Resources Director shall have primary responsibility for maintaining the classification and pay plans. As the duties of positions change, they shall be reviewed for reallocation to different classes and the appropriateness of the classes in the classification plan shall likewise be reviewed and changes made. Within grade recruitment shall not be used as a substitute for modification of the pay plan.

Department directors and supervisors have a duty to report substantial changes in the duties and responsibilities of positions under their control in order that classification adjustments may be made.



CHAPTER V HOURS OF WORK AND OVERTIME

5.1 HOURS OF WORK - Working schedules are fixed by department directors but shall total 40 hours a week.

5.2 OVERTIME PAY FOR CLASSIFIED EMPLOYEES - Exempt employees as defined by the Fair Labor Standards Act (FLSA) shall NOT be eligible for overtime pay. It shall be the responsibility of the department director to keep overtime work at a minimum. 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. 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. Pay for overtime on Sundays and holidays shall be on the following basis: Two and one-half (2 ½) times the hourly pay rate for work on legal holidays, and two (2) times the hourly pay rate for the seventh consecutive day of work. On other days, pay for overtime shall be one and one-half (1 ½) times the hourly rate for work hours in excess of forty (40) hours in a seven (7) consecutive day period. "Overtime work" shall be defined as authorized work in excess of forty (40) hours in any seven (7) day pay period. Vacations and sick leave are not to be considered as work time for the computation of overtime.

5.3 EXEMPT EMPLOYEES - Exempt employees shall not be paid overtime They may be granted compensatory time off by arrangement with the City Manager

CHAPTER VI - LEAVE

VACATION LEAVE 6.1

Effective Date: January 2016

Eligibility – Full-time employees are eligible to begin taking accrued vacation leave upon completing six (6) months of full-time service.

Vacation Time Accrual –Vacation time will be accrued based upon employee’s hire date for full time employment and shall begin accruing immediately following the first pay period of full time employment. An employee’s vacation accrual rate is based upon tenure as a full time employee, and will accrue at the end of each pay period based on the following:

Years of Service	Bi-weekly Accrual Rate	Maximum Annual Accrual	Maximum Accumulated Vacation Balance
1 mo – 60 months (5 yrs)	3.08	80 hours	120 hours
61 mo – 120 months (10 yrs)	4.62	120 hours	180 hours
121 mo – 240 months (20 yrs)	6.16	160 hours	240 hours
241+ months (20+ yrs)	7.70	200 hours	300 hours

At the end of each pay period accrued vacation time is credited to employee’s usable balance. No employee shall be granted vacation leave in excess of the employee's accumulated vacation leave.

Maximum Annual Accrual – During the calendar year, employees may accrue a maximum of paid vacation time based on the allowances defined in the table above.

Maximum Accumulated Vacation Balance - The maximum amount of accumulated vacation is 1.5 times the maximum annual accrual based on an employee’s maximum annual accrual. When an employee’s vacation balance reaches the maximum allowed, vacation time accrual will cease. Vacation time accrual will resume only when the vacation time balance is reduced to less than 1.5 times that employee’s maximum accrual. Any vacation time not accrued will be forfeited. All extraordinary circumstance exceptions will be decided by the City Manager.

Holidays During Vacation -Holidays occurring during a vacation period shall not be charged against the employee's vacation time.

Scheduling of Vacations -Vacation leave may be granted by the department director at such times that will least interfere with the normal operation of the department, but with due consideration given to the desires of the employee. Vacation leave shall be taken in 1-hour increments. Increments less than 1 hour will require the approval of the department director.

Compensation for Vacation Leave -Vacation is paid at the employee's hourly pay rate at the time of vacation leave. Vacation hours are not included in the calculation of overtime for payroll purposes. Employees will not be paid for any unused vacation, except upon separation of employment.

Pay Out – Upon separation of employment an employee shall be paid for accrued vacation leave at the rate of pay the employee was receiving at the time of separation. Upon the death of an employee, vacation leave will be paid to the estate of the employee.

Promotions, Demotions, Department Transfer Employees - Employees being laterally transferred, promoted, or demoted shall retain accrued vacation leave. Part-time employees that transfer to a full-time position shall begin to accrue paid vacation immediately following the first pay period of full time employment and will be eligible to take vacation upon successful completion of their six (6) month full-time probationary period. Part-time employees may not earn or accrue paid vacation leave

6.2 GROUP HEALTH INSURANCE AFTER TERMINATION CONSOLIDATED OMNIBUS RECONCILIATION ACT (COBRA) - The federal government has recently enacted the Consolidatd Omnibus Reconciliation Act of 1985 (COBRA) which allows certain individuals the option of continuing their group health insurance under specified conditions.

An employee and his dependents are eligible to continue insurance for up to 18 months when termination of insurance is due to a reduction in hours worked, or upon termination of employment. An employee's dependents are eligible to continue their insurance for up to 36 months upon the occurrence of the following events:

- (a) The spouse and children upon the death of the covered employee.
- (b) The spouse, upon divorce or legal separation from the employee.
- (c) The spouse and children of Medicare-eligible employees, when the employee ceases to participate in the employer-sponsored plan.
- (d) Dependent children when they cease to be a dependent child under the definition in the policy.

The insurance cannot be continued beyond any of the following dates:

- (a) The date on which the employer ceases to provide any group health plan to any employee. If a group health insurance policy ceases to be in force with regard to employees of the employer, it would be the employer's obligation to allow the employee or his dependent(s) to continue coverage under any replacing group policy or policies.
- (b) The date the premium is not paid by the individual.
- (c) When the individual becomes covered under any other group health plan, or is entitled to Medicare benefits.
- (d) In the case of a spouse, when the spouse remarries and becomes covered under another group health plan.

If an employee's insurance terminates, or is about to terminate, his employer will provide him with a Continuation of Coverage Election Form which will enable him and his spouse to elect or reject continuation of group health coverage. An employee is responsible for providing his employer with current information as to his family status (i.e. separation, divorce, or dependent ineligibility for coverage).

An employee's election to continue coverage must be completed within 60 days after he receives this Continuation of Coverage Election Form, or his termination date, whichever occurs last. Benefits provided shall be identical to coverage provided for active full-time employees and dependents who have insurance under the plan but have not yet terminated their coverage. The cost to continue coverage is paid for by the individual. Within 180 days before the expiration of his continuation of coverage, he shall have a right to convert to a conversion policy if such a policy is a part of the group health plan at the time of his termination and is being offered to other active full-time employees under the plan.

Questions regarding an employee's right to continue insurance after his termination date should be addressed to the administration for resolution

6.3 MILITARY LEAVE - Any classified full time employee who is a member of a military

This section has been modified. Please see modified text at the end of this Chapter.

6.4 SICK LEAVE POLICY - Sick leave is paid time away from work due to a bona fide illness or injury that prevents the employee from working, for visits to the doctor or dentist, or to care for family members who are ill or injured. Employees who are unable to work due to illness or injury or other situations covered by this policy must immediately notify the appropriate supervisor in accordance with the procedures adopted by their Department. Sick leave with pay is not a right; it is a courtesy of salary continuation extended to employees. Sick leave is only to be used when actually warranted and approved. Improper use of sick leave shall be cause for disciplinary action as outlined in our Personnel Policies & Procedures Manual.

Eligibility. All full-time employees begin accruing paid sick leave upon their initial hire date. Part-time, temporary and seasonal employees do not accrue sick leave. Full-time employees who are in their initial orientation period may use accrued sick leave only if approved by their supervisor and/or Department Director. An employee who is released for and offered light duty by the City, but who elects not to accept such assignment, will generally be ineligible for paid sick leave benefits.

Accrual Rate. Sick leave for employees shall be computed on the basis of one (1) working day for each full calendar month of service/employment, so as to total twelve (12) working days to a full-time employee's credit each 12 months. Sick leave accrues only during periods in which the employee works or is otherwise on an approved paid leave status.

Maximum Accrual. The maximum sick leave time which may be accumulated by any employee shall be 90 work days or 720 hours.

Authorized Use of Sick Leave. An employee eligible for sick leave with pay shall be granted such leave for the following reasons:

- (1) Personal illness, illness in connection with childbirth, injury, or absence necessitated by exposure to contagious disease so that the health of fellow employees may be endangered by attendance on duty.
- (2) Injury or illness of a member of the employee's family that requires the employee's personal care and attendance. Employee's family is defined as:
 - Members of the **same household** related to each other by blood or marriage and living in a bona fide family relationship, and who are either:
 - o Legal dependents of the employee, or
 - o Spouse, parent, child, brother, sister, father-in-law, and mother-in-law, or
 - o Another relative who has been in a parent-child relationship to the employee.

NOTE: In the event of a life-threatening illness or injury of the employee's family member who does not meet the definition of "family," the City Manager may authorize the employee to use up to 240 hours of accrued sick leave.

Minimum Increments. Sick leave must be taken in minimum increments of one hour. Time for illness/sickness taken in increments of less than one hour will be accounted for by departmental policy.

