



# City of Texarkana, Texas Employee Handbook

Adopted on March 1, 2015  
by Resolution No. 2015-004



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## Note from our City Manager



Dear City of Texarkana Employees:

The City of Texarkana's most valuable asset is our employees; each of you brings a set of valuable and important skills to our team that allow the city to function as a whole. Our city is full of hard working individuals who are talented and skilled at their jobs, and who care about the residents of Texarkana, and who take great pride in performing their jobs at the highest level. As your leader, I appreciate each of you who devote your life and your career to making this community a better place to live. Thank you for everything you do to make Texarkana great!

If you're just starting your journey with the City of Texarkana, welcome to the team! We look forward to having you as part of the workforce here. If you've been part of the Texarkana family for a while, you already know that our vision is to provide excellent customer service to our residents while making municipal government transparent and accessible to everyone who lives in Texarkana.

We are making great strides to make doing business with the city convenient and easy, and we daily ensure the quality of life that residents of Texarkana expect. We meet the needs of both internal and external customers on a daily basis. We must remember that good customer service starts with each of us individually meeting the needs of others both internally and externally.

Thank you for all you have done and will do to make Texarkana a city that we all love. Keep up the good work!

John A. Whitson, City Manager



**Introductory Statement**

Effective Date: 03-01-2015

Revision Date:

The Employee Handbook is designed to provide information about working conditions, employee benefits, and policies affecting employment. These policies apply to all employees of the City of Texarkana unless specified otherwise. It describes many of your responsibilities as an employee and outlines the programs developed by the City to benefit employees. It is your responsibility to review the manual and comply with the policies as well as all other rules, guidelines and regulations implemented in accordance with these policies.

It is important to understand that no Employee cannot anticipate every circumstance or question. Due to changes in state and federal employment laws, portions of these policies may be superseded by such new legislation and it is the intent of the City to monitor and follow any such legislation. The City reserves the right to revise, supplement, or rescind any policy or portion of the Employee from time to time as it deems appropriate, at its sole and absolute discretion. When there are revisions, supplements or other changes to the manual, managers, supervisors and employees will be notified of such changes as these occur.

The language used in any statement, policy or procedure herein, is not intended to create, nor is it to be construed to create, a contract between the City and any one or all of our employees.

Should you have any questions as to the interpretation or understanding of any policy, procedure or practice, please visit the Human Resources Department. The Human Resources Department administers the City's personnel functions and employment policies in accordance with applicable federal and state law. As a matter of policy, all personnel records and policy administration shall be the responsibility of the Human Resources Department.



<b>Objectives of Policy</b>	Effective Date: 03-01-2015 Revision Date:
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The objectives of the HR policies are as follows:

- (A) To promote good and uniform personnel practices and administration in the management of the City's human resources;
- (B) To develop a program of recruitment, advancement and tenure, that will make municipal employment attractive as a career and encourage each employee to render the employee's best services to the citizens of the City;
- (C) To provide compensation based upon individual merit and the relative duties and responsibilities of positions in the service of the City;
- (D) To promote high morale by the consistent administration of these policies; and
- (E) To provide that tenure of employees covered by these policies shall be subject to good conduct, satisfactory performance, necessity for the position, and availability of funds.



**Amendment of Policies**

Effective Date: 03-01-2015

Revision Date:

Amendments to the Employee must be approved by the City Manager. The City Manager is responsible for the implementation of the personnel policies.

This handbook has been approved by the City Council of the City of Texarkana. Amendments of substance require approval by the City Council.

General and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by state law or the City Charter. Authority may be delegated to appropriate staff members to act in the City Manager's behalf in the administration of this handbook; however, the final authority on personnel decisions shall be reserved to the City Manager. Operational changes to any policy, practice, or process will require approval by the City Manager.

No City of Texarkana supervisor is authorized to modify this handbook for any employee or to enter into any agreement, oral or written.



<b>Application of Policies</b>	Effective Date: 03-01-2015 Revision Date:
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These policies shall apply to all City employees, provided that the provisions may be varied in the case of an employee with a written employment agreement approved by the City Council. All employees must become familiar with and abide by these policies. The City reserves the right to revise or rescind any policy at any time. The City also reserves the right to make final decisions as to the interpretation and intent of all information contained in the Employee.

The City reserves the right to interpret, change, suspend, or cancel, with or without notice, all or any part of these policies, or procedures contained herein.

This Employee sets forth policies applicable to all City employees. However, the Texas Local Government Code, Chapter 143 and City Charter will supersede any provision of this manual as it relates to disciplinary action, dismissal, and any other personnel matters affecting Texarkana, Texas Police Officers and Fire Fighters.



**Management Authority**

Effective Date: 03-01-2015

Revision Date:

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

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

Policy administration rests with City management and City management reserves sole authority to administer City operations.

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

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

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

Any statement in a policy and/or procedure found to be illegal, incorrect, and/or not applicable will not affect the validity and intent of the remaining content of such policy or procedure.



Titles utilized do not govern, limit, modify, or affect the scope of meaning or intent of any provision.

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

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



## Chapter 1: Employment

### 1.01 Equal Employment Opportunity

Effective Date: 03/01/2015

Revision Date:

#### **PURPOSE:**

To affirm the City's position regarding non-discrimination in matters relating to employment in the organization.

#### **POLICY:**

To help ensure that equal employment and advancement opportunities are available to all individuals, employment decisions at the City will be based upon merit, qualification, and abilities. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. The City does not discriminate in employment opportunities or practices on the basis of race, color, religion, gender, national origin, ethnic affiliation, age, disability, military/veteran status, sexual orientation, gender identity or any other characteristic protected by law.

In accordance with the Americans with Disabilities Act as Amended (ADAAA), the City will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship.

In compliance with Genetic Information Nondiscrimination Act (GINA), the City prohibits discrimination and retaliation based on genetic information in employment opportunities or practices.

Employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring those issues to the attention of their immediate supervisor, Department Director, or the Human Resources Department. Employees can raise concerns and make reports without fear of reprisal or retaliation. Anyone found to be engaging in discrimination or retaliation will be subject to disciplinary action, up to and including termination of employment.

The City will not tolerate derogatory remarks or actions by employees regarding race, color, religion, gender, national origin, ethnic affiliation, age, disability, military/veteran status, sexual orientation, gender identity, or any other characteristic protected by law.



**1.02 Americans with Disabilities (ADAAA)**

Effective Date: 03/01/2015

Revision Date:

**PURPOSE:**

To ensure compliance with the Americans with Disabilities Act and Americans with Disabilities Act as Amended (ADAAA), the City offers equal employment opportunity to qualified individuals and strictly prohibits discrimination against qualified individuals on the basis of disability.

**POLICY:**

The City will provide reasonable accommodation for the known physical or mental impairments of an otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position at issue. The City's obligation under this policy is limited to providing reasonable accommodations that will not result in undue hardship to the City.

However, the employer is *not* required to lower quality or quantity standards to make an accommodation. In addition, the employer is *not* required to provide personal use items such as glasses, contact lens, wheel chairs or hearing aids as an accommodation. The City of Texarkana will comply with all Federal, state, and local laws relating to the employment of applicants and employees with disabilities and reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of the job in question.

An individual, who can be reasonably accommodated for the job in question, without undue hardship to the City, will be given the same consideration for that position as any other applicant or employee.

All employees are required to comply with safety standards. The City will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of their position unless doing so causes a direct threat to the individuals or others in the workplace which cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to the City. Essential functions of the job refer to those job activities that are determined by the City to be essential or core to performing the job; these functions cannot be modified. Any employee that poses a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave until an organizational decision can be made in regard to the employee's qualifications for the position.

**A. Definitions**

In implementing this policy, the City of Texarkana will be guided by the most recent applicable definitions stated in the ADAAA or in case law construing the ADAAA, and

**1.02 Americans with Disabilities (ADAAA)**

Effective Date: 03/01/2015

Revision Date:

applicable state and local law. In the event of any conflict between the definitions in the ADAAA and the definitions in this policy, the legal definitions will be prevailing.

The following discussion is provided for general guidance of applicants and employees in understanding the policy of the City of Texarkana.

1. **“Disability”** refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such an impairment or has a record of such an impairment is also deemed a “disabled individual”. An individual may also be deemed “disabled” if that person is *regarded as* having such impairment. However, in the “regarded as” instance, the situation is more complicated. Under amendments to the ADAAA in 2008, if the condition is transitory and minor, defined as having an actual or expected duration of 6 months or less, then the condition does not qualify as a disability.
2. Generally, ameliorative measures such as medications and medical devices *will not* be considered in making a disability determination, although ordinary eyeglasses or contacts *may* be taken into consideration. So, for example, the mere fact that a person wears ordinary eyeglasses will not qualify that person as “disabled.” On the other hand, the fact that a person has a hearing aid or takes medications to address the impairment will not disqualify that person as being “disabled” if the person otherwise meets the definition of “disabled.”
3. **“Major life activity”** may include things such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating or working. A “major life activity” may also include bodily functions such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive systems.
4. **“Direct threat to safety”** refers to a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.
5. A **“qualified individual with a disability”** refers to an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.
6. **“Reasonable accommodation”** refers to making existing facilities readily accessible to and usable by individuals with disabilities, including but not limited to; job restructuring, part time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modification of examinations, adjustment or modification of training materials, adjustment or modification of policies, and similar activities.



**1.02 Americans with Disabilities (ADAAA)**

Effective Date: 03/01/2015

Revision Date:

7. **“Undue hardship”** refers to an action requiring significant difficulty or expense by the employer. The factors to be considered in determining an undue hardship include but not limited to: (1) the nature and cost of the accommodation; (2) the overall financial resources of the facility at which the reasonable accommodation is to be made; (3) the number of persons employed at that facility; (4) the effect on expenses and resources or other impact upon that facility; (5) the overall financial resources of the City; (6) the overall number of employees and facilities; (7) the operations of the particular facility as well as the entire City; and (8) the relationship of the particular facility to the City. These are not all of the factors but merely examples.
8. **Essential job functions”** refers to those activities of a job that are the core to performing the job in question and must be performed with or without an accommodation; these functions cannot be modified for the job position.

**B. Administrative Procedures ~ How to request an accommodation**

An applicant and/or employee may request an accommodation using **Form 18, Request for ADAAA Accommodation Form** found in the back of the Personnel Handbook, on the HR website, or in the Human Resources department. Any request for accommodation must be reasonable, not cause an undue hardship, not be a threat to safety, and enable the applicant or employee to perform the essential functions of the position. Each request will be evaluated on the aforementioned criteria. All requests are confidential. The review and coordination of any request for accommodation for a disability will be limited to those who have a right to know.

The Human Resources Department is responsible for implementing this policy, including resolution of reasonable accommodation, safety, and undue hardship issues.

The Human Resources Director is designated as the ADAAA Coordinator responsible for the receipt, review and response of requests for accommodation from the applicant or employee.

The applicant or employee will be provided the status of the request within five (5) working days. Extensions may be required contingent upon the complexity of the request. A need for extension will be provided in writing by the ADAAA Coordinator to the applicant or employee.

Should the applicant or employee disagree with the findings of the ADAAA Coordinator, the applicant or employee may appeal the decision of the ADAAA Coordinator within five (5) working days to the City Manager or designee. The request for appeal must be provided in writing. The decision of the City Manager or designee will be final.