Sick Leave Donation. *In special circumstances it is possible for employees to donate sick leave to other employees to aid those employees who have exhausted their sick leave balance. All leave donations will be in accordance with the city's Leave Donation Policy.*

Use of Other Leave. If approved by the Department Director (and in the case of Department Directors, by the City Manager), employees who have successfully completed their initial probationary period may use accrued and available vacation time, other accrued paid leave, or leave of absence without pay, but only if an employee has no accrued sick leave time. Earned compensatory time may also be used with proper advance notice to the supervisor. The usage of any compensatory time must also not create any genuine disruption to the department's operation in order for the compensatory time to be approved.

Documentation. Employees requesting paid sick leave must record their time appropriately via timesheet, time clock or Incode Time Entry and submit it to their supervisor for approval. An employee may be required to present satisfactory proof of illness/injury that prevents the employee from working whenever sick leave absence for 3 or more consecutive work days is used, and at any other time if requested by the City. An employee may also be required to present satisfactory proof of family relationship and/or satisfactory proof of a family member's illness and/or injury if the employee wishes to use accrued sick leave to care for a family member. If the employee fails to present such proof in a timely manner, use of sick leave will be disallowed and no other paid leave may be used for the absence. Abuse of sick leave may result in discipline up to and including termination of employment.

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

Elective Payment for Unused Sick Leave. Full-time, regular City employees shall be eligible for a payout for a portion of unused sick leave each fiscal year. Sick leave benefits are primarily to aid the employee during a period of personal illness when they themselves or a family member is incapacitated for a period of time. However, to serve as an incentive to encourage employees to guard their health and well being and to receive proper medical attention at the onset of any illness, employees shall have the option to be paid out for a percentage approved by City Council of their sick leave balance for any earned but unused sick leave based upon their normal daily pay rate for each day of earned but unused sick leave to be paid out. Days that are "paid out" will be deducted from the employee's sick leave balance from that point forward and the only way to replenish the sick leave balance would be through the accrual/earning of sick leave as per the Accrual Rate section of this policy. This payment shall be made no later than the first pay period of December of each year.

Any military leave will be reviewed for sick leave incentive pay eligibility on an individual basis by the City Manager in accordance with USERRA and applicable state law.

Failure to Report Absence/ Abuse of Sick Leave. Supervisors closely monitor use of sick leave. It is anticipated that employees using paid City sick time for their own illness/injury or that of a family member will use their sick leave time to recuperate or care for their family member. Trips to the doctor or hospital stays/visits, which take the employee away from the home, are acceptable, but other personal pursuits during paid sick leave will be considered an abuse of this policy. Abuse of sick leave, including use of sick leave for anything other than an illness, injury, may result in immediate disciplinary action, up to and including termination of employment, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness due to illness or injury may be disqualified from using sick leave for their absence. Please refer to Discipline, Attendance and Work Hours sections of the Personnel Policy & Procedures Manual for more information.

Other Employment During Sick Leave. Employees on sick leave, whether paid or unpaid, may not work a second job, including self-employment or participate in volunteer work, during the period of leave, even if they have written authorization from their Department Director to work a second job.

Payment Upon Separation. Employees who resign or retire with two-week notice will be *paid 13.5% for all accrued but unused Sick time for the current Fiscal Year.* (This does not include transition sick bank days). Conversely, Employees who terminate voluntarily without adequate two-week notice are not entitled to payment for accrued but unused sick time.

SPECIAL CONDITIONS SECTION FOR STAFF WITH “TRANSITION SICK BANKS” Employees that have accumulated an excess of 720 sick hours will have said hours moved into a separate account for each of these employees called a “Transition Sick Bank” or “TSB”. This bank will be administered separately from the sick leave bank, but will work in conjunction with that sick leave bank under certain conditions. Transition sick bank hours are a benefit afforded these employees and can be used to bring Extended Disability Benefits up to the 100 percent level. TSB hours can be used after all accrued sick time is exhausted or to cover any approved periods of FMLA leave for the employee. FMLA leave can include unpaid leave time for the serious health condition of the employee as well as a family member and can also be for qualified family member military leaves (FMLA leave is defined in Administrative policy #9) It is important to understand that hours cannot be accumulated in the TSB in the future. Hours can only be accrued in the regular sick bank by employees going forward. TSB time is always to be used after the employee’s regular sick bank has been exhausted or for an FMLA qualifying event. TSB time can never be “paid out” to employees in lieu of taking the time. Post this policy’s implementation date and the implementation of applicable employee TSB’s, no new TSB’s are to be created, accrued or accounted for any new employees in the future. TSB time cannot be transferred to an employee’s regular sick leave balance and TSB time cannot be used for sick leave donations to other employees.

6.5 EXTENDED DISABILITY LEAVE - After exhaustion of all sick leave vacation used as sick leave the following extended disability plan will take effect commencing on the 1st calendar day after the date when sick leave is exhausted if employee has been continuously disabled thereafter from a non-occupational disability: (With approval of City Manager)

<u>YRS. OF SERVICE</u>	<u>AMOUNT OF PAY</u>	<u>MAXIMUM TIME PERIOD</u>	<u>ADDT'L AMT. OF PAY</u>	<u>MAXIMUM TIME PERIOD</u>
1 - 2	1/4 pay	15 working days	-0-	-0-
3 - 5	1/2 pay	30 working days	-0-	-0-
6 - 10	1/2 pay	40 working days	-0-	-0-
11 – 15	1/2 pay	50 working days	1/4 pay	30 work days
16 – 20	3/4 pay	60 working days	1/2 pay	60 work days
21-over	3/4 pay	70 working days	1/2 pay	60 work days

No benefits will be paid under this plan for disability directly or indirectly due to intoxication, or to the use of stimulants, drugs or narcotics without the prescription of a licensed physician; or to fighting unless in self-defense against unprovoked assaults; or to the willful intent of an employee to injure himself.

AUTOMATIC SEPARATION FOLLOWING EXHAUSTION OF SICK LEAVE, VACATION AND EXTENDED DISABILITY LEAVE (Non-Occupational Injury/Illness) - An employee who is unable to return to work at the end of a 30 calendar day period following the exhaustion of all sick leave, vacation and extended disability leave (if applicable) may be automatically separated on the 31st day.

6.6 INJURY LEAVE - WORKMEN'S COMPENSATION - If an employee of the city is injured in the course and scope of his employment and is unable to perform his duties, he shall be compensated in accordance with the Texas Workmen's Compensation Act.

(a) Workmen's compensation benefits are provided pursuant to Texas Workmen's Compensation Laws and Regulations.

(b) Should an employee sustain an on-the-job injury; injury leave pay that combines with workers compensation income benefits to equal an amount that is equivalent to the employee's normal base pay for a period not to exceed 120 working days (not to exceed one calendar year for sworn police personnel) will be allowed.

(c) When an employee is injured on the job, the manager or supervisor shall immediately report this accident to the department director who will provide pertinent factors to insure that Workmen's compensation claim notices can be submitted. Where an accident results in very serious bodily injury or death to an employee, the manager or supervisor shall notify the department director immediately, either in person or by telephone.

(d) While on workers compensation injury leave away from work, any applicable Family Medical Leave (FMLA) will run concurrently with the leave and the time will count towards FMLA maximum allotted leave amount.

6.7 CITY'S RIGHT TO FILL VACANT POSITION - After an employee is off work for seven (7) days and will be off for an extended period of time, the department director can review with the Director - Human Resources the necessity to fill the vacant position. If the position is determined to be of a nature requiring it to be filled, then the City Manager will approve replacement activities. When the employee on workers' compensation obtains a full release, they can be considered for re-employment if there is an appropriate open position available. Said employee shall continue to receive all workmen's compensation benefits that they are eligible for.

6.7 CITY'S RIGHT TO FILL VACANT POSITION - After an employee is off work for seven (7) days and will be off for an extended period of time, a department director can submit documentation to the Personnel Office of the necessity to fill the vacant position. An employer is not required to hold an open position for the injured employee. When an employee obtains a full release he can be considered for re-employment if there is an open position available. Said employee shall continue to receive all workmen's compensation benefits and the city may continue to help said employee with filing of claims or problems with said claims.

6.8 MATERNITY LEAVE - Maternity leave will be treated like any other illness.

6.9 FUNE This section has been modified. Please see modified text at the end of this Chapter.
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6.10 HOLI

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- (c) Birthday holidays may not be taken in advance of an employees birthday and may not be delayed more than thirty days afterwards.
- (d) Part-time employees shall be paid their regular rates on a holiday only if required to work. No payment shall be allowed an employee for holiday work not specifically authorized by a department director.
- (e) An employee who is absent on the day immediately preceding or following a holiday(s) shall lose pay for the holiday(s) as well as pay for that day except as follows:
 - 1. He is on shift and the day before or after a holiday(s) is his day off.
 - 2. He is on vacation and the holiday(s) falls within that vacation time period.
- (f) In the event the City Council declares a special holiday, it shall be observed as provided above.
- (g) Employees wishing to observe national or religious holidays not listed hereon shall at their option be given time off without pay or have the time charged to their vacation.

Sub-section (h) has been added at the end of this Chapter.

6.11 LEAVE OF ABSENCE - Department directors with the approval of the City Manager may grant leaves of absence without pay to regular employees, not to exceed ninety (90) days. Employees shall request leave of absence in writing two (2) weeks in advance. Leave may be requested for any legitimate purpose but no leave may be granted an employee who has not completed his probation period.

6.12 INDEFINITE LEAVE (SUSPENSION)

- (a) When a department director suspects that the physical condition of an employee constitutes a hazard to persons or property, he may request the employee to submit to a medical examination by the City Health Doctor for the sole purpose of determining his physical condition relative to city employment. Employees who take examinations that are required shall be paid for such day. If an employee is found unable to perform the assigned duties, he shall be relieved of his duties until such time as he is certified by the City Health Doctor that he may return to full duty.
- (b) During investigation, hearing, or trial of an employee on any civil cause or criminal charge, when in the best interest of the city, an employee may be suspended.
- (c) A department director may recommend to the City Manager indefinite suspension of an employee at any time for just cause ascertained after careful and factual consideration.

Amended and Added Sections and Subsections

6.9 **FUNERAL/BEREAVMENT LEAVE** Full time employees who have completed their probationary period may be granted up to three (3) days of paid leave to attend or arrange the funeral and/or settle the final affairs of an immediate family member. The three (3) days referred to herein are to be taken during the thirty (30) calendar day time period immediately following the death of the immediate family member. Probationary employees do not qualify for bereavement leave but may utilize unpaid leave for bereavement purposes with Department Director approval.

Bereavement leave will be paid at the employee's regular rate of pay and those hours will not be factored into the computation of overtime. If any additional time off is needed by the employee for related business then the employee may use vacation, comp time or leave without pay with department head approval. The supervisor and/or department head may require the employee to provide proof of death such as an obituary notice.

A member of the *immediate* family shall be limited to: spouse, children, father, mother, brother, sister, father-in-law, mother-in-law, brother-in-law, and sister-in-law and grandparents of the employee or his spouse by consanguinity. It shall also include half-brothers, half-sisters as well as step family members (specifically step mothers, fathers, sisters, brothers, step-children and step-grandparents).

Amended and Added Sections and Subsections

Amended Chapter 6, Subsection 6.10(h): Holiday Leave.

6.10 HOLIDAY LEAVE -

(a) The following days are recognized as city observed holidays:

New Year's Day

The Friday immediately preceding Easter Sunday

Memorial Day

July Fourth

Labor Day

Thanksgiving Day

The day after Thanksgiving

Christmas Eve

Christmas Day

Employee's Birthday

One "Floating Holiday" (after a minimum of six months of employment)

****Only full-time employees are eligible for holiday leave and employees become eligible for the floating holiday after completing six months of full-time employment.**

(b) Any of the above holidays (except Birthday and Floating holidays) falling on Saturday or Sunday will be observed, for all employees, on the date designated by the City Manager for such holidays. In view of the continuous nature of the city's operations, some employees must be assigned to work on these holidays. Non-Exempt employees who may be required to work on these days will be paid double-time and one-half, except that those employees who normally work on a "shift schedule" shall be considered as working on a holiday only when the majority of his/her particular shift falls on the holiday.

(c) Birthday holidays may not be taken in advance of an employee's birthday and may not be delayed more than thirty days afterwards (unless city business operations necessitate a longer period after the employee's birthday).

(d) Part-time employees shall be paid their regular rates on a holiday only if required to work. No work time will be assigned to a part-time employee for holiday work not specifically authorized by a department director.

(e) Employees who are absent on the day immediately preceding or following a holiday(s) shall lose pay for the holiday(s) as well as pay for that day except as follows:

1. They work a shift schedule and the day before or after a holiday(s) is their day off.
2. They are on vacation and the holiday(s) falls within that vacation time period.

(f) In the event the City Council declares a special holiday, it shall be observed as provided above.

(g) Employees wishing to observe national or religious holidays not listed in this policy may at their option be given time off without pay or have the time charged to their vacation.

(h) Paid holiday (non-worked) leave is not included as hours worked for purposes of calculating overtime.

(i) The "floating holiday", must be scheduled and taken during the calendar year and shall not be subject to carry-over or payment if not used. Each employee in cooperation with his/her Department Head, must designate which day they desire to take as a floating holiday. Newly eligible employees will schedule their floating holiday with Supervisor approval after completing six months of employment and becoming eligible for the floating holiday.

(j) Please note that there may be departmental rules that govern when floating holidays can be scheduled throughout the year.

(k) Holidays and Floating holidays must be taken during the calendar year are not subject to carry over or payment if not used.

6.3 MILITARY LEAVE

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

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

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

Paid and Unpaid Leave for Training and Duty.

Full Pay For Up to 15 Days. Any classified full time employee who is a member of a military reserve organization which requires participation in a training program will be granted a leave of absence by the city for such training. Reimbursement for such leave will be made to the employee upon a signed statement of the commanding officer in the amount not to exceed normal pay of fifteen (15) working days less the military pay received for the same period.. This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or active military duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year.

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

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

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

benefits.

Medical and Dental. While an employee is on paid military leave (or any military leave of less than 31 days), the City will continue to pay its portion of the monthly premium for group health benefits. When military leave is unpaid, the employee may elect to continue group health coverage for up to 24 months following separation of employment or until the employee's reemployment rights expire, whichever event occurs first, for the employee and eligible dependents.

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

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

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

Returning from Leave.

Return to Work: A person returning from service must report back to work or apply for reemployment within the time constraints prescribed by USERRA. The City shall re-employ a returning veteran according to the provisions of USERRA.

Deadline to Notify City of Intent to Return to Work. The deadline for an employee to return to work and/or notify the City that the employee intends to return to work following military leave depends upon how long the employee's military service lasted:

- A) For service of less than 31 days, employees have 8 hours following their release from service to report for their next scheduled work period.
- B) For service between 31 days and 180 days, employees have 14 days following their release from service to apply for reemployment.
- C) For service of more than 180 days, employees have 90 days following their release from service to apply for reemployment.

These deadlines may be extended for 2 years or more when an employee suffers service-related injuries that prevent the employee from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

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

Military Leave Request Form

Employee Requesting Leave: _____

Department Name: _____

Dates Leave Requested: From: _____ To: _____

To: _____
Department Director

I hereby request Military leave as outlined in the City of Deer Park's Military Leave policy.

In accordance with the Military Leave policy I have provided notice to my Supervisor within 24 hours of receiving my military orders and/or this is an emergency military situation where short notice of deployment was provided.

I understand that I will receive up to 15 days of military leave pay reimbursement from the city and this reimbursement will be normal pay less any military pay I've received for the military deployment.

I acknowledge that I intend to return to work at the end of the military leave period.

Employee Signature

Date

Reviewed by:

Human Resources

CHAPTER VII

EMPLOYEE GRIEVANCE PROCEDURE

- 7.1 AGGRIEVED EMPLOYEES - Any employee having a grievance relating to his employment shall first present his grievance to his immediate supervisor, either orally or in writing. Grievances would be issues related to wages, benefits and working conditions.
- 7.2 DUTIES OF SUPERVISOR - The supervisor receiving a grievance has a duty to listen with care to the employee, to arrive at a full understanding of his point of view, and to give the employee a clear and specific answer. If he believes the grievance to be of a substantial nature and not to have been settled to the full satisfaction of the employee, the supervisor shall make an immediate record in writing of the facts and report the grievance to the department director.
- 7.3

APPEAL BY EMPLOYEE - An employee who, after discussing a grievance with his immediate supervisor and not being satisfied with the answer may appeal the grievance to the department director and the City Manager. Any appeal to the latter shall be made in writing.

made in writing.



CHAPTER VIII

Disciplinary Action and Employee Appeal Policy

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

II. Definitions:

Progressive Discipline – Progressive discipline is an employee disciplinary system that provides a graduated range of responses to employee performance or conduct problems. Disciplinary measures range from mild to severe, depending on the nature and frequency of the problem.

Record of Verbal Counseling – is a City form used to record the occurrence of a verbal counseling session (Exhibit C)

Pre-determination hearing – Pre-determination Hearing is a meeting between the employee and the City held prior to the imposition of any discipline to determine whether corrective action is needed. During the meeting, the employee or his or her representative may provide any information to defend against the alleged policy violation(s) and assert why disciplinary action may not be appropriate.

“Garrity” warning - A statement that enables management to question the employee and require that they respond, while protecting the employee's constitutional rights.

Misconduct - Unacceptable or improper behavior by an employee. Examples of general **misconduct** include insubordination, chronic tardiness or absences, inappropriate or rude comments to co-workers or customers, or misrepresenting **job** application data.