**1.03 Employment At-Will**

Effective Date: 03/01/2015

Revision Date:

Employment with the City is for no fixed or definite term. All employment by the City has been and continues to be at-will, except for those positions that may have a written contract approved by the City Council, OR for employees covered by **Chapter 143 of the Texas Local Government Code**. That means that both the employee and/or the City have the right to terminate employment at any time, with or without notice, and with or without cause. Civil Service employees are governed by Chapter 143 of the Local Government Code. This Handbook does not constitute a contract of employment. Nothing in this handbook is intended to alter the at-will status of employment with the City.

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



**1.04 Recruitment**

Effective Date: 03/01/2015

Revision Date:

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

**Recruitment Requirements:** The recruitment process is initiated by a Department Director submitting a **Form 1, Personnel Request (Attachment A)** to the Director of Human Resources. Job vacancies will normally be posted internally for the benefit of any qualified employee. External recruitment may also be conducted during an internal posting.

After making a decision to hire, the hiring department must submit the appropriate paperwork to the Director of Human Resources, along with the applicable **Form 3, Personnel Action Form (PAF)**. Offers for City employment will be communicated by the Director of Human Resources upon receipt of the hiring recommendation and all related paperwork.

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



## 1.05 Job Posting and Applications

Effective Date: 03/01/2015

Revision Date:

**Job Posting:** Jobs will be posted on the official city website through **NeoGov**, the job board in the Human Resources Department, distributed on the City-wide email system and other methods as necessary. The jobs may also be posted on departmental bulletin boards. Each job posting will normally remain open for a minimum of one (1) week and will include the job title, department, job summary, essential duties, closing date, and minimum qualifications. In general, notices of job openings are posted. The City reserves its discretionary right not to post a particular opening based on the position, promotion from within; or other extenuating circumstances.

**Applications:** Anyone seeking employment, promotion, transfer, or reemployment with the City must complete and submit an official City application for the position desired. Current City employees must complete a **Form 2, Request for Consideration**. All information set forth on an application is subject to verification. Applications will normally be considered active until the vacancy is filled. Applications for employment will be considered by the Director of Human Resources.

**Internal Applicants:** All employees, including part time and seasonal, may apply for internal job postings and will be subject to the same tests as external applicants. An applicant's current supervisor may be contacted to verify performance, skills, and attendance, and the personnel file may also be reviewed. Staffing limitations or other circumstances that might affect a prospective transfer may be discussed. Employees who have been on disciplinary probation or have been suspended in the previous **twelve (12) month** period are not eligible to apply for posted jobs.



## 1.06 Hiring Process and Disqualification

Effective Date: 03/01/2015

Revision Date:

**Hiring Process:** Applicants for employment shall be required to submit to an oral interview and may be required to submit to a post-offer physical examination, drug and alcohol examination, and may be required to submit to pre-employment testing and investigation. The hiring of civil service employees is governed by Chapter 143 of the Texas Local Government Code and the City's Local Civil Service Rules, to the extent that the process differs from that contained in this Policy.

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

- Failure to meet the minimum qualifications necessary for performance of the duties for the position;
- If they previously worked for the City and were involuntarily terminated, or resigned in lieu of termination;
- If employment will result in a violation of the City's Nepotism Policy;
- Failure to meet minimum age requirement of 18; or for Civil Service applicants failure to meet the state mandated age requirement for licensing;
- False statements or material omissions on the application form or during the application process;
- Failing any of the City's background and employment requirements including, but not limited to, drug testing, physical exam, driver's license check.
- The applicant commits or attempts to commit a fraudulent act at any stage of the selection process;
- The applicant is not legally permitted to work in the United States;
- The applicant is unable to perform the essential functions of the job applied for with or without a reasonable accommodation; or
- Any other reason deemed to be in the best interests of the City.
- Any other reason prescribed by the Civil Service Commission, in the Local Civil Service Rules or Departmental Rules, Orders, and Directives.



**1.07 Employment Relations**

Effective Date: 03/01/2015

Revision Date:

**PURPOSE:**

To outline expected employee relations that create a working environment where services are provided to citizens in an efficient, effective, and economical manner.

**POLICY:**

High productivity and efficiency are a result of individual job satisfaction. To work together successfully, employees must realize that harmonious relationships are not entirely a matter of rules, but are the outgrowth of daily decisions and professional behavior.

Employees are expected to establish and maintain effective professional working relationships with fellow employees, supervisors, elected and appointed officials, citizens, consultants, contractors, and others doing business with the City.

To create a positive work environment, employees and supervisors shall communicate openly and directly. If employees have concerns, they are strongly encouraged to voice them openly and directly to their supervisor or Department Director.



**1.08 Work Ethic**

Effective Date: 03/01/2015

Revision Date:

**PURPOSE:**

To define ethical conduct for employees and representatives of the City.

**POLICY:**

The City will comply with all applicable laws and regulations and expects its directors, officers, volunteers, and employees to conduct business in accordance with the letter and spirit of relevant laws and refrain from dishonest or unethical conduct.

Employees shall, during both working and non-working hours, act in a manner which will inspire public trust in their integrity, impartiality, and devotion to the best interests of the City, its customers, and citizens.

To ensure ethical and impartial business, it is prohibited for City employees to:

1. Offer, or solicit money, property, service, or other items of value by way of gift, favor, inducement, or loan with the intent that the offer would influence or the recipient would be influenced by such conduct in the discharge of public duties. Employees **may not** use their official position, uniform, or badge to secure, demand, or coerce special advantage in business, personal gain, or other benefit derived from such relationship.
2. Use any City-owned facility, building, equipment, materials, or vehicle for their personal use or benefit, or for the personal use or benefit of any other individual. No employee shall have unauthorized possession of City property.
3. Invest or hold a financial interest, directly or indirectly, in any business entity, transaction, or business endeavor that would create a conflict between the City employee's duty to uphold the public trust and the individual's private interest.
4. Gifts may be accepted, but **shall not** create a personal benefit to a specific employee.

In general, the use of good judgment, based on high ethical principles, will be the guide with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter must be disclosed to the immediate supervisor and/or the Department Director. The Department Director shall immediately inform the Human Resources Director for the purpose of precluding any real or apparent conflict of interest.



## 1.09 Employment Classifications

Effective Date: 03/01/2015

Revision Date:

### **PURPOSE:**

To define the classifications of employment in the City of Texarkana

### **POLICY:**

The provisions of this section shall be applicable to all persons in an employment relationship with the City of Texarkana, Texas. Therefore, it is necessary that we define the different classifications of employees which are acknowledged by the City of Texarkana, Texas in accordance with the Fair Labor Standards Act.

- A. Orientation Period.** A full-time or part-time employee during the performance orientation period of initial employment, promotion, or transfer. Newly hired employees are not subject to progressive levels of discipline and are not eligible to use the City's Employee Appeals Policy during the Orientation Period.
- B. Probation Period.** Employees hired for Civil Service positions during the initial one to one and one half years of employment as determined by the Local Civil Service rules.
- C. Regular full-time.** An employee in a budgeted position with an officially scheduled work week of 40 hours or more each workweek (except for certain Fire and Police shift personnel who have different work cycles) who has successfully completed the initial orientation period. Generally, regular full-time employees are eligible for the City's full benefits package, subject to the terms, conditions, and waiting periods of each benefit program. Regular full-time employees are required to participate in the Texas Municipal Retirement System (TMRS).
- D. Regular part-time.** An employee in a budgeted position with an officially scheduled work week of 20 or more hours but less than 40 hours who has successfully completed 6 months of active service with the City. Regular part-time employees who regularly work more than 20 hours per week accrue certain benefits on a pro rata basis and, who work at least 1000 hours in a year, are required to participate in Texas Municipal Retirement System.
- E. Temporary/Seasonal.** An employee who is employed for only a specific time period, for a special assignment, or as an interim replacement. Employment assignments in this category are of a **limited duration**. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary and seasonal employees retain that status unless and until notified of a change in writing by the Director of Human Resources. Temporary employees who are placed with the City but who are actually employed by a temporary staffing agency must look to the temporary staffing agency to determine what benefits are



## 1.09 Employment Classifications

Effective Date: 03/01/2015

Revision Date:

provided. Such employees are not eligible for benefits from the City and are not eligible for participation in TMRS.

- F. **Volunteers** Volunteers are not employed by the City in any capacity. Volunteers elect to donate their time and services as a volunteer for the City without any expectation of compensation. Volunteers are generally not paid, are not entitled to any benefits, and are covered by worker's compensation.
- G. **Exempt Employee** – Some executive, professional, computer and administrative employees are exempt from the requirements of the Federal Fair Labor Standards Act (FLSA) that provide overtime pay standards. These exemptions are generally based on the responsibility, discretion, independent judgment and decision making authority required in the job. Exempt employees **are not** eligible to receive overtime.
- H. **Non-exempt Employee** - Employees in non-exempt jobs must be paid overtime pay for hours worked over forty (40) hours per week. This means that non-exempt employees' time worked must be recorded to be in compliance with FLSA. Firefighters work under the FLSA 7(K) overtime exemption.

**1.10 Orientation Period**

Effective Date: 03/01/2015

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All new employees hired to fill regular full-time or part-time positions must satisfactorily complete a performance orientation period of six months.

Employees covered by Chapter 143 of the Texas Local Government Code shall serve a probationary period as contained in Chapter 143.

Additionally, all current employees who are transferred, promoted, demoted, or reclassified to a supervisory position, as well as former City employees who are rehired, must satisfactorily complete a performance orientation period of 6 months. The orientation period assists the City in maintaining an effective, productive, and efficient workforce to provide quality services to the citizens. Employees must meet acceptable performance and other standards during their orientation period to be retained as employees. The orientation period may be extended for additional training as determined by the supervisor with approval from Human Resources. Employees are considered in the orientation period until they have actually performed their regular job duties for at least 6 months to establish their ability to meet acceptable standards of work performance and behavior for the employee's position.

Each employee serving in the orientation period is responsible for knowing, understanding, and meeting the expectations and standards for the position. In addition, each employee is also responsible for performing the job in a safe, productive, and effective manner within the established standards for the position. Furthermore, employees are expected to maintain acceptable standards of conduct in their employment. During the orientation period, it is the responsibility of the employee to correct any deficiencies or inadequacies in job performance, or conduct.

**Seasonal/Temporary Employees.** Seasonal and temporary full and part-time employees do not serve a performance orientation period and have no right of appeal when terminated.

**Change in Assignment of Employee serving in the Initial Orientation Period.**

Employees serving in the orientation period may not request or make application for reassignment, promotion, or voluntary transfer during the orientation period without written approval from the Human Resources Director, or if requested by their Department Director. If the reassignment, promotion, or transfer is approved, the employee will serve a **6 month** performance orientation period in the new position beginning with the date of the position change.

**Absences During Performance Orientation Period.** During the performance orientation period, an employee is **eligible to use sick leave for qualifying absences**, and **may use vacation leave for specific events** approved in advance by the Department Director. Compensatory time off or recognized holidays during the

**1.10 Orientation Period**

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performance orientation period may be used as approved per established City/departmental policy or practice.

Transferred or promoted employees serving in the orientation period retain eligibility for all types of leave established by City policy.

**Orientation Performance Evaluations.** All employees serving in the orientation period shall be **continually evaluated** and will receive a performance evaluation(s) in accordance with the “Performance Evaluation” policy. These reviews are designed to evaluate each employee’s performance and to communicate that performance to the employee. Formal evaluations shall be completed at **3 months and day(s) prior to 6 months**. The **6 month** written review shall include a supervisory recommendation to retain or terminate the employee. Newly hired employees who successfully complete their performance orientation period may receive a salary increase, if budgeted for that position.

**Extensions to Orientation Period.** The performance orientation period may be extended under the following circumstances:

At the end of the **6 month** initial period, the performance orientation period may be extended for up to an additional **6 months** when an employee’s performance has been marginal due to extenuating circumstances, additional training is warranted, or an employee’s absence from work for an extended period of time did not permit an opportunity for adequate assessment of performance. The decision to extend or not to extend an employee’s orientation period may not be appealed. If an extension is granted, the employee will be advised in writing and given the date on which the extended orientation period will be completed. Such extension will be at the sole discretion of the Department Director and the Director of Human Resources.

An orientation period may be extended for time spent on an approved Leave of Absence including leaves of absences due to injury or illness or approved Military Leave. The approved extension will normally equal the length of time away from work. Accordingly, each full-day absence incurred by an employee during the orientation period will normally extend the 6 month orientation period by an additional day.

**Successful Completion of Orientation Period/“Regular” Status Granted.**

Employees have no guarantee of employment either during their orientation period or after they are granted “regular” status. An employee is granted “regular” status if the employee satisfactorily completes the performance orientation period. Only employees who meet acceptable performance, conduct, attendance and other standards during orientation will be retained as regular employees.



**1.10 Orientation Period**

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**Failure of Orientation Period.** An employee is considered to have failed the orientation period when it is determined that the employee's fitness, job performance, quality or quantity of work, attendance, or combination thereof, does not meet minimum job performance standards and expectations for the position. Failure of orientation period may occur at any time within the orientation period. An employee who does not successfully complete the orientation period will normally be terminated from the City's employment. If desirable and feasible, the employee may be administratively transferred to a more suitable position at the sole discretion of the City. A transferred or promoted employee who fails the orientation period may, at the sole discretion of the City, be reinstated to the former position provided there is a vacancy and if approved by the affected Department Director(s). Department Directors are responsible for ensuring the thorough written documentation of all cases of failure of the orientation period, including documentation of counseling, training, and other efforts to help employees during their orientation period. All such documentation must be reviewed by the Director of Human Resources before an employee in the orientation period can be terminated.

**Termination of Employees in the Orientation Period** Employees in the initial orientation period are at-will employees and may be terminated at any time during the orientation period, with or without notice or cause. An employee in the initial orientation period who is terminated has no right of appeal. These employees are not entitled to progressive levels of discipline. Employees in the initial orientation period are otherwise subject to all policies and procedures of the City.

**Sexual and Other Unlawful Harassment** Employees in the orientation period are subject in all respects to the City's Harassment and Discrimination Policy. Employees in the orientation period have no right of appeal, however, if it is believed that unlawful harassment or discrimination has occurred such conduct must immediately be reported as set out in City Policy.



## 1.11 Nepotism

Effective Date: 03/01/2015

Revision Date:

### **PURPOSE:**

To clearly define the hiring, transfer and promotion standards when any relationship through blood, marriage, adoption, cohabitation or as roommates presents a conflict of interest or conflict of work related decisions for the City of Texarkana.

### **POLICY:**

The employment of individuals related through blood, marriage, adoption, cohabitation or as roommates within the City may cause serious conflicts and problems with favoritism and employee morale within the organization. Employees who are related through blood, marriage, adoption, cohabitation or as roommates may work in the same department however, not in the same work unit, division or work in a capacity that poses or may pose a conflict of interest. Additionally, they shall not work directly for, or be supervised by any individual related through blood, marriage, adoption, cohabitation or as roommates. Further, no relative or any employee related through marriage, adoption, cohabitation or as roommates shall be placed in positions allowing for financial signature approval of any purchasing or payroll transactions for one another. Such employees shall not work in a capacity that poses or may pose a conflict of interest.

This policy applies to all employees. The City reserves the right to take prompt and appropriate action to eliminate the conflict or potential conflict including termination of employment.

No person related through blood, marriage, adoption, cohabitation or as roommates to the City Manager, Mayor, or any member of the City Council, shall be employed in a paid position in the City. The City prohibits employees from the involvement in the selection, placement or discipline process of those with whom they are related through blood, marriage, adoption, cohabitation or as roommates.

The City reserves the right to take prompt action if an actual or potential conflict of interest arises concerning employees related through blood, marriage, adoption, cohabitation or as roommates who occupy positions at any level (higher or lower) in the same line of authority that may affect employment decisions.

#### **A. Definitions**

1. **Relatives:** Individuals related through blood, marriage or adoption; these include but are not limited to persons related through the **first, second and third degree of consanguinity** (blood relations) and the **first and second degree of affinity** (marriage relations). See the **Nepotism Chart (Appendix A)** at the end of the chapters for visual detail.



## 1.11 Nepotism

Effective Date: 03/01/2015

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2. Cohabitants: Individuals living together in an intimate or sexual relationship but are not married, or declared to be married, including relationships that may be considered common law marriages.
3. Roommates: Individuals sharing the same residence.

### B. Procedures

1. All applicants for employment at the time of hire must disclose the relationship with elected City officials or any individual working for the city in any capacity. If the applicant is hired, and it is later determined he/she failed to disclose information regarding a relationship with a City official or individual previously working for the City, the non-disclosure may result in disciplinary action up to and including termination.
2. When a relationship is created which is not allowed by City policy, it is the responsibility and obligation of the employees involved to promptly disclose the relationships to the Department Manager or Director. Failure to notify management may result in disciplinary action up to termination.
3. When a relationship is created which is not allowed by City policy, the affected employees will be provided thirty (30) calendar days to consider which employee will vacate his or her position. The affected employee may resign, apply for another position, voluntarily demote or transfer to a vacant position. After thirty (30) calendar days, the Department Manager or Director may decide which employee(s) to demote, transfer or terminate.

### **Application of Policy**

**Grandfather Clause:** Employees hired before the effective date of this policy, who are found to be in violation of this policy, shall be allowed to continue working in their current positions. No person shall be hired, transferred or promoted after the effective date of this policy whose continued employment with the City would create a violation of this policy. In all cases of employment with the City, the City reserves the right to transfer or reassign any employee at any time with or without cause.

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

## 1.12 Outside Employment

Effective Date: 03/01/2015  
Revision Date:

### **PURPOSE:**

To outline the conditions an employee of the City of Texarkana must meet before accepting another job or business opportunity outside his/her employment with the City.

### **POLICY:**

The position an employee holds with the City of Texarkana shall take precedence over any other occupational involvement of the employee. The acceptance of another job or business opportunity, such as contracting or self-employment, while in the employment of the City is permissible as long as the following considerations are met:

1. Employee must submit a **Form 24, Request for Outside Employment** to the Department Director prior to the acceptance of outside employment and whenever the nature of such employment changes. If outside employment is approved, the request form will be forwarded to Human Resources and placed in the employee's personnel file.
2. Outside employment may not conflict with the best interest of the City and must be terminated if it adversely affects the employee's attendance or performance of duties. Approval of outside employment may be withdrawn at any time.
3. Outside employment must be suspended if the employee is on restricted duty, workers' compensation leave, sick leave, military leave, leave without pay, or family medical leave.

### 1.13 Employee Health Examinations/Fitness for Duty

Effective Date: 03/01/2015  
Revision Date:

#### **PURPOSE:**

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

#### **POLICY:**

**A. Medical Exams for Current Employees.** The Director of Human Resources, or an employee's Department Director (with the prior written approval of the Director of Human Resources) may require a current employee to undergo a medical and/or psychological examination to determine fitness for continued employment, as may be necessary in order for the City to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with applicable laws.

**B. Medical Information from an Employee's Doctor.** Under certain circumstances (e.g., FMLA Certifications), Human Resources may require employees to provide medical information from their health care provider. In such cases, employees are to inform their health care provider not to provide any genetic information when responding to such request.

**C. Genetic Information.** In accordance with the Genetic Information Nondiscrimination Act (GINA), the City will neither request nor require genetic information of an employee or his/her family member, except as specifically allowed by GINA. To comply with GINA, employees are directed not to provide any genetic information when responding to any City request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or embryo lawfully held by an individual or family member receiving assistive reproductive services.

**E. Medical Records.** Medical records and sensitive information regarding an employee's health will be kept confidential AND separate from other records as required by law. Limited information may be provided to supervisors and managers, first aid and safety personnel, government officials, Texas Workers' Compensation Commission, and as necessary for insurance and other business-related purposes.

**F. Return to Work/Fitness for Duty.** Before returning to work following a medical and/or psychological examination under this policy, the employee must coordinate

**1.13 Employee Health Examinations/Fitness for Duty**

Effective Date: 03/01/2015

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his/her return through Human Resources. An employee who misses work due to medical reasons may be required to provide a fitness-for-duty certification before returning to work.

**G. Time Off From Work.** Time away from work undergoing a City mandated fitness for duty examination will normally be coded to **paid administrative leave**, but may be retroactively changed to sick leave, Family Medical Leave Act leave, and/or other leave as circumstances warrant.

## 1.14 Employee Medical Psychological Examinations

Effective Date: 03/01/2015

Revision Date:

### **PURPOSE:**

To outline the procedures requiring certain current or prospective employees to undergo a City-paid examination to ensure successful performance of essential job functions.

### **POLICY:**

Applicants for specific jobs may be required to undergo and pass a pre-employment physical and/or psychiatric exam upon a conditional offer of employment. The examination will be conducted by a physician of the City's choice and paid for by the City. Employment will be contingent upon successful completion of the examination in relation to the standards of fitness required by the essential functions of the position. Where conflicts of medical/psychological opinion occur, the decision of the City's appointed physician/psychologist or psychiatrist shall be final and binding.

A Department Director, with agreement of the Human Resources Director, may require current employees to undergo a physical and/or psychological examination in order to determine fitness to perform the essential job functions for continued employment. Employees who are transferred, promoted, or demoted may be required to undergo an examination to ensure that they are capable of performing the essential job functions of the new position.

Any medical/psychological information concerning an employee will be maintained in separate, **confidential** medical files, apart from regular personnel records, in the Human Resources Department. Such records are not subject to open records. Only authorized employees may have access to such files. Any employee found to have discussed medical information about another employee with anyone else or to have released such information without authorization, is in violation of this policy and will be subject to disciplinary action, up to and including termination from employment.

## 1.15 Procedural Referral

Effective Date: 03/01/2015  
Revision Date:

### **PURPOSE:**

To outline the Procedural Referral process developed to assist employees experiencing problems or concerns which adversely affect their job performance.

### **POLICY:**

If there is continuing or serious misconduct or disruptive behaviors by an employee, the Department Director may require a psychological evaluation of an employee. The employee may be referred to the Employee Assistance Program (**see *Policy 5.08 Employee Assistance Program***), health insurance provider, or another professional organization or individual for evaluation. If psychological evaluation and successful treatment are made conditions of continued employment, or if a disciplinary action is delayed or reduced contingent upon evaluation and successful treatment, then such referral is considered procedural and full participation in the recommended course of action is required. Referral does not automatically preclude disciplinary action. Failure to fully participate will be cause to reinstate the original personnel action or to take the appropriate personnel action, up to and including termination.