Official Misconduct - "Official misconduct" means committing an offense that is an intentional or knowing violation of a law committed by a public servant while acting in an official capacity as a public servant.

Paid Suspension – Paid Suspension is when an employee is sent home from work, while receiving full **pay**. The city utilizes a paid suspension pending an investigation of misconduct or other serious disciplinary matter in cases determined to be in the best interest of the employee or city for the employee not to be at work

Unpaid Suspension - is the temporary removal of an employee from performing his/her work duties and from receiving pay, as a disciplinary measure.

III. Policies and Procedures: It is desired that every employee strive to achieve the highest level of job performance and conduct possible. It is the responsibility of each employee to maintain a minimum level of job performance and conduct that meets the job description, training program (if applicable), city and department policies, and/or the expectations expressed in the employee's evaluation.

When the personal conduct or performance of an employee falls below the desirable standard, supervisors should point out deficiencies to the employee at the time they are observed. Immediate disciplinary action may occur whenever it is appropriate and in the best interest of the City. Whenever possible, the practice of progressive discipline should be applied. However, the suggested progressive disciplinary process is not a prerequisite for an employee's termination.

ABSENTEEISM - A work policy has been adopted that states that over 5 separate incidents of non-FMLA absenteeism taken at random in a one-year period, is excessive. Employees who practice this type of absenteeism can expect counselling, letters of reprimand, evaluations, denial of pay increases, and possible termination as a result of such practice.

ACTS OF MISCONDUCT NOT LISTED - In the event an employee commits an act not specifically listed in this chapter and in doing so jeopardizes the safety and welfare of the citizens and employees, the department director may recommend dismissal when in the best interest of the city.

RECORDING REPORTING OF DISCIPLINARY ACTIONS

The department director shall make a written memo of record of his reasons for any disciplinary action of the four kinds set out in these rules. A copy of this record shall be transmitted to Human Resources as a permanent record for inclusion in the file of the employee concerned.

Performance and Conduct Expectations Following are examples of expectations for appropriate work performance and conduct. It is the employee's responsibility to meet all work-related expectations. If he/she does not, disciplinary action may be appropriate.

This section provides guidelines only, and is not intended to be an exhaustive or all-inclusive list.

1. Each employee is responsible for performing his/her job in an efficient and safe manner. Each employee is expected to:
 - a. Observe all safety laws, rules, procedures and regulations;
 - b. Use City-provided equipment in a careful manner, in accordance with City and departmental safety procedures;
 - c. Safeguard the City's property and interests;
 - d. Not violate the City's substance abuse procedure;
 - e. Maintain all required licenses and certificates necessary to perform the person's assigned job;
 - f. Notify the person's own supervisor or another supervisor if the direct is not available, of work-related accidents in accordance with City procedures.

2. Each employee is responsible for conducting himself/herself in a manner that is respectful of others and worthy of respect from the person's co-workers. Each employee is expected to:

- a. Not harass or discriminate based upon sex, race, color, religion, creed, age, and disability or national origin;
- b. Not engage in speech or behavior, which is rude, abusive, insolent or offensive toward a citizen, supervisor or fellow employee;
- c. Not engage in repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment (bullying).
- d. Be truthful in all aspects, including: procuring employment through honest representation of his/her personal history, qualifications and physical condition; providing truthful reports, claims and testimony. Truthfulness includes presenting false information as true as well as leaving out substantial information that would alter another person's understanding of what happened;
- e. Not soliciting or accepting favors, gifts, items or services for personal gain; not soliciting or accepting bribes; and use of leave;
- f. Conduct himself/herself, both on and off duty, in a manner that is a credit to the person's department and the city.

3. Each employee is responsible for complying with the laws, regulations and policies of the United States, State of Texas, City of Deer Park, and his/her department. Each employee is expected to:

- a. Respect the property of the City, citizens and fellow employees (for example, not stealing or vandalizing);
- b. Make lawful and ethical decisions;
- c. Treat privileged and/or sensitive information confidentially, unless otherwise authorized.
- d. Disclose any communicable disease, which could endanger a fellow employee.
- e. Work safely so as not to endanger the life of fellow employees or citizens or cause the loss of City property.
- f. Pay just debts and accounts.
- g. Avoid making solicitations without City approval

4. Each employee is responsible for utilizing provided time, tools, equipment and vehicles in accordance with City and/or department guidelines. Each employee is expected to:

- a. Properly safeguard, maintain and account for City property in accordance with City procedure;
- b. Utilize computer systems and software only in a lawful manner and as authorized;

c. Use City time, equipment and personnel for City business, unless authorized to do otherwise.

5. Each employee is responsible for complying with the attendance guidelines and work hours of the person's position. Each employee is expected to:

a. Report to work at the appointed time and place;

b. Work his/her full shift, unless otherwise authorized;

c. Be at work ready to perform all duties within the work period;

d. Work any shift and location as assigned;

e. Take leave only with proper approval and notice;

f. Be available for working overtime with proper notice and/or responding to emergencies as required.

6. Each employee is responsible for maintaining acceptable work performance. Each employee is expected to:

a. Use care and caution when performing work duties;

b. Understand the performance requirements for the position;

c. Maintain open, two-way communication;

d. Clarify directions with the person's supervisor if unclear;

e. Not engage in horseplay, loafing or sleeping on the job (unless otherwise authorized to do so, such as with fire fighters working 24-hour shifts);

f. Comply with all lawful orders of a supervisor;

g. Meet all work-related expectations, whether as an individual contributor or team member.

No ***explicit or implicit right to continued employment*** is intended, or shall be interpreted to exist in this or any other City policy. This policy does not modify the status of employees as "employees at will" or, in any way, restrict the City's right to alter the disciplinary procedures described if circumstances warrant it.

Discipline will be administered without regard to race, color, religion, sex, national origin, age, disability or other non-performance-related factors.

All disciplinary actions shall be exercised under the scope of the City Manager's direct or delegated authority. The City Manager may remove, with or without cause and at will, any employee of the City not appointed by the City Council, or otherwise where the power is limited by Charter or State law, Federal and State laws including case law.

A. Types of Discipline Unsatisfactory job performance and inappropriate conduct, including poor attendance, may be addressed in the following actions:

1. Oral warning;
2. Written reprimand;
3. Performance Improvement Program;
4. Suspension/Leave without pay;
5. Demotion or Transfer
6. Dismissal.

All Disciplinary actions will be based on a sufficient investigation and will be committed in writing. Training may also be used in conjunction with discipline or in lieu of discipline if it is determined the employee did not have proper training to perform the duties, or to avoid the violation. When appropriate, Human Resources can assist department heads with initiation of referrals to the Employee Assistance Program in conjunction with disciplinary action.

It is recommended that Human Resources be consulted at any time a department head wishes to issue a disciplinary action other than an oral warning or a written reprimand. Human Resources can also assist with oral warnings or written reprimands as requested.

The department head may change the order of the above disciplinary steps, and/or may choose not to utilize each step, depending on the facts of the case.

Nothing herein shall preclude the department head from using alternative discipline procedures where such procedures have been approved by the City Manager.

1. Oral Warnings

a. A Record of Verbal Counseling (Appendix B) should be documented by department heads and kept within the department for performance evaluation and record keeping purposes. A copy should be sent to Human Resources for the employee's personnel file.

b. Oral warnings may **not** be appealed by employees. However, employees who disagree with the counseling action may discuss the basis of disagreement with their department head. Should oral warnings be given to employees in written form, employees may submit written responses/rebuttals to their supervisor to be attached to the oral warnings. Written responses/rebuttals must be submitted within ten (10) business days of receiving the oral warning.

2. Written Reprimands

a. shall be presented and a copy given to the employee indicating the following:

The date, time and location of the violation

The facts and circumstances of the situation

A summary of investigative findings

- (1) The law, policy or order the employee violated or failed to perform.
- (2) That such act(s) must not be repeated.
- (3) That further action will result if the employee fails to show and maintain satisfactory improvement up to, and including, termination,
- (4) Signed acknowledgment of receipt of the written reprimand by employee.

b. Written reprimands may **not** be appealed by employees; however, employees may submit responses/rebuttals for attachment to written reprimands. Responses/rebuttals must be submitted to the employee's Chief/Director within five (5) business days of receiving the written reprimand.

c. Written reprimands become a part of employees' personnel files and original documents shall be forwarded, along with any employee responses/rebuttals, to Human Resources.

3. Performance Improvement Program (PIP)

a. when the job performance of an employee falls below an acceptable standard. The department head may place the employee on a Performance Improvement Program (PIP).

b. The PIP shall consist of timely discussions between the department head and the employee with the following provided in writing:

1. The specific unacceptable deficiency in the employee's performance;
2. The specific training or other performance evaluation to be conducted to assist the employee complete the plan.
3. The necessary improvement;
4. The period of time in which improvement must occur; and
5. A statement that further consequences will result if the employee fails to show and maintain satisfactory improvement.

c. PIPs may **not** be appealed. Employees may however, submit written responses/rebuttals for attachment to the PIP.

d. Written responses/rebuttals must be submitted within five (5) business days of receiving the PIP.