All cases of procedural referral shall be discussed with the Human Resources Director or designated representative prior to referral. If the employee has sought treatment on his/her own initiative, then the Human Resources Director or designee may require proof of compliance with the treatment or the City may refer the employee to another provider as referenced above.

## 1.16 Personal Relationships

Effective Date: 03/01/2015  
Revision Date:

### **PURPOSE:**

To provide guidance in areas where personal relationships overlap with working relationships and avoid potential conflicts of interest in the workplace.

### **POLICY:**

***Personal relationship*** is defined as a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. Supervisors are strictly prohibited from having personal relationships with subordinates; dating or intimate, regardless of frequency. The City reserves the right to take prompt action if an actual or potential conflict of interest arises concerning individuals who occupy positions at any level (higher or lower) in the same line of authority that may affect employment decisions. If it has been determined that a supervisor is dating or intimate with a subordinate, the supervisor may be disciplined, up to and including termination. Any employee who is in violation of the personal relationship policy may be subject to discipline, up to and including termination.

Employees involved in a personal relationship with another employee may not occupy a position in the same department, work directly for, or supervise the employee with whom they are involved. The exception is for the employees who work in larger city departments: having different divisions or work schedules, and who have first disclosed that they were involved in a personal relationship. The aforementioned employees may be separated by reassignment into a different unit, division or work schedule. The alternative for any employee determined to be in a personal relationship is for one or both employees to leave employment of the department.

Where a conflict or the potential for conflict arises because of a relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment. If such a dating relationship is established after employment, it is the responsibility and obligation of the employees involved to disclose the existence of the relationship to the Department Director or Human Resources immediately. Failure to immediately disclose the relationship constitutes violation of the personal relationship policy. Where a conflict or potential conflict arises because of the relationship affecting employment the individuals concerned will be given the opportunity to decide who is to be transferred to another position or terminated if no position is available. If that decision is not made within 30 calendar days, management will decide who is to be transferred or, if necessary, terminated from employment.



## Chapter 2: Personnel Actions and Records

### 2.01 Personnel Files

Effective Date: 03/01/2015

Revision Date:

#### **PURPOSE:**

To outline the information maintained in the personnel file, employee's access to the file, and how an employee must keep personnel data and records current.

#### **POLICY:**

The City of Texarkana maintains an official personnel file in Human Resources on each employee including such information as the employee's job application, resume, performance evaluation forms, personnel action forms, and other employment records.

#### **A. Restrictions & Confidentiality of File**

Personnel files are the property of the City, and access to the information they contain is restricted. However, release of information contained in the personnel file is subject to the Public Information Act. Information contained in the personnel file, except information deemed confidential by law or other information that is excepted from disclosure under the Public Information Act, may be released pursuant to such Act. Additionally, direct or hiring supervisors and management personnel of the City who have a legitimate reason may review information in a file. Medical records are maintained separate from the personnel file and will not be released to the public, unless required by law. An employee or former employee may choose not to allow public access to information that relates to the employee's home address, home telephone number, or social security number, or that reveals whether the employee has family members, by signing a written **Form 25, Non-Disclosure Form** at the time of employment, termination, or retirement. An employee or former employee may also later choose to open or close access to such information.

#### **B. Employee Access to File**

Employees who wish to review their own file shall contact the Human Resources Department to schedule an appointment. With reasonable advance notice, employees may review their own personnel file in the Human Resources Department in the presence of a Human Resources employee. The employee may review the files and take notes or request copies of select pages, but shall not add or remove anything from their personnel file at that time.

#### **C. Personal Data Changes**

It is the responsibility of each employee to enter any changes in personal data, such as personal mailing addresses, telephone numbers, emergency contact, etc. through the **Employee Self Service (ESS)**. Employees are also responsible for entering changes to insurance personal data through Benefit Connector. You may access **Benefit Connector** at <https://cityoftexarkana.bcenroll.net> and enter your Social Security Number, no dashes. Your password is the last four digits of the Social Security Number.



## 2.02 Confidentiality of Medical Information

Effective Date: 03/01/2015

Revision Date:

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

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

- a note to justify an absence;
- a note to request a leave;
- a note to verify the employee's ability to return to work;
- medical records to support a claim for sick pay or disability benefits;
- insurance records;
- workers' compensation records; and
- medical history records

The City does not request genetic information from an applicant, employee, or health care provider. The City discourages health care providers from sending genetic information. Any genetic information inadvertently sent to the City will be placed in the employee's confidential medical file maintained by Human Resources.

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

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



## **2.03 Employment Reference Checks**

Effective Date: 03/01/2015

Revision Date:

### **PURPOSE:**

To establish the guidelines for employee reference checks and City response to reference checks by other entities.

### **POLICY:**

To ensure that individuals who join the City of Texarkana are well qualified and have a strong potential to be productive and successful, it is the policy of the City for the Human Resources Department to check the employment references of the selected applicant prior to extending a job offer.

The Human Resources Department is designated to respond to reference check inquiries from other employers. All calls, contacts and written inquiries concerning current or former employees should be referred to the Human Resources Department.

**2.04 Attendance and Work Hours**

Effective Date: October, 2014

Revision Date:

**Regular Work Hours.** Nonexempt employees of the City, except for **Police and Fire Department** Personnel, normally work 40 hours in a seven-day workweek. Exempt employees may be required to work in excess of 40 hours in certain weeks. The work week begins at 12:00 A.M. on Monday, and ends at 12:00 midnight on Sunday. The regular workday normally begins at 8:00 a.m. and ends at 5:00 p.m., although employees in some departments may have different work hours. For example, most nonexempt Fire Department personnel work a 24-hour shift every third day, based on a 56-hour work cycle. In times of disaster or emergency, working hours shall be determined by the City Manager.

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

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

**Attendance and Punctuality.** To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the City and on co-workers. Either may lead to disciplinary action, up to and including termination of employment. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee must **personally** notify the supervisor by telephone as soon as possible in advance of the anticipated tardiness or absence in accordance with departmental procedures. The employee must notify the supervisor if the absence or tardiness is approved Family Medical Leave, or sick leave and the date and time of anticipated arrival back to work. The employee must personally notify the supervisor on each day of absence for absences of a day or more unless the supervisor expressly waives this requirement. An employee who does not personally reach the supervisor by phone must leave a detailed message with the information described above. ***Emails and text messages are not acceptable forms of notice to the supervisor.***

In most instances, an employee who fails to properly notify the supervisor in advance of an absence or tardiness will be subject to disciplinary action up to and including termination.

**2.05 Breaks**

Effective Date: 03/01/2015

Revision Date:

**POLICY**

The City allows rest breaks as authorized by an employee's immediate supervisor during the course of each work day to prevent undue fatigue and comply with applicable laws.

**PROCEDURE**

**Rest Breaks:** Full-time employees may, depending on individual departmental work schedules and the discretion of their supervisor, take up to two fifteen minute, paid breaks each day, one during the first part of the work day and the other during the latter part of the work day. Breaks may not be combined. Time spent on rest breaks will be compensated as hours worked. An employee is expected to be punctual in starting and ending breaks and will be subject to disciplinary action for tardiness. Civil Service employees do not have designated breaks.

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

**Break Time for New Mothers:** Nursing mothers will be provided with reasonable unpaid break time to express breast milk for up to one year after the birth of a child in accordance with applicable law. If an employee needs time beyond the usual lunch and break times, the employee may use vacation or make up time as approved by supervisor. Employees and supervisors are expected to agree, in advance, upon a break schedule and how the time will be counted or made up. A private room will be provided for nursing mothers to use.

**Supervisor Responsibility:** Supervisors are responsible for scheduling the time for employee rest and lactation breaks and should take into consideration the work load and nature of the job performed. Whenever necessary, the supervisor may change the frequency and length of rest breaks.

**Practices Not Permitted:** The following practices are not permitted uses of rest breaks:

- combining two daily breaks into one thirty (30) minute rest break;
- "banking" rest period time from day to day;
- saving rest period time to extend lunch periods or shorten the scheduled work day; or requesting compensatory time off or overtime pay; no work is to be performed during rest period time.



## 2.06 Performance Evaluations

Effective Date: 03/01/2015

Revision Date:

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

I. **Schedule.** Regular full and part-time employees are eligible for:

- A performance review before completing their orientation period; and
- Annual performance evaluations shall be scheduled by the HR Director.

Newly transferred or promoted employees who are serving their initial orientation period shall also receive a performance review before completing their orientation period.

Department Directors are not governed by the above schedule; the City Manager's office establishes a performance evaluation system for Director-level positions.

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

Supervisors will strive to clearly communicate all elements of job performance, objectives and expectations, job description based assessment, general job assessment factors, strengths and areas of improvement, objectives and expectations for the next year. Each employee will sign and date a copy of the Performance Evaluation when it is reviewed, and the supervisor will forward a copy to the Director of Human Resources for filing in the employee's official personnel file and provide the employee a copy.

Supervisors will also review, with the employee, a copy of the employee's **current job description**. Supervisor will make any necessary revisions and attach to the performance evaluation before sending to Human Resources. If no revisions are necessary the Supervisor shall write "Approved" in the upper right corner of the first page, attach and send to Human Resources.

***Department Directors are expected to ensure compliance with this policy and ensure that evaluating supervisors and managers under their direction are***



## 2.06 Performance Evaluations

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*adequately trained in the performance evaluation process. Department Directors and/or mid-level managers are encouraged to review all Performance Evaluation documents for validity prior to the department supervisor conducting the performance evaluation with the affected employee, in order to correct any obvious errors or rating bias.*

III. **Director of Human Resources Responsibilities.** The Director of Human Resources will review all evaluation documents for obvious errors and return them to the Department Directors for any clarifications or procedural corrections. The Director of Human Resources is responsible for maintaining original evaluation documents in official personnel files, and for timely processing of evaluations for any compensation due. The Director of Human Resources shall select work groups for self evaluations and peer evaluations at the Directors discretion.

IV. **Employee Responsibilities.** Employees are expected to be knowledgeable of their essential job functions and key result areas and maintain established performance standards and requirements as outlined. Employees are encouraged to address issues and concerns regarding their annual performance evaluation with their evaluating supervisor. If the employee is unable to resolve issues and concerns with the evaluating supervisor, the employee may address them with the Department Director; if the Department Director is the evaluating supervisor, the employee may go to the Human Resources Director to address concerns.



## 2.07 Classification Guidelines

Effective Date: October, 2014

Revision Date:

### **PURPOSE:**

To describe the classification plan and outline the different types of movement on the plan.

### **POLICY:**

All full-time positions authorized by the City Council shall be included in a position classification plan. Each position classification shall include jobs based on similar or comparable responsibilities, duties, type of work, and required qualifications.

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

Movement between classifications can fall into different classes. These classes are defined below:

#### **A. Reclassification**

Reclassification is a title and/or grade change based on significant change or expansion of job responsibilities and duties, or as a result of market review. It is approved during the budget process.

Reclassification is not an assessment of the personal merit or attributes of the employee. Neither a greater volume of the same work nor isolated occurrences of higher duties are justification for reclassification. Classification revisions are not based on an employee's job performance or a comparison to the volume of work that other employees perform.