A copy of the PIP shall be maintained in Human Resources, with a copy given to the employee and the original retained by the person's department.

4. Suspensions

a. Suspensions result in time off without pay. An employee may be suspended without pay for a period of not less than one work shift and shall be scheduled at the city's convenience.

b. Prior to issuing a suspension for an exempt employee, the department head may want to consult with Human Resources to ensure compliance with the Fair Labor Standards Act.

c. As notice, an employee shall be given a Notice of Disciplinary Action (Suspension) and shall have the right to respond to the department head to the alleged charges before the suspension becomes effective (**See:** Section 7 below).

d. Suspensions become parts of the disciplinary record maintained in the employee's permanent personnel file in Human Resources.

e. Suspensions **may** be appealed in accordance with City policy. Upon completion of the appeal, the employee will abide by the City Manager's decision.

5. Demotions result in employees being moved into jobs with lower responsibility levels and/or lower pay rates. Pay rates after a demotion will be reviewed on a case-by-case basis.

a. The investigation leading to a decision to demote employees for disciplinary purposes should be documented in writing, with a copy given to the employee and the original retained in the employee's personnel file.

b. As notice, an employee shall be given a Notice of Disciplinary Action (e.g. Demotion) and shall have the right to respond to the department head to the alleged charges before the discipline becomes effective (**See:** Section 7 below).

c. Status Change Forms (Appendix A) must be completed and sent to Human Resources.

d. Demotions may be appealed in accordance with City policy.

6. Dismissals resulting in termination of City employment.

a. Prior to initiating any dismissal action, it is recommended that the department head or his/her designee confer with the Human Resources personnel and present all relevant facts, circumstances and information, including whether the employee will be placed on administrative leave with pay or without pay pending the outcome of the investigation. This will help to ensure consistency of discipline across the organization.

b. Human Resources personnel will review the information and can discuss available options and their consequences with the respective department head or his/her designee.

c. It is the responsibility of the department head or the person's designee to decide whether to initiate a dismissal and to communicate the decision to Human Resources personnel.

d. As notice, an employee shall be given a Notice of Disciplinary Action (Proposed Dismissal) and shall have the right to respond to the department head to the alleged charges within two (2) business days of receiving the dismissal document. (**See:** Section 7 below)

e. Dismissals **may** be appealed in accordance with City policy.

7. Notice of Proposed Disciplinary Action and Employee Response

a. A supervisor or department head who is considering disciplinary action shall prepare a notice of disciplinary action to the employee. For the purposes of this section, “disciplinary action” means suspension, demotion and/or dismissal. The Notice of Disciplinary Action should include the investigation substantiating why the discipline is proposed, so the employee may adequately respond. The Notice of Proposed Disciplinary Action shall also establish a meeting time with the employee (normally within two (2) business days from the date of the proposed disciplinary action unless circumstances prevent such timing). Human Resources personnel can assist with the notice documentation.

b. An employee who receives a Notice of Proposed Disciplinary Action may respond with any relevant facts that might affect the proposed disciplinary action. The employee’s response/rebuttal must be submitted within a time frame prescribed by the Director.

c. The employee response may be presented orally during the meeting established in the Notice of Proposed Disciplinary Action. The employee may also present a response in writing as supplemental information to the meeting. If the employee does not provide additional information at the meeting or does not provide a written response providing adequate reason why the proposed action should not be taken, the proposed disciplinary action will be finalized.

d. An employee who is subject to disciplinary action of Suspension, Demotion, or Dismissal may have a representative present during the response meeting scheduled by the City. The representative is not permitted to speak or advocate on behalf of the employee. Any costs associated with the representative shall be the employee’s responsibility.

e. The department head may request a Human Resources or City Attorney’s office representative to be present at this meeting.

f. The department head will review the employee’s response/rebuttal and make a determination within ten (10) business days whether the basis for the proposed disciplinary action still supports a conclusion to take the proposed action (extensions available for emergency situations that may arise).

The department head shall notify the employee of his/her determination in writing or preferably in person, within fifteen (15) business days of receiving the employee’s response/rebuttal. If the decision of the department head is to take the proposed disciplinary action, the employee should be notified of the appeal procedure.

g. The employee’s pay status at the time of the proposed disciplinary action will remain in effect until the response is completed.

h. The response period is concluded on the day the department head makes a decision on the proposed disciplinary action.

i. Upon dismissal, the employee will receive accrued vacation leave and applicable sick leave in accordance with City procedures, along with any unpaid work hours on the person’s final paycheck. A non-exempt employee also will receive any recorded compensatory time. The employee will also be able to purchase his/her health insurance in accordance with COBRA provisions.

B. Criminal Offenses If, during the course of any disciplinary investigation, the possibility exists that the employee may be charged with a criminal offense; the employee will be put on paid leave and the police department will be notified to investigate the case. Once the criminal case is complete, and an internal investigation is initiated, and the employee is a sworn peace officer, the “Garrity” warning will be given prior compelling a statement from the employee. A criminal investigation may be ordered by the department head instead of, or in addition to, a disciplinary investigation. Whether the employee has been given the “Garrity” warning, or is an employee who does not require it, the employee is required to cooperate fully in the disciplinary investigation; a criminal investigation will be completed prior to an administrative investigation. Any failure on the part of the employee to cooperate fully in the disciplinary investigation may be considered insubordination and/or the failure to follow a directive or lawful order. Information obtained from an employee during a disciplinary investigation following the administration of the “Garrity” warning, or in any situation where a statement is compelled, may not be used in any criminal prosecution.

In the event it is determined that a criminal investigation is necessary, the Police Chief or a designee shall be notified and shall begin an official police investigation,.

When an employee is under investigation for a crime or official misconduct, or is awaiting a hearing or trial in a criminal matter, the applicable department head will review the facts of the alleged misconduct to determine whether it will interfere with the employee’s performance of his/her job duties. Depending on the type, nature and severity of the alleged conduct, the employee may be placed on administrative leave with or without pay, or may be subject to disciplinary action, including but not limited to suspension, demotion or termination.

The imposition of discipline, in whatever form, shall in no way preclude a further sanction imposed against an employee in subsequent criminal or civil proceedings. Any sanctions imposed in criminal or civil proceedings against an employee shall not preclude the imposition of administrative sanctions.

The Police Department shall follow its normal departmental procedures in investigating the potential criminal complaint and may, at the discretion of the Police Chief, assign such investigation to another law enforcement entity.

C. Appeals

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. The city manager may disqualify a representative from the appeal proceedings if the representative is deemed disruptive or unfit for the role.
- e. 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.
- f. 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. Every effort will be made to have the employee complete their suspension days/time prior to appeal.
- b. All appeals will be heard by the City Manager or a chosen 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 as soon as practical.
- 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 not submit documents if the decision is overturned, or the forms necessary to finalize the action if the decision is upheld..
- e. The City Manager will be the final arbiter of any appeal and that decision will be final.

D. Confidentiality Any dissemination of information related to a disciplinary action or subsequent inquiry of any employee's separation from employment must be coordinated with Human Resources.



CITY OF DEER PARK APPEAL FORM – PART 1

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

Address: Street City State Zip _____

Position: _____ Supervisor: _____

Date of Hire: _____ Date of _____: _____

- REQUEST FOR REVIEW OF _____
- I hereby request a review of my _____ (Suspension/Demotion/Termination) from employment in accordance with the City’ 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 resolve my complaint it is necessary for me to fully disclose all of the facts and reasons I believe my _____ (Suspension/Demotion/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).



Discipline: Record of Verbal Counseling

Employee Name _____ Date _____

*The following counseling has taken place:
(Check and give details under explanation)*

- | | |
|---|---|
| <input type="checkbox"/> Absence | <input type="checkbox"/> Harassment |
| <input type="checkbox"/> Tardiness | <input type="checkbox"/> Dishonesty |
| <input type="checkbox"/> Violation of Company Policy | <input type="checkbox"/> Violation of safety rules |
| <input type="checkbox"/> Horseplay | <input type="checkbox"/> Leaving work without authorization |
| <input type="checkbox"/> Smoking in unauthorized areas | <input type="checkbox"/> Poor performance |
| <input type="checkbox"/> Failure to follow instructions | <input type="checkbox"/> Insubordination |
| <input type="checkbox"/> Unauthorized use of equipment, materials | <input type="checkbox"/> Other |

Summary of violation and investigation:

Disposition/Summary of corrective plan of action

**SUPERVISOR
SIGNATURE**

DATE _____

**EMPLOYEE
SIGNATURE**

DATE _____

CHAPTER IX

ACCIDENT INVESTIGATION BOARD

9.1 ACCIDENT INVESTIGATION BOARD POLICIES - The Accident Investigation Board has adopted the following policies for action to be taken, etc.

As of May 23, 1979, the Accident Investigation Board has adopted the following policies for action to be taken if a city employee is found at fault in an accident while operating a city vehicle.

1. LENGTH OF SERVICE

0 - 3 years	10 points
4 - 6 years	7 points
7 - 10 years	3 points
11 - 20 years	0 points

2. NUMBER OF PRIOR (AT FAULT) ACCIDENTS WITHIN A 3 YEAR PERIOD

2 or more	10 points
1	5 points
0	0 points

3. PERCENTAGE OF FAULT

100%	10 points
50%	5 points
0%	0 points

Employees who spend 80% or more of their time driving or operating city vehicles will accumulate points to be deducted from their penalty points depending on the number of hours driven that day up to the time of the accident.

Less than 1 hour	minus 1 point
1 to 2 hours	minus 2 points
2 to 3 hours	minus 3 points
3 to 4 hours	minus 4 points
4 to 5 hours	minus 5 points
5 to 6 hours	minus 6 points
6 to 7 hours	minus 7 points
7 to 8 hours	minus 8 points
8 to 9 hours	minus 9 points
9 and over	minus 10 points

4. REIMBURSEMENT TO THE CITY FOR DAMAGES -

Three repair estimates will be obtained by the city. Twenty-five percent (25%) of the damages will be paid by the employee, with a maximum employee payment of \$1,000.00. Payment can be made through payroll deduction.

5. DISCIPLINARY ACTION

5 - 16 points	Letter of accident in personnel file
17 - 25 points	Suspension days without pay
26 - 30 points	Termination of employment

Letter of accident will automatically be made a permanent part of the employee's personnel file.

This system works on a point system, the total number of points against an employee determines the disciplinary action taken.

CHAPTER X

SAFETY REGULATIONS

The following Safety Regulations and/or suggestions have been established in order to better protect all city employees from injury. They have been established in order to let employees know what safety equipment is available and should be used. All city employees should conduct themselves in a business like manner. Under no circumstances will horseplay or any other conduct which could cause injury to yourself or other employees be tolerated.

I. CITY SHOPS AND WORK AREAS

1. Maintain clean and orderly working areas.
2. Make sure proper tools are used for repair jobs.
3. All tools are to be in good working condition.
4. All grinding, sanding, drilling, or welding machines shall be equipped with proper eye protection - safety guards and/or shields.
5. Flammable chemicals shall be so marked and kept separate from other materials.
6. All spilled chemicals, ie: grease and/or oil shall be properly cleaned up.
7. All mechanics, when working under vehicles, should wear some type of eye protection.
8. Fire extinguishers shall be installed and properly charged.
9. No unauthorized personnel shall operate Shop machinery.
10. All vehicles operated by Shop employees shall have access to first aid kits and fire extinguishers.

II. PUBLIC WORKS, PARKS & RECREATION, UTILITIES & ALL OTHER FIELD EMPLOYEES

1. When employees are working on streets (example - repairing or mowing), they shall be equipped with safety vest and proper street marking (example - fluorescent cones or barricades).
2. All employees should have access to fire extinguishers and first aid kits.
3. All Field employees shall have the option of wearing hard hats unless required by supervisor (example - working in trench or ditch).
4. All drivers of vehicles are to check vehicles for safe operating condition and report any defects to Shop.
5. When employees are welding, spraying chemicals, mowing, edging, using sledge hammer or jack hammer, proper eye protection shall be worn (example - safety goggles or glasses).
6. Employees riding in back of pickup trucks shall remain seated in bed of truck until it arrives at working area.
7. Employees using tools and/or machinery shall make sure they are in good working condition and are proper for the job.

III. JANITORIAL STAFF

1. Make sure tools and equipment used are in good condition and are proper for the job.
2. Make sure electricity is off before cleaning or changing bulbs in light fixtures.
3. Make sure ladders instead of chairs, are used for additional height.
4. Make sure vehicles they operate are in proper condition.
5. Shall have access to first aid kits and fire extinguishers for vehicles.

IV. WATER WELLS, TREATMENT PLANTS, CHEMICAL STORAGE

1. Proper breathing devices and eye protection shall be readily available for handling of any deadly gas (example - chlorine).
2. Proper covered storage and anchorage of chemicals shall be maintained (example - flammable separated from non-flammable).
3. There shall be proper ventilation of deadly gases and chemicals.
4. All work and storage areas shall be kept clean and free from obstruction.
5. Proper warning signs shall be installed where necessary (example - no smoking or dangerous chemical storage signs).
6. All steps shall be kept free from debris and proper handrails shall be installed.
7. Fire extinguishers shall be installed at all water wells and treatment plants.

V. OFFICE PERSONNEL

1. Maintain a clean and obstruction free work area.
2. Use proper electrical outlets - do not overload.
3. Do not have extension cords or electrical cords out where they could cause an accident.
4. Turn all electrical machinery off when not in use.
5. Never leave more than one file drawer open at a time when using cabinets.
6. Wipe up any liquid spills which may cause someone to slip and fall.
7. Know how to operate the machines you are using and make sure they are in proper working condition.
8. Storage areas should be kept clean and shelves shall not be overloaded.

VI. SANITATION DEPARTMENT

1. Pickup men shall stand on back of truck, or proper standing area, holding onto handrails.

SAFETY REGULATIONS, Pg. 3

2. Employees should not jump on or off of trucks while moving.
3. Trucks shall be equipped with first aid kits and fire extinguishers.
4. Truck drivers shall make sure truck is in safe operating condition and shall report any hazards to Shop.
5. All drivers shall operate trucks at safe speeds and shall be knowledgeable of Texas driving regulations.
6. Sanitation crews shall wear protective gloves.
7. Sanitation crews should check weight of load before lifting garbage bags. Also, check for protruding objects which could cause cuts or abrasions.

Chapter XI SUNDRY MATTERS

11.1 TMRS RETIREMENT PLAN - Any person employed in a position that normally requires at least 1,000 hours per year must be enrolled in TMRS as a condition of employment. (Information on the plan may be obtained in the Human Resources office)

11.2 EMPLOYEE ORIENTATION - The department director, supervisors and human resources personnel have a duty to orient all new employees. Such orientation training includes the duties of the position, hours of work, relationship to the other employees, safety precautions, the rights and obligations of an employee, and information about the units and department. The new employee should be made welcome and be encouraged to ask questions, especially during his first weeks at work. He shall have received information on how to access city personnel-related manuals. The statement will become a part of his personnel record.

11.3 CHANGE OF STATUS - All employees shall report change of address, telephone number, name changes and the like to their respective department directors.

11.4 MOONLIGHTING - Full-time employees have a primary duty to their city role. Secondary employment should NOT be allowed to cause performance or attendance issues with their primary role. Depending on the roles and relationships involved, this can also lead to termination of an employee's role.

11.5 RETURN OF PROPERTY - At the time of separation and prior to receiving the final paycheck, an employee shall return all tools, uniforms, keys, ID cards or other city property issued to them in the course of his employment. Any property not returned within seven business days of termination will be charged against final pay.

11.6 POLITICAL ACTIVITY - All employees shall refrain from using their city-related influence publicly and directly in any way for or against any candidate for elected office of the City Government. All employees seeking or accepting nomination or election to any public office that provides remuneration for the same may have their employment with the city impacted if they should be nominated/elected to said office (Article 16, Sec. 40, Constitution, State of Texas)

11.7 PRIVATE BUSINESS - Employees shall not engage in private business activities during their working hours and shall not use city property or facilities for such activities.

11.8 USING CITY POST OFFICE BOX FOR PERSONAL MAIL - Employees shall refrain from using the city's post office box or street address for personal mail deliveries.

11.9 STATEMENTS TO NEWSPAPERS & OTHER MEDIA - Statements or interviews to the newspapers and other public information media shall be cleared by the City Manager (unless otherwise delegated by City Manager) before such statements or interviews are made.

11.10 CARE OF CITY PROPERTY - Employees will be held strictly accountable for the care and condition of all city property and rented equipment under their control, and for the economical use of supplies.

11.11 LOITERING - Persons other than those transacting city business will not be permitted to loiter in city offices or about city buildings.

11.12 CAMPAIGNING, SOLICITING, ETC., AMONG EMPLOYEES - The promotion of outside interests may interfere with work and distract the attention of employees from their duties. Consequently, on city

time during working hours, no person may campaign politically or distribute literature for candidates. Further, they may not solicit, collect, sell tickets, chances or merchandise, make collections for employees or their families, or promote any outside interests, unless authorized by the department director.

11.13 MEMBERSHIP OF EMPLOYEES IN LABOR ORGANIZATIONS - The city will not discriminate against any employee because of membership or non-membership in any labor organization, or from engaging in protected activities nor will intimidate or coerce employees into joining or withdrawing from any labor organization.