#### **B. Lateral Transfer**

Lateral transfer is a transfer to another department within the same grade.

#### **C. Promotion**

Promotion is the assumption of expanded duties into a vacant position and higher pay grade. The salary increase would be the amount sufficient to reach the minimum of the salary range. Additional salary adjustment shall be at the discretion of the Department Director and Human Resources Director.

- (1) Open positions should be filled with City employees currently on the payroll when possible. This shall not prohibit the City Manager or other supervisory personnel from filling positions with persons not employed by the City.
- (2) Promotions shall be made upon the recommendation of the Department Directors with the approval of the City Manager.



**2.07 Classification Guidelines**

Effective Date: 03/01/2015

Revision Date:

- (3) Promotions shall be based on qualifications, proven performance, merit, and the ability to perform the duties and responsibilities of the position.
- (4) A promotion should not be deemed completed until an orientation period of six months shall have elapsed. Should a promoted employee not successfully complete the orientation period, the employee is eligible to return to the previous position held, if available. If no position is available for which the employee is qualified, the employee will be terminated.
- (5) Promotions of civil service employees shall be determined in accordance with the provisions of Chapter 143 of the Texas Local Government Code.

**D. Demotion**

Demotion is movement into a vacant position at a lower pay grade. Salary will be adjusted to the new salary range.

Employees who promote, demote, or transfer to another department may be required to pass a drug test.



## 2.08 Job Descriptions

Effective Date: 03/01/2015

Revision Date:

### **PURPOSE:**

To outline the content of job descriptions and procedures for composing, revising, and ensuring the accuracy of the descriptions.

### **POLICY:**

The City of Texarkana makes every effort to create and maintain accurate job descriptions for all positions within the City. Each description includes the following sections: job summary, essential duties and responsibilities, job requirements, and work environment section.

The City maintains job descriptions to aid in orienting new employees to their jobs, identifying the requirements of each position, establishing hiring criteria, setting standards for employee performance evaluations, and establishing a basis for making reasonable accommodations for individuals with disabilities.

When new positions are created, the hiring manager completes a job description listing the essential job functions, which is approved by the Department Director and the Human Resources Department. Existing job descriptions shall be reviewed and revised by the supervisor and employee during the performance evaluation ensure that they are up to date and reflect changes. Supervisors and employees are expected to help ensure that their job descriptions are accurate and current, reflecting the work being done.

Employees must remember that job descriptions do not necessarily cover every task or duty that might be assigned, and that additional responsibilities may be assigned as necessary. Employees may contact the Human Resources Department with questions or concerns about the job description.

**2.09 Separation of Employment**

Effective Date: 03/01/2015

Revision Date:

**PURPOSE:**

To establish the types of separation and guidelines to be followed when an employee ends employment with the City of Texarkana.

**POLICY:**

Separation of employment within an organization can occur for several different reasons. Employment may end as a result of resignation, retirement, release (end of season or assignment), reduction in workforce, or termination. When an employee separates from the City, their supervisor shall complete the **Form 5, Supervisor's Checklist for Separated Employee** and the employee should contact Human Resources to schedule an exit interview, typically to take place on their last workday.

**A. Types of Separation****1. Resignation**

Resignation is a voluntary act initiated by the employee to end employment with the City. The employee must submit a signed and dated letter of resignation or the **Voluntary Resignation Notice (Appendix F, Form 4)** providing a minimum of two weeks notice. This requirement may be waived by the Department Director if warranted.

**2. Retirement**

Employees who retire under TMRS are required to notify their Department Director and the Human Resources Department in writing at least one (1) month before planned retirement date. **See Policy 5.07 TMRS Retirement Plan and Policy 2.10 Retirement** for more information

**3. Job Abandonment**

Employees who fail to report to work or contact his/her supervisor for **two consecutive work days** shall be considered to have abandoned the job without notice effective at the end of his/her normal shift on the second day. The supervisor or department director shall notify the Human Resources Department at the expiration of the second work day and initiate the paperwork to terminate the employee. Employees who are separated due to job abandonment are ineligible to receive accrued benefits and are ineligible for rehire.

**4. Termination**

Employees of the City of Texarkana are employed on an at-will basis, and the City retains the right to terminate an employee at any time.

**2.09 Separation of Employment**

Effective Date: 03/01/2015

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**5. Lay Off and Reduction in Work Force**

An employee may be laid off because of changes in duties, organizational changes, lack of funds, or lack of work. Employees who are laid off may not appeal the lay-off decision through the appeal process.

**6. Release**

Release is the end of temporary or seasonal employment.

**7. Automatic Termination****1) Lying, stealing and/or falsifying a government record.**

2) If an employee has not returned to full-duty status from an authorized leave of absence(s) at the end of one (1) year, employment will automatically terminate. An employee will be considered unable to return to work if he/she cannot perform the essential functions of the job in full capacity, with or without reasonable accommodation. Under no circumstances may an employee be absent from the work place more than one (1) consecutive year, unless on Military Leave or with approval of the City Manager. This policy will be enforced consistent with the City's obligations under the ADA/ADAAA.

**B. Out-Processing****1. Return of City Property**

The separating employee must return all City property at the time of separation, including but not limited to uniforms, cell phones, keys, and identification cards. Failure to return some items may result in deductions from final paycheck. See *Policy 5.09 Uniforms* for additional information. An employee will be required to sign the **Wage Deduction Authorization Agreement (Appendix F, Form 6)** to deduct the costs of such items from the final paycheck.

**2. Exit Interview**

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



## 2.09 Separation of Employment

Effective Date: 03/01/2015

Revision Date:

Final payment of compensation may be withheld pending return of City property, completion of necessary paperwork, and other requirements of separation.

### C. Termination of Benefits

An employee separating from the City is eligible to receive benefits as long as the appropriate procedures are followed as stated above.

1. Vacation Leave: Accrued vacation leave will be paid in the last paycheck, according to *Policy 3.02 Vacation Leave*.
2. Sick Leave: Accrued sick leave will be paid in the last paycheck, according to *Policy 3.03 Sick Leave*.
3. Health Insurance: Health insurance terminates the last day of the month. See *Policy 5.05 Consolidated Omnibus Budget Reconciliation (COBRA)* for information about continued health coverage.

### D. Rehire

Former employees who leave the City in good standing and were classified as eligible for rehire may be considered for reemployment. An application must be submitted to the Human Resources Department and the applicant must meet all minimum qualifications and requirements of the position, including any qualifying exam, when required.

Supervisors must obtain approval from the Human Resources Director or designee prior to rehiring a former employee. Rehired employees begin benefits just as any other new employee. Previous tenure will not be considered in calculating longevity, leave accruals, or any other City benefit. Civil Service follows Chapter 143 and Local Rules.

### E. Bar from Employment

An applicant or employee who is terminated for violating City policy or who resigned in lieu of termination from employment due to a policy violation will be ineligible for rehire.

**2.10 Retirement**

Effective Date: 03/01/2015

Revision Date:

**PURPOSE:**

To provide information to employees on retirement guidelines and benefits.

**POLICY:**

The City of Texarkana is a member of the Texas Municipal Retirement System (TMRS), which is governed by the State of Texas legislature. Participation in the system is mandatory for all regular full time employees and regular part time employees working 1,000 hours or more per year. Employee contributions to the System will be deducted from each pay check. Employees who retire must notify their Department Director and the Human Resources Department in writing at least one (1) month before the planned retirement date. Firemen have a separate retirement system, Fireman's Relief and Retirement Fund, and are not part of TMRS.

**A. Benefits Eligibility**

1. In order for an employee to be considered retired with the City of Texarkana, the employee must be qualified for service retirement from TMRS immediately upon separation from the City. Generally, employees may retire after 240 months (20 years) of TMRS credit, regardless of age or after 5 years of service at age 60. Military Service or previous government employment may contribute service credit toward earlier retirement. See ***Policy 5.07 TMRS Retirement Plan*** for more information or call TMRS at 1-800-924-8677.
2. An employee who retires from active duty with not less than five (5) years current, continuous full time employment with the City of Texarkana is eligible to purchase health insurance coverage as provided by the City's group health insurance carrier, unless the person is eligible for other group health benefits coverage.
3. **SICK LEAVE BUYOUT:** (Employees hired **before** January 1, 2010) A **lump sum payment** equivalent to their sick leave valued at the employee's current hourly rate not to exceed 720 hours except as provided for Civil Service employees under the Texas Government Code 143.045 (b), **and** will also receive an amount equal to the amount which the employee is entitled to receive for their sick leave balance to be deposited into an account for **health and/or dental coverage premium payments**. Such premium payment shall be made only to the insurance coverage provided by the City. All provisions of this paragraph are subject to the guidelines set forth by the insurance company. The benefits of this retirement program shall be effective immediately upon retirement and shall not be deferred for any reason. All age and tenure requirements must comply with TMRS guidelines at the time of retirement in order to qualify for this program.



## 2.10 Retirement

Effective Date: 03/01/2015

Revision Date:

Employees hired **on or after** January 1, 2010 may choose one of the following two options upon retirement:

The employee may receive payment for up to 720 hours of their sick leave balance at the employee's current hourly rate, hours except as provided for Civil Service employees under the Texas Government Code 143.045 (b),

**or**

In lieu of the lump sum payment described above, the employee may receive health and/or dental coverage premium payment credit equal to the amount which the employee is entitled to receive for their sick leave balance as described above. Such premium payment credits shall be used to acquire Group Health coverage provided by the City. All provisions of this paragraph are subject to the guidelines set forth by the Group Health Plan Document. The benefits of this retirement program shall be effective immediately upon retirement and shall not be deferred for any reason. All age and tenure requirements must comply with TMRS guidelines at the time of retirement in order to qualify for this program.

Employees hired **on or after** January 1, 2010 **shall not receive** both lump sum payment and health and/or dental coverage premium payment.

**Upon separation** from the City, except in cases of involuntary separation from service, any time after one year of continuous service, regular, full-time and regular, part-time employees shall receive pay for any **unused vacation** leave accumulated up to **120 hours**.

**Upon retirement** from the City through Texas Municipal Retirement System or Firemen's Pension Fund, regular, full-time and regular, part-time employees shall receive pay for any **unused vacation** leave accumulated up to **240 hours**. Fire Operations shall receive pay up to 336 hours.

4. Eligibility for participation in the City's group insurance plan will cease if the retiree becomes eligible for another employer's group plan. The retiree is required to notify the City of medical insurance benefits provided by other group insurance. If a retiree fails to disclose evidence of medical insurance benefits provided by another group plan, the retiree's eligibility and enrollment shall be terminated immediately.
5. Participation in the City's health and dental insurance program **ceases upon the date of eligibility for Medicare** for the Retiree and dependents.



## 2.10 Retirement

Effective Date: 03/01/2015

Revision Date:

6. To be eligible for retiree health coverage the employee must inform Human Resources, no later than the day on which the person retires from the City that continued coverage is elected. **(See Retiree Election Form # 10).**
7. Dependents that are on the City's medical plan at the time of retirement **may** be maintained on the retiree medical plan. Retirees **may not** add dependents to insurance after retiring.
8. After **SICK LEAVE BUYOUT** funding has been exhausted, retiree **may** continue to be eligible to participate in employer's group plan at the **fully funded retiree rates**. The retiree is responsible for remitting the amount of the premium at the time specified to the city. If the retiree fails to remit the required premium amount to the CITY at the time required, the coverage will terminate and medical/dental insurance coverage will cease.
9. The City reserves the right to change this benefit and/or eligibility criteria at any time at the City's discretion. The policy is not intended to be a contract. Benefit changes to the City's group medical plan shall apply to retirees enrolled in the group plan.
10. Once participation in the City's retiree insurance plan has been terminated for any reason, it **shall not** be reinstated.



## Chapter 3: Leave Time

### 3.01 Holiday Time

Effective Date: 03/01/2015

Revision Date:

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

A. All City regular, full-time and part-time City employees are entitled to the following holidays:

- |     |                              |                             |
|-----|------------------------------|-----------------------------|
| 1.  | New Year's Day               | January 1                   |
| 2.  | Martin Luther King's Holiday | Third Monday in January     |
| 3.  | Good Friday                  | Friday before Easter Sunday |
| 4.  | Memorial Day                 | Last Monday in May          |
| 5.  | Independence Day             | July 4                      |
| 6.  | Labor Day                    | First Monday in September   |
| 7.  | Veteran's Day                | Second Tuesday in November  |
| 8.  | Thanksgiving Day             | Fourth Thursday in November |
| 9.  | Friday after Thanksgiving    | Fourth Friday in November   |
| 10. | Christmas Eve                | December 24 <sup>th</sup>   |
| 11. | Christmas Day                | December 25 <sup>th</sup>   |
| 12. | Day after Christmas          | December 26 <sup>th</sup>   |

In compliance with the Texas Local Government Code section 142.0013, covered fire- fighters shall receive a holiday designated as September 11 in lieu of Labor Day.

Effective January 1, 2014 the City added Good Friday, Veterans Day and the day after Christmas to the schedule this year. The Floating Personal Holiday and Bonus Days earned in Fiscal Year 13-14 will be honored. Effective October 1, 2014, Bonus Days & Floating Personal Holiday will be eliminated.

Explanation for Christmas Holidays: City offices will be closed on Christmas Eve, Christmas Day, and the day following Christmas as adjusted for weekend dates and Christmas Wednesdays. Christmas closure schedule will be based on what day of the week Christmas occurs.

EXAMPLES: When these two days fall on Thursday/Friday, Friday/Saturday, Saturday/Sunday, Sunday/Monday or Monday/Tuesday employees enjoy a four (4) day weekend. Being closed for three days the schedule can be adjusted to always permit a five (5) day weekend. When Christmas occurs on Wednesday the adjustment will be to close on December 23 and open on December 26 thus maintaining the five (5) day weekend but requiring employees to work on the day following Christmas.



**3.01 Holiday Time**

Effective Date: 03/01/2015

Revision Date:

**B. Taking a Holiday**

1. All specially declared holidays shall be taken or accrued in accordance with the provisions of this section.
2. Holidays occurring on Saturday normally will be observed on the preceding Friday and holidays occurring on Sunday will normally be observed on the following Monday.
3. Employees who are required to work on a designated holiday and are unable to schedule a subsequent day off convenient to their Department Head shall, in addition to their regular pay for that day, be paid overtime pay for the holiday time worked, or at the Director's option, be entitled to receive compensatory time off for actual holiday hours worked.
4. **Employees Scheduled "Off Duty" on a Holiday.** When a holiday and an employee's regularly scheduled day off occur on the same day, the employee will accrue 8 hours of holiday leave (12 hours for Fire Department shift personnel) to be taken at a later date.
5. **Ineligibility for Holiday Pay.** Employees on unpaid leave the day before and/or the day after the holiday are not eligible for holiday pay. Likewise, nonexempt employees who are absent without authorized leave on the day immediately preceding or following a scheduled holiday will not be paid for the holiday.
6. **Paid Leave Status.** An employee on a paid leave status will normally be paid holiday pay in lieu of the leave status pay they would ordinarily receive at the time of the holiday.
7. **Other Religious Holidays.** Employees may request an approved absence to celebrate a religious holiday that is not a scheduled City holiday. If approved, the employee must charge the time to vacation, compensatory time, or an excused absence without pay.
8. Holidays shall be observed as they occur except in the Police Department, Fire Department, TWU operations and the Bi-State Central Records and Communications Center.



### 3.01 Holiday Time

Effective Date: 03/01/2015

Revision Date:

9. Holidays will not be calculated into an employee's termination pay.
10. All employees are required to use any available holiday time prior to using vacation time.
11. Employees who have a balance of holiday time will be paid for their holiday time at the end of the fiscal year at straight time for a maximum of 40 hours.
12. All holiday time balances will be set to zero out at the end of each fiscal year.
13. Non-Civil Service personnel working 8, 10 or 12 hour shifts are only granted 8 paid hours of time for each holiday.
14. Employees must work the last scheduled day immediately preceding and the first scheduled day immediately following the holiday **unless** leave has been previously approved by the Department Director or designee.

#### C. Holidays on a Day Off

1. On the Weekend: A recognized holiday that falls on a Saturday will be observed on the preceding Friday or earlier if Friday is also a holiday. A recognized holiday that falls on a Sunday will be observed on the following Monday.
2. During Vacation Leave: Holidays that occur during a scheduled paid vacation time will be paid as holidays and will not be charged as vacation.
3. During Sick Leave: An employee who is on FMLA approved leave will receive holiday pay.
4. Due to Suspension: If an employee is suspended without pay on the day previous, day of, or day after the observed holiday, the employee is not eligible for a paid holiday.
5. Due to job related absence: If an employee is off due to a workers' compensation injury or illness, the employee will receive their normal workers' compensation and will not accrue credit for a holiday.



### 3.02 Vacation

Effective Date: 03/01/2015

Revision Date:

#### A. Accumulation of Vacation Leave

1. Full-time, regular employees shall accumulate vacation leave at a rate of 120 hours per year.
2. Part-time, regular employees who work at least 1,040 hours and less than 2,080 hours per year shall earn vacation leave benefits at one-half (1/2) the rate of full-time, regular employees.
3. Fire Department Operations Division personnel working a 56 hour per week schedule receive 168 hours per year.
4. Vacation leave may be accumulated in excess of 200 hours, however **only 200 hours may be carried over into a new fiscal year** unless otherwise approved by the City Manager. On October 1<sup>st</sup> of each year vacation leave in excess of 200 hours will be deleted from the employee's leave balance. Fire Department Operations Division personnel working a 56 hour per week may accumulate and carry over up to 280 hours.
5. Full-time employees who are in their initial orientation period **may** use accrued vacation leave only if approved by their supervisor and/or Department Director. Employees who resign or who are dismissed prior to completing their training periods shall forfeit all accumulated leave.
6. Emergency, seasonal, temporary, and other irregular scheduled employees shall not earn vacation leave.

#### B. Use of Vacation Leave Time

1. Employees requesting paid vacation leave must complete a leave request and submit it to their supervisor for approval.
2. All employees must use accumulated holiday time prior to using vacation time.
3. Department Directors shall schedule employees' vacations giving due consideration to the wishes of the employee and balancing the need for responsible and efficient operation of the City. Department Directors must be certain that vacations do not interfere with the normal functions and activities of department operations. Whenever possible, employees are encouraged to submit their preferred vacation schedule to the appropriate supervisor as far in advance as possible to relieve any scheduling problems that may develop.



**3.02 Vacation**

Effective Date: 03/01/2015

Revision Date:

4. Employees who become ill while off work on vacation leave may request that their vacation time be converted to sick leave. A statement from the employee's physician is required to convert the time to sick leave.
- C. Upon separation from service with the City, except as provided in Section D below, any time after **one year of continuous service**, regular, full-time and regular, part-time employees shall receive pay for any unused vacation leave accumulated up to 120 hours x their current hourly pay rate.
- D. Employees who retire, resign, or otherwise terminate their employment with the City while under investigation for policy violations that may result in the employee's involuntary separation from service, absent extenuating circumstances approved by the City Manager, **are not** eligible to receive any compensation for unused vacation leave.
- E. Payment upon Separation
  1. If the employee is terminated or resigns without a two (2) week notice, or fails to work the final full two (2) weeks after notice, no payment for accrued vacation leave shall be made, unless the two (2) week notice is waived by the Department Directors and the Director of Human Resources.



**3.03 Sick Leave**

Effective Date: 03/01/2015

Revision Date:

**Accumulation of Sick Leave:**

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 certain family members who are ill or injured. Employees who are unable to work due to illness or injury or other situations covered by this policy must immediately notify the appropriate supervisor prior to start time or in accordance with the procedures adopted by their Department.

If an employee is off on FMLA approved sick leave on the date of a City holiday, then the employee will accumulate the holiday to be taken at a later date.

**Eligibility.** All full-time and part-time employees begin accruing paid sick leave at hire date. 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.** Employees accrue sick leave at the rate of 120 hours per year. Civil Service employees shall accrue sick leave in accordance with the provisions of Chapter 143 of the Texas Local Government Code.

**Maximum Accrual.** Employees may accrue unlimited sick leave.

**Authorized Use of Sick Leave:**

**For the employee.** Accrued sick leave may be used for absences due to the employee's bona fide personal illness, accident, injury that prevents working, or birth of a child (if the employee physically gave birth; otherwise use of sick leave for child birth falls under the section below).

**For the employee's immediate family.** Sick leave may also be used for absences when needed to care for the employee or a member of the employee's immediate family who is ill or injured and for their own and /or their immediate family's scheduled doctor and dentist appointments.



**3.03 Sick Leave**

Effective Date: 03/01/2015

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For purposes of this policy, “immediate family” is defined as persons related to the employee through blood, marriage or adoption; these include employee’s mother, father, son, daughter, spouse and stepchildren.

Minimum Increments. Sick leave must be taken in **minimum increments of one hour**. Sick leave taken in increments of less than one hour should be made up within the same work week.

**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**. Use of sick leave for anything other than an illness, injury, or doctor/dentist appointment as provided for in this policy, may result in immediate disciplinary action, up to and including termination of employment, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness due to illness, injury, or doctor/dentist appointment may be disqualified from using sick leave for their absence.

**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. Exceptions to this policy must be obtained in writing from the Department Director **and** the Director of Human Resources. See Chapter 1, Section 1.12, Outside Employment 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 orientation period may use accrued vacation leave, compensatory time, other accrued paid leave, or leave of absence without pay, but only if an employee has no accrued sick leave time. Official holidays observed by the City while an employee is on approved paid sick leave will be treated as a paid holiday, rather than a day of sick leave, if the employee is eligible for the paid holiday. Under certain circumstances and with the approval of the Department Director/supervisor, the employee may flex the work schedule (“flex time”) to attend to medical or dental appointments. This is acceptable provided that work time is accurately recorded on the time sheet for the week or work cycle in which flex time was approved. Under no circumstances can flex time to make up time missed extend beyond the affected workweek, or work cycle.



**3.03 Sick Leave**

Effective Date: 03/01/2015

Revision Date:

**Documentation.** Employees requesting paid sick leave must complete a leave request and submit it to their supervisor for approval. An employee must present satisfactory proof of illness/injury, (i.e. doctor's excuse) that prevents the employee from working whenever sick leave 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, injury, and/or doctor/dentist appointment if the employee wishes to use accrued sick leave to care for a family member. If the employee fails to present such proof in a timely manner, use of sick leave will be disallowed and no other paid leave may be used for the absence.