11.14 READING WHILE ON DUTY -In the interest of efficiency and safety, employees shall not read magazines, newspapers or books while on duty. This does not include technical magazines, bulletins, etc., which may be assigned reading as a part of the employee's duties. The hours an employee spends on the job belong to the taxpayers of the city and should be spent in and for the best interests of the city.

11.15 PERSONAL PHONE CALLS - Personal phone calls shall be limited to three (3) minutes. Long distance calls may be made in case of an emergency only with approval of the department director.

11.16 USE OF CITY PROPERTY - No employee shall use city equipment, supplies, or facilities for any purpose other than the conduct of official city business or for approved personal wellness activities.

11.17 SPECIAL CONSIDERATION TO OTHERS - No employee shall grant any special consideration, treatment, or advantage to any citizen, individual, or group beyond that which is available to all citizens.

11.18 PERSONAL CONDUCT - All employees shall maintain a high level of personal conduct both on and off the job.

11.19 USE OF BULLETIN BOARDS - Bulletin boards are a convenient means of conveying information of interest to employees. To confine them to their proper use and to maintain their attractiveness, material may be posted on bulletin boards in the foyer of City Hall or Coffee Bar with permission of department directors and approval of the City Secretary.

11.20 FINANCIAL OBLIGATIONS - Employees of the city shall pay their just debts.

11.21 EMPLOYEE HARMONY - Employees of the city shall conduct themselves in a manner that will foster the greatest harmony and cooperation with each other. Gossiping about another employee will not be tolerated. Employees shall not conspire in a derogatory manner toward any supervisor, foreman, department director, City Manager, Mayor, or any member of the City Council. Any degrading or scandalous statements made by any employee to another, shall be constructed and interpreted as evidence supporting a conspiracy.

11.22 CHANGE OF CONTACT INFORMATION - Employees of the city shall keep the Human Resources office notified of their correct address, mailing address if different from their home address, telephone numbers, and emergency contacts and shall report any changes of the same within twenty-four hours after making such changes.

RESOLUTION NO. 2003-04

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER PARK
REVISING THE PERSONNEL POLICY MANUAL OF THE CITY OF DEER PARK BY
ADDING THE EMPLOYEE TRAVEL POLICY.**

WHEREAS, The Personnel Policy Manual of the City of Deer Park was adopted by Resolution 80-4, dated February 22, 1980; and

WHEREAS, The Personnel Policy Manual was revised by a Resolution of the City Council dated November 3, 1987; and

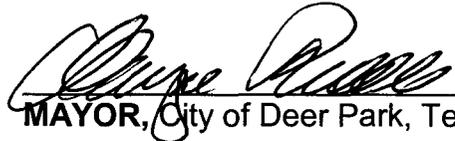
WHEREAS, The City Council of the City of Deer Park desires to revise the Personnel Policy Manual by adding the Employee Travel Policy, **NOW THEREFORE**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS:

Section 1. The Personnel Policy Manual of the City of Deer Park is hereby revised by adding Chapter 12 so that it shall hereafter include the Employee Travel Policy attached hereto and made a part of this Resolution for all purposes.

Section 2. The Personnel Director of the City of Deer Park is hereby directed to revise the Personnel Policy Manual by adding the Employee Travel Policy.

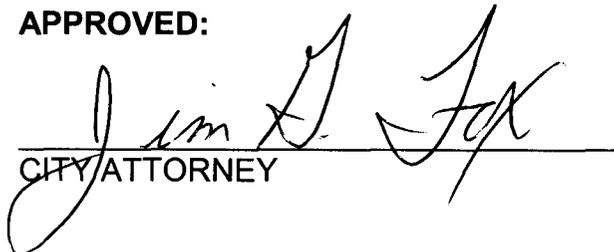
DULY PASSED, APPROVED, AND ADOPTED this 20 day of May, 2003.


MAYOR, City of Deer Park, Texas

ATTEST:


CITY SECRETARY

APPROVED:


CITY ATTORNEY

CITY OF DEER PARK, TEXAS

CHAPTER XII - TRAVEL AUTHORIZATION AND EXPENSE POLICY

Revision Dated 1/8/2019

I. Purpose and General Guidelines

To protect the interests of the City and to insure uniform application, this policy is established to govern expense allowances granted for all City travel. This policy covers travel allowances for all employees, volunteers, committee members and any other designated representatives (collectively, "travelers") who travel on City business, which shall include out-of-town stays, one-day conferences, and same day travel.

All travelers are expected to exercise good judgment in the use of City funds when conducting business on behalf of the City.

Due to budgetary constraints, a department director has the discretion to set more restrictive policies for travel, but the departmental policies may not exceed the limitations allowed in this travel policy and should be reviewed with the City Manager before implementation.

Any violation of this policy may result in disciplinary action up to and including termination of employment.

II. Travel Authorization and Advance Request

Before making any trip, the traveler may submit a "Travel Authorization and Advance Request" to receive an advance for meals and/or mileage. Approval of the department director and the City Manager is required to complete processing of the request. Advances will be processed by Accounts Payable up to three weeks prior to the departure date.

Note: prior approval from the department director is required for business travel and/or training for City representatives to attend one-day conferences. This approval should be handled in accordance with departmental procedures.

Information to be provided on the form includes the traveler's name, department, event sponsor, purpose and location of the travel, and the departure and return dates. A copy of a conference itinerary should be attached, if applicable.

III. Covered Expenses

A. Meals

Travelers will be reimbursed for meal expenses while traveling on City business. Travelers may select to be reimbursed on the basis of (1) actual expenses or (2) per diem. For each trip, one method or the other is to be used – they cannot be combined.

1. Actual Expenses

Because the costs of meals may vary significantly, there are no set dollar limitations. However, travelers are expected to keep meal costs reasonable. Receipts must be provided and document the date, place, meal order detail and cost (including tip not to exceed 18% without city manager approval).

2. Per Diem

In place of reimbursement for actual meal expenses, a flat meal allowance (per diem) will be provided. Per diems do not need to be supported by meal receipts.

- a. A per diem for meals and incidental expenses (M&IE) will be the primary method for covering expenses for out-of-town business travel and/or training.
- b. The per diem allowance covers meals, tips, and other miscellaneous expenses, and receipts are not required.
- c. The per diem allowance shall be calculated on the following basis:

	In-state	Out-of-state
Daily Per Diem (M&IE) Total	\$60.00	\$66.00
First and Last Day of Travel	\$45.00	\$49.50
Per Diem 25% Reduction per meal	\$15.00	\$16.50

Any amount requested “over and above” the standard per diem must include justification for the additional expenditure(s) and will be based upon the approval and judgment of the department director.

d. Meals provided by the hotel or event sponsor should be utilized. The M&IE per diem amount should be reduced by 25% for each meal provided by the conference, hotel, or vendor, unless one of the following applies:
* The traveler is unable to consume the furnished meal(s) because of medical requirements or religious beliefs;
* The traveler was unable to take part in the furnished meal due to the conduct of official business.

To assist with the determination of which meals were provided during a conference, a copy of the conference itinerary or agenda should be included with the travel reimbursement request. (Note: welcome receptions and continental breakfasts are not considered as meals provided.)

e. If certain circumstances, such as unique dietary needs, make it necessary for the traveler to forego the provided meal, the traveler may then claim up to the maximum per diem meal allowance. **In such cases, a written explanation that does not expose Protected Health Information (PHI) is required.** The traveler must indicate all such meals purchased in lieu of the meals provided by the hotel, event sponsor, or vendor.

f. For venues that require the purchase of a meal ticket or meal plan, a per diem will not be authorized for the days covered by the meal ticket or meal plan. The traveler should not request a per diem for meals covered by a meal ticket or meal plan.

B. Registration fees will be paid directly by the City through the accounts payable process or via charge to a City procurement card. Travelers are encouraged to take advantage of early registration to obtain the best discounted rate available. Travelers are encouraged to avoid writing a personal check or using a personal credit card for registration fees.

C. Transportation

1. Airfare – The least expensive coach class airfare will be considered standard air travel. Travelers are encouraged to take advantage of early reservation discounts to obtain the best rate available. Other classes of airfare may be used only if advance purchase, non-refundable tickets are no longer available.

Air travel is usually more economical in time and money when making a long trip. The City will pay for roundtrip, coach class airfare in advance through the accounts payable process or via charge to a City procurement card. If the traveler is not a procurement card holder, arrangements should be made with the department director to arrange payment for the airfare on a department procurement card. All procurement card receipts should be forwarded to the department record keeper.

While travelers may use other forms of transportation, the City will not reimburse more than the equivalent of the total cost of coach class airfare plus reasonable ground transportation from the airport to the hotel or event. For example, if the use of a personal vehicle results in a \$500 cost for mileage and the combination of airfare and a shuttle to the event costs \$450, the traveler will only be reimbursed for \$450.