**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.

**3.04 Family Medical Leave**

Effective Date: 03/01/2015

Revision Date:

In accordance with the Family and Medical Leave Act of 1993, an employee may be eligible to take up to twelve (12) weeks of unpaid family and medical leave during a rolling twelve (12) month period. An eligible employee is one who has worked for the City for twelve (12) months and has worked at least 1,250 hours during the twelve (12) months preceding the first date leave is to be taken. Leave can be taken for any of the following reasons: birth of a child; placement with the employee of a child for adoption or foster care (entitlement to family and medical leave expires twelve months after birth or placement); when the employee is needed to care for a child, spouse, or parent who has a serious health condition; or when the employee is unable to perform the essential functions of the position because of the employee's own serious health condition.

**PROCEDURE**

**Twelve Month Period:** The twelve (12) month period for counting family and medical leave is a "rolling" 12-month period measured backward from the date an employee requests or is placed on FMLA leave. Each time an employee takes FMLA leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months, or 26 weeks provided in certain circumstances.

**Employee Notification:** An employee should give at least thirty (30) days' notice for the need to take foreseeable family and medical leave, unless the need is unforeseeable, in which case, as much notice as is practicable should be given. A form for requesting family and medical leave is available in the Human Resources Department. If it is determined that the need for family and medical leave was foreseeable, the leave may be delayed until at least thirty (30) days after the date that the employee provides notice to the City.

**Department Notification:** Each department supervisor is responsible for notifying the Human Resource Department immediately when an employee is away from work for a family and medical leave qualifying event (if family and medical leave has not been approved), even if the employee is utilizing paid vacation, sick or personal leave, or is out due to a work related injury. An employee using sick leave should be reported to the Human Resource Department if it is anticipated that the duration of the illness will be three (3) or more days, or two (2) or more shifts for Fire Department employees.

**Human Resource Responsibility:** Human Resources is responsible for central administration of all requests for family and medical leave. The Human Resource Department reserves the right to automatically place an employee on family and medical leave if it is determined that a qualifying event has occurred. The Human

**3.04 Family Medical Leave**

Effective Date: 03/01/2015

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Resource Department may retroactively designate the beginning date of FMLA to the beginning date of the employee's absence for the qualifying event.

**Approval:** An employee shall submit a request for family and medical leave through proper channels to the Department Director who will then forward it to the Human Resource Department for approval. Confidential medical information that accompanies the application can be submitted directly to the Human Resource Department.

**Substitution of Paid Leave:** An employee utilizing this policy for the placement of a child for adoption or foster care with the employee shall be required to exhaust all accrued sick, vacation and any other applicable paid leave prior to going on unpaid leave. An employee utilizing this policy for the serious illness of a child, spouse or parent must exhaust all accrued sick, vacation and any other applicable paid leave prior to going on unpaid leave. If an employee gives birth to a child, sick leave can be utilized until the employee receives a release from the doctor. After being released, the employee may use additional sick leave in accordance with the sick leave policy. Once all applicable sick leave has been used, the employee shall be required to exhaust all accrued vacation and personal leave prior to going on unpaid leave. An employee utilizing this policy for the employee's own serious health condition shall exhaust all accrued sick leave, vacation leave and personal leave prior to going on unpaid leave. If an employee is off work due to a work related injury and the employee qualifies for family and medical leave, it will run concurrently with any paid leave. *The City reserves the right to count any paid leave that qualifies for family and medical leave toward the twelve (12) or twenty-six (26) weeks allowed under this policy.*

**NOTE:** Employees reaching "unpaid leave" status stop accruing all types of leave. Also, employee is responsible for continuing insurance payments for any dependent portion of the insurance.

**Maximum Time Allowed:** The maximum amount of family and medical leave available is twelve (12) weeks during a twelve (12) month period even if there is more than one family and medical leave qualifying event. The only exception to the twelve (12) week maximum is the leave to provide care of an injured service member, described below, which allows for an extended FMLA leave of 26 weeks.

**Medical Certification:** The City may require medical certification from a health care provider to support a claim for leave to care for a seriously ill child, spouse or parent, or for the employee's own serious health condition. Medical certifications must be returned to the Human Resource Department within fifteen (15) working days. Recertification may also be required on a monthly basis. For leave to care for a seriously ill child, spouse, or parent, the certification must include an estimate of the amount of time the employee is needed to provide care. For the employee's own



### 3.04 Family Medical Leave

Effective Date: 03/01/2015

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serious health condition, the certification must include a statement that the employee is unable to perform the essential functions of the position, and expected duration. The City does not seek and should not be provided genetic information. If an employee or applicant's genetic information is inadvertently received by the City; the City will not use genetic information for any employment decision or action.

Upon returning to work after leave for his or her own illness, an employee is required to provide certification to the supervisor that the employee is able to return to regular duties. If the validity of a certification is questioned, the City may require that a second opinion be obtained. If the first and second opinions differ, the City may require a third opinion be obtained. The employee and the City must agree upon a health care provider for the third opinion and this opinion shall be binding on both parties. The City shall bear the expense of second and third opinions.

**Return to Work:** When an employee returns to work after family and medical leave, the employee shall be restored to the same position or to an equivalent position involving the same or substantially similar duties and responsibilities. An employee will be restored to the same worksite or to a geographically proximate worksite. The employee is also entitled to return to the same shift or an equivalent schedule.

**Effect on Married Couples:** If a City employee is married to another City employee and either or both employees request family and medical leave for the birth or placement of a child with the employee for adoption or foster care, the total time allowed shall be limited to no more than twelve (12) weeks combined during any rolling twelve (12) month period. For other qualifying family and medical leave events, each employee is entitled to leave as long as the total amount of leave taken during any twelve (12) month period does not exceed twelve (12) weeks or twenty-six (26) weeks if applicable for one employee.

**Continuation of Insurance Benefits:** While utilizing unpaid family and medical leave, an employee's insurance benefits will continue without interruption as long as the employee pays his or her portion of the insurance premiums. Insurance premiums can be deducted from the paycheck before the leave begins, or during the leave, if the employee continues to receive pay (pre-tax), paid monthly or bi-weekly.

**Intermittent Leave:** When medically necessary, an employee may take family and medical leave on an intermittent basis or work a reduced schedule. Arrangements should be made with the employee's immediate supervisor so that the operations of the department do not suffer an undue hardship. An employee taking intermittent leave or leave on a reduced schedule may be temporarily assigned to an alternative position with equivalent pay and benefits if it better accommodates the needs of the department.



### 3.04 Family Medical Leave

Effective Date: 03/01/2015

Revision Date:

**Holidays:** Holidays will be paid in accordance with the Holidays policy. City holidays will be counted as part of the twelve (12) or twenty-six (26) weeks of family and medical leave, whether the employee is on paid or unpaid leave.

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

**Recordkeeping:** Family medical leave time will be tracked on an hourly basis for payroll and compliance purposes. To determine entitlement for employees who work variable hours, the minimum hours required for eligibility are calculated on a pro rata or proportional basis by averaging the weekly hours worked during the twelve (12) weeks prior to the start of family and medical leave.

**Exempt Employees:** Paid leave accounts may be charged for less than one (1) full work day according to department policy and the salary of an exempt employee may be docked for absences of less than one (1) full work day. Salaried executive, administrative, professional and other employees of the City who meet the Fair Labor Standards Act (FLSA) criteria for exemption from overtime do not lose their FLSA-exempt status by using any unpaid FMLA leave.

### DEFINITIONS

**Child:** A biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis, who is standing in the place of a parent, who is either under age 18, or age 18 or older and requires active assistance or supervision to provide daily self-care. A biological or legal relationship is not necessary. A more detailed definition is provided in the Family and Medical Leave Act of 1993 which is available in the Human Resource or Legal Department.

**Health Care Provider:** A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or any other person determined by the Secretary of Labor to be capable of providing health care services. A more expansive definition is provided in the Family and Medical Leave Act of 1993 which is available in the Human Resource Department.

**Parent:** A biological parent or an individual who stands or stood in the place of a parent to an employee when the employee was a child. This term does not include parents-in-law.

**3.04 Family Medical Leave**

Effective Date: 03/01/2015

Revision Date:

**Serious Health Condition:** An illness, injury, impairment, or physical or mental condition that involves: (1) any period of incapacity or treatment that results in inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; (2) any period of incapacity requiring absence from work, school, or other regular daily activities, of more than three calendar days, that also involves continuing treatment by (or under the supervision of) a health care provider; or (3) continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or 4) for prenatal care. Voluntary or cosmetic treatments (such as most treatments for orthodontia or acne) which are not medically necessary are not "serious health conditions," unless inpatient hospital care is required. Restorative dental surgeries after an accident or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met.

**Spouse:** A husband or wife as defined or recognized under State law for purposes of marriage, including common law marriage.

**Military Family Leave Entitlement.**

**Qualifying Exigency Leave** - Family Leave has been expanded to provide Family and Medical Leave due to a call to active military duty. Eligible employees with a spouse, child, or parent on covered active duty (deployed to a foreign country) or called to covered active duty status in the National Guard or Reserves (deployment to a foreign country or in support of a contingency operation) may use their 12-week leave entitlement to address certain qualifying exigencies including eligible: short-notice deployments; attendance at military events and related activities; childcare and school activities; addressing financial and legal arrangements; attending counseling sessions; attending post-deployment activities; up to 15 days of rest and recuperation; and parental care.

**Military Caregiver Leave** - FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave (during a single 12-month period) to care for a covered spouse, child, parent, or next of kin. The covered service member must be a current member or eligible veteran of the Armed Forces (including a member of the National Guard or Reserves) with a serious injury or illness incurred in, or aggravated by, service in the line of duty on active duty that may render him/her medically unfit to perform his/her duties for which he/she is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

**3.05 Military Leave**

Effective Date: 03/01/2015

Revision Date:

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 form must be turned into the Department Director and the Director of 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.** Employees will be paid for military absences of up to a maximum of 15 work days per fiscal year. Shift employees will be transitioned to a 40 hour work week during military absences. 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.

**For Civil Service Employees Only:**

Civil Service employees called to active federal military may be eligible to

**3.05 Military Leave**

Effective Date: 03/01/2015

Revision Date:

receive payments of donated vacation, holiday, and sick or compensatory leave time to help provide salary continuation. The employee must be on active duty for a minimum of three months before becoming eligible for such payments and is not required to have exhausted personal leave time banks before receiving this benefit.

**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 (if applicable) 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.



**3.05 Military Leave**

Effective Date: 03/01/2015

Revision Date:

**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. Civil service employees shall be required to meet additional requirements in Chapter 143 of the T.L.G.C. before being reinstated.

**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 his/her military service. Also, evidence of discharge or release under honorable conditions must be submitted to the City if the military leave lasted more than 31 calendar days.



### 3.06 Bereavement (Funeral) Leave

Effective Date: 03/01/2015

Revision Date:

The City provides employees serving their initial orientation period and regular full-time employees paid time off, up to a maximum of **three work days** in the event of a death(s) in the family, for the purpose of attending the funeral. For the purpose of authorizing bereavement leave "family" is defined as individuals related through blood, marriage or adoption. These include but are not limited to persons related through the first, and second degree of consanguinity (blood relations) and the first and second degree of affinity (marriage relations). See the Nepotism Chart (**Appendix A**) at the end of the chapter for visual detail.