Vehicle Rental – Car rentals are sometimes the most expensive mode of transportation; therefore, local transportation such as taxis, shuttles, etc. should be utilized whenever possible. If a car rental is necessary, the traveler shall rent the most economical car available that will satisfactorily meet their needs. If shuttles are available from the airport to the hotel and/or between the hotel and the conference, a car rental will be deemed unnecessary, unless approved in advance by the department director. If available, a City procurement card should be used for payment of the rental car. A receipt is required for all rental car transactions. All procurement card receipts should be forwarded to the department record keeper.

If a rental car is used, the traveler may be reimbursed for fuel, but all payment receipts are required.

The City's Auto Physical Damage insurance includes coverage for the temporary use of a rental car. Travelers should get a copy of the City's insurance card prior to making the trip so there is no need to buy the additional coverage offered by the car rental agency.

2. Personal Vehicle (no car allowance) –The City will pay for the use of a personal vehicle in accordance with the current IRS mileage rate, but the total expense shall in no case exceed the cost of standard coach airfare. If an applicable airfare is not available, the City shall use the closest match to determine the total mileage allowance.

Every traveler taking a personal vehicle is responsible for their own insurance as the City will not be liable for any physical damage or liability costs incurred in the event of an accident.

In the event a traveler has car failure while traveling out-of-town on City business, the City will reimburse the traveler for the expense of towing the vehicle to a garage, repair shop, or car dealership. The City will not reimburse the traveler for the cost of repairs to a personal vehicle. A receipt is required to receive reimbursement of towing services.

When two (2) or more travelers to the same destination plan to travel by personal vehicle, they are encouraged to carpool. When two (2) or more City representatives travel in a single automobile, only one (1) City representative may receive reimbursement for mileage or any other allowable automobile expenses.

When the use of a personal vehicle for out-of-state travel is approved for the convenience of the traveler, lodging, meals, and other expenses will be allowed only on the same basis as if the attendee traveled by air.

Round trip mileage should be calculated using the City Hall address of 710 E. San Augustine as the starting and ending location. Mileage should be rounded to the nearest mile based on anything above 0.5 miles being rounded up and anything less than 0.5 miles being rounded down. The City reserves the right to question any mileage reimbursement requests and will verify any mileage that appears out of line based on the destination.

3. Personal Vehicle (Car Allowance) – Mileage reimbursement will not be authorized for an employee's use of a personal vehicle traveling within the City or within Harris or Chambers County if the employee receives a monthly car allowance from the City.

In the event a traveler has car failure while traveling out-of-town on City business, the City will reimburse the traveler for the expense of towing the vehicle to a garage, repair shop, or car dealership. The City will not reimburse the traveler for the cost of repairs to a personal vehicle. A receipt is required to receive reimbursement of towing services.

4. City Vehicles – Use of a City vehicle may be approved under certain circumstances. When use of a City vehicle is approved, the purchase of fuel, oil, and other routine supplies and/or emergency repairs for the vehicle will be allowed. A receipt is required to receive reimbursement of any allowable expenses.

- D. Lodging - The City will pay for adequate lodging for the actual number of days of the event. Travelers are encouraged to arrange for payment of lodging in advance through the accounts payable process or via charge to a City procurement card. If the traveler is not a procurement card holder, arrangements may be made with the department director to arrange payment for the lodging on a department procurement card. All procurement card receipts should be forwarded to the department record keeper.

Travelers are encouraged to reserve lodging in the same hotel where the event is located to minimize ground transportation fees.

Lodging per night shall not exceed the actual room cost plus tax.

- E. Telephone Calls - The City will allow reimbursement for necessary business calls and reasonable communication with family while traveling on City business.
- F. Parking Fees - The City will allow reimbursement for parking fees (e.g., at the airport, hotel, or conference) while traveling on City business.

- G. Ground Transportation (taxi, bus or shuttle service) - The City will allow reimbursement for taxi, bus, shuttle or other reasonable methods of ground transportation while traveling on City business.
- H. Toll Fees - The City will allow reimbursement for toll fees that are incurred while traveling on City business. Note: City vehicles are not exempt from toll charges, and any toll violations incurred while traveling in a City vehicle will be the responsibility of the traveler.
- I. Course Material - The City will allow reimbursement for electronic or bound materials related to and purchased at the seminar, conference, or training.
- J. One-Day Conferences or Same Day Travel
Same day travel (including one-day conferences) is not subject to a per diem allowance. Additionally, when travel does not involve an overnight stay or is not long enough to require “substantial sleep or rest”, any reimbursement for meals is considered “taxable wages” by the IRS. The traveler may complete a Taxable Meal Reimbursement Form to be reimbursed for eligible meal expenses upon return from the event, attaching all required receipts and submitting the form to the department director for approval. (Note: the traveler must include an explanation for any missing receipts.) The department director shall then forward the form to Payroll for processing. The reimbursement will be included in taxable wages and subject to Federal income tax withholding (including social security taxes and Medicare) but will not be included in the TMRS calculation.

There is an exception for meal reimbursements directly related to and necessary for attending business meetings of certain exempt organizations. These expenses are excludable from wages if the expenses are related to the trade or business (e.g., chambers of commerce, business leagues, or professional associations). Payment for these meals may be via meeting dues paid to the professional association or via the individual purchase of the meal during the meeting.

IV. Procedures for Travel Advance / Reimbursement

A. Travel Advances

1. A travel advance is allowed for meals and/or mileage.
2. Travel advances will be processed no earlier than 21 calendar days in advance of the scheduled departure.

B. Reimbursement

1. Within 15 days after returning from an event, the traveler should complete the Travel Expense Report, attaching all required receipts and submitting the form to the department director for approval. (Note: the traveler must include an

explanation for any missing receipts.) The department director shall then forward the form to Accounts Payable for processing.

- a. If the traveler is due a reimbursement, payment shall be processed in the subsequent Accounts Payable process.
- b. If money is owed to the City, payment shall be made to the City within five (5) working days after returning from the event. Payment should be made at Central Collections, and the payment receipt should be attached to the Travel

Expense Report. Note: if it is later found that more money is owed to the City, the traveler will be responsible for payment within five (5) working days of notification that an additional payment is owed to the City.

- c. A traveler will not be issued a travel advance if any prior travel advance remains outstanding and/or if any amount owed to the City remains unpaid at the time a new travel advance is requested. City Manager may approve special circumstances.
- d. At the end of each calendar year, if the Travel Expense Report has not been completed for travel advances older than 30 days, any amount advanced will be treated as taxable income and will be reported as such to the IRS.

V. Non-Allowable Incidental Expenses

A. The City of Deer Park will not provide reimbursement for the following expenses:

- 1. Alcoholic beverages.
- 2. Spouse / family member travel expenses.
- 3. Tips (note: all tips are included in the daily per diem).
- 4. Laundry or cleaning services.
- 5. Movie rental, hotel pay television and/or videos.
- 6. Health clubs and spas.
- 7. Sporting events.
- 8. Theater or movie tickets.
- 9. Printed material such as magazines and books for personal use.
- 10. Personal items.
- 11. Hotel mini-bar items (e.g., candy, drinks, water, snacks, etc.).
- 12. Traffic tickets or fines (including toll violations).
- 13. Purchase of clothing, gifts, etc.

B. In the event that a non-allowable incidental expense is inadvertently purchased using a City procurement card, the traveler shall reimburse the City immediately upon returning from the event. A receipt and an explanation for these purchases must also be provided as part of the documentation.

VI. Travel for Non-Exempt Employees

A. When a non-exempt employee is assigned to travel out-of-town on a one-day assignment, travel time is paid (as the travel is part of the activity the employee was hired to perform on the workday in question). However, the travel between the employee's home and the airport (or bus/train station) may be deducted, as it falls in the "home-to-work" category.

- B. When a non-exempt employee is assigned to travel out-of-town overnight, travel that occurs outside of the employee's regular working hours as a passenger in an automobile, or on an airplane/train/bus, is not paid time unless the employee performs required work during that travel time (i.e., work on a laptop computer). Travel away from home overnight is clearly work time when it cuts across an employee's regular work day (normal working hours) because the employee is substituting travel for other duties.
- C. If the employee is required to drive, or be a passenger assigned as an assistant or helper, the employee must be compensated for the travel time. Any work that an employee is required to perform while traveling must be counted as hours worked; this includes driving or assisting/helping the driver.
- D. An employee required to operate a motor vehicle (car, pickup truck, dump truck, etc.) out-of-town in order to get to a work assignment away from the City will be paid for travel to the location away from the City.
- E. An employee who is a passenger in a motor vehicle driven out-of-town in order to get to a work assignment away from the City will not be paid for travel to the location away from the City unless the employee-passenger is required to perform work while being driven to the location away from the City or the travel time cuts across the employee's normal work day.
- F. An employee who requests and is permitted to drive a vehicle out-of-town (in lieu of travel by public transportation) outside of the employee's normal working hours, in order to work away from the City, will not be paid for the travel time to the location(s) away from the City.
- G. Questions regarding specific circumstances for non-exempt employee travel should be referred to the Human Resources Department **prior** to travel.