An employee may be required to provide proof of death/funeral/family relationship in support of bereavement leave. Bereavement leave pay is paid at the employee's base rate at the time of absence. It does not include overtime or any special forms of compensation. Paid time off for bereavement leave is not counted as hours worked for purposes of determining overtime.

Employees who wish to take bereavement leave must notify their supervisor immediately. Bereavement leave shall be charged to **administrative leave**.

Employees may take **additional time** off as vacation, comp time or, if no vacation or comp time is available, as authorized leave without pay upon approval of the Department Director. Employees requesting bereavement leave must complete a leave request and submit it to their supervisor for approval.

Employees who wish to attend funerals for other than immediate family must use vacation, compensatory time, or unpaid leave.



### **3.07 Jury and Witness Duty Leave**

Effective Date: 03/01/2015

Revision Date:

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

#### **In all other cases, employees called for jury duty shall have two options:**

- 1) Charge leave to Administrative Leave and turn in jury duty check.
- 2) Charge leave to Vacation Leave and keep the check for personal use.

The employee must provide documentation of the requirement for jury duty, subpoena compliance, and any other documentation with the leave request.

Employees requesting jury duty leave must complete a leave request and submit it to their supervisor for approval as soon as possible so that arrangements can be made to accommodate the absence.

An employee who is on jury duty typically must report for City duty for the remainder of the day upon completion of court or jury service, or request approval for use of other available paid time off.

Jury duty leave is paid at the employee's base rate at the time of leave and does not include overtime or any other special forms of compensation.



**3.08 Voting Leave**

Effective Date: 03/01/2015

Revision Date:

Employees are encouraged to exercise their right to vote in elections. If the polls are not open on election day for voting for two consecutive hours outside of the employee's working hours, the employee will be permitted reasonable time to vote during the working hours

Upon 3 days' notice to the supervisor, employees will be granted time off to attend a precinct convention or a county, district, or state convention to which the employee is a delegate. Time may be charged to vacation, accrued compensatory time, or leave without pay for the period of time missed.



**3.09 Administrative Leave**

Effective Date: 03/01/2015

Revision Date:

The City may grant Administrative Leave with or without pay to an employee, at the discretion of the City Manager (or designee), when no other paid leave category is available or applicable.

Department Directors may designate Administrative Leave with pay only pending a disciplinary decision or drug/alcohol screening results, during an internal investigation, or fitness for duty exams requested by the City.

Written notice of administrative leave shall be provided to the employee and a copy forwarded to the Director of Human Resources for proper payroll processing.



**3.10 Inclement Weather Emergency Leave**

Effective Date: 03/01/2015

Revision Date:

Except for extraordinary circumstances, City offices **DO NOT CLOSE**. All City employees, whether exempt or nonexempt, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations.

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

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

When weather or other conditions are such that the City Manager declares certain City offices/departments officially closed, all affected personnel, i.e., those non-essential employees who were scheduled to work during the time of closure, will be granted "administrative leave" for the time the office/department is closed. Essential personnel must report to work even when other City departments are officially closed due to weather or other type of extraordinary circumstances. Essential personnel required to be on the job regardless of adverse weather or other conditions are designated by the Department Director and/or the City Manager. Essential personnel who fail to report to work may be subject to disciplinary action up to and including termination of employment. Employees are required to sign an acknowledgement form that they have received notice of their designation of essential or non-essential status and requirement to work during inclement weather at time of employment.

**3.11 Leave of Absence**

Effective Date: 03/01/2015

Revision Date:

In extraordinary circumstances, the City may grant employees an unpaid leave of absence (LOA). All requests for LOA must be in writing. Department Directors are authorized to grant an unpaid LOA for up to 30 days. Any LOA beyond 30 days must be authorized by the City Manager. The employee may seek extensions of leave, up to a maximum of 180 total days away from work. This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act. A LOA will not be authorized unless there is a reasonable expectation that the employee will return to employment with the City at the end of the approved leave period.

**Use of All Other Available Leave.** All vacation, compensatory time, holiday time and/or leave authorized under FMLA must be used prior to authorizing a LOA to an employee. If the LOA is due to illness or injury, all sick leave must also be used prior to authorizing a LOA.

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

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

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

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



**3.11 Leave of Absence**

Effective Date: 03/01/2015

Revision Date:

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

**Reinstatement.** Employees returning from a LOA will be reinstated to their same position or one of similar pay and status, provided the City's circumstances have not changed to the extent that it would create an undue hardship for the City to provide reinstatement. If the same job or one of similar pay and status is not available, reinstatement may, at the City's discretion, be deferred until a position is available. Usually, an employee who fails to return to work at the conclusion of an approved LOA will be considered to have voluntarily resigned employment with the City.

**Benefits/Premium Payments.** All LOA'S are unpaid. Vacation, sick leave, holiday pay, and other benefits do not accrue during an unpaid LOA. Any benefit continuation during a LOA must be approved in advance by the Director of Human Resources and the City Manager.

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

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



### 3.12 Leave Donation Program

Effective Date: 06/23/2014

Revision Date: 06/27/2014

#### **PURPOSE:**

To provide guidelines for donating and receiving donated accrued leave.

#### **ELIGIBILITY:**

Full time employees who have depleted all paid leave.

The employee requesting the donation must have been a full-time employee for a minimum of twelve (12) consecutive months.

An employee with written corrective action regarding unsatisfactory attendance within the last twelve (12) months may not be eligible.

#### **POLICY:**

This is a voluntary program provided to a specific employee for continued income due to absences. **Qualifying events for participation include:** when the employee is unable to perform the essential functions of the position because of the employee's own serious health condition or when the employee is needed to care for a child, spouse, or parent who has a serious health condition. For the purposes of this policy, a serious health condition should meet the requirements defined in the Family Medical Leave Act. City reserves the right to request written confirmation of from treating physician regarding health condition ability to work.

#### **A. Procedures**

1. To receive donated leave, the employee **must have exhausted or on the verge of exhausting** all paid leave. An exhausted leave balance by itself is not sufficient justification for requesting leave donation.
2. Donations to a recipient shall be made in **4-hour increments**. The maximum amount of leave an employee may donate to another employee is **40 hours** per accident or illness. At no time shall a donating employee's sick or vacation leave balance go below **80 hours** as a result of a leave donation. Leave donations will be deducted from the leave balance of the contributing employee.
3. The maximum number of hours that may be received by an employee is **2080 hours** during the course of their employment with the City of Texarkana. The City provides access to Long-term Disability insurance which has a 90-day elimination period. See *Policy 5.04 Long-term Disability* for additional information. Leave donated will be transferred on an hour for hour basis without regard to pay differential.
4. Donations will be applied in the order received in Human Resources. Unused leave shall be returned to donating employees in the order received, i.e. last donations received shall be returned first.



### 3.12 Leave Donation Program

Effective Date: 06/23/2014

Revision Date: 06/27/2014

5. In the event a holiday occurs during this period, the employee shall receive eight (8) hours of holiday pay.
6. Employees receiving donated leave will not be required to pay the leave back.

#### **B. Process**

Request for leave sharing must be submitted **by the Department Director** on an Leave Donation *Application (Appendix F, Form 7)* and include the Director's recommendation. Human Resources will communicate the request to potential donors, but will not reveal the identity of the employee unless the employee or immediate family gives permission. Without permission the employee will only be identified by employee number. Donors shall complete an Leave Transfer *Authorization (Appendix F, Form 8)* and submit to the Human Resources Department.

#### **C. Recordkeeping**

Human Resources shall be responsible for managing and administering this policy, including solicitation of contributions and processing requests. Records pertaining to the leave sharing policy shall be maintained in Human Resources, where they will be kept confidential. Human Resources will not disclose the nature of the illness except as necessary to process the request or as permitted by the employee.

#### **D. Exclusions**

1. On the job accident/ injury/illness for which workers compensation benefits have or will be awarded.
2. Intentionally self-inflicted injuries.
3. Injuries occurring in the course of committing a crime.
4. Elective surgery.
- 5.



## Chapter 4: Compensation

### 4.01 Timekeeping

Effective Date: 03/01/2015

Revision Date:

#### **PURPOSE:**

To define time worked and not worked, and to outline the City's timekeeping procedures.

#### **POLICY:**

Accurately reporting time worked is the responsibility of every non-exempt employee. The City must keep an accurate record of time worked in order to calculate employee pay and benefits.

#### **A. Time Worked**

Time worked includes all time that an employee is required to be performing any work for the City, whether on premises or at another location. **Vacation and Holiday time are counted as time worked.** Time worked is used to determine overtime pay for non-exempt employees. The City does include the following provisions as time worked:

1. Work Away from Premises or at Home: A non-exempt employee shall not be permitted to perform work away from the premises, job site, or at home, unless approved in advance in writing by the Department Director. If approved, work performed off the premises, job site, or at home by a non-exempt employee must be counted as time worked.
2. Break Time: Rest periods of fifteen (15) minutes or less are counted as time worked. **See Policy 2.05 Breaks** for additional information.

#### **B. Time Not Worked**

The City does **not** count the following provisions as time worked:

1. Paid Leave: Approved paid absences, including but not limited to sick leave, FMLA, military leave, jury duty, non-job related witness duty, funeral/bereavement leave, and voting time off **are not** counted as time worked.
2. Lunch or Dinner Periods: Uninterrupted time off for lunch or dinner is not counted as time worked.

#### **C. Timekeeping**

It is the employee's responsibility to review and confirm his/her time records to certify the accuracy of all time recorded. The timekeeper for the department will review and then certify the time record before submitting it for payroll processing. In the event of an error in reporting time, immediately report the problem to the department timekeeper. Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.



## 4.02 Pay Periods

Effective Date: 03/01/2015

Revision Date:

### **PURPOSE:**

The purpose of this policy is to outline the schedule for distribution of paychecks or direct deposit.

### **POLICY:**

Employees of the City of Texarkana are paid biweekly, every other Friday. Each paycheck will include earnings for work performed through the end of the previous payroll period. In the event the regularly scheduled payday falls on a holiday, employees will be paid the day before. There are **26 pay periods** per fiscal year.

The City's workweek begins at 12:00 a.m. on Monday and ends at midnight the following Sunday.

For most employees, the pay period is made up of two, 40-hour work weeks or work cycles. Some Police and Fire Department personnel may have alternate work cycles that make up the pay period. **The alternate work cycles must be in accordance with law and approved by the Department Director.**



### 4.03 Pay Deductions

Effective Date: 03/01/2015

Revision Date:

#### **PURPOSE:**

To describe and outline guidelines for voluntary and involuntary pay deductions.

#### **POLICY:**

The City of Texarkana offers programs and benefits beyond those required by law.

#### **A. Mandatory Deductions**

The City is required by law to make certain deductions from employee's compensation. These deductions include withholdings for federal income taxes; Federal Insurance Contributions Act (FICA) tax, which is comprised of Social Security (**Civil Service Exempt**) and Medicare, and contributions to the TMRS Retirement Plan or Texarkana Fireman's Relief and Pension Fund.

#### **B. Voluntary Deductions**

The City allows limited voluntary deduction programs to employees for City-sponsored benefits, such as the ICMA 457 Deferred Compensation Plan, flexible spending account (FSA), supplemental insurance, and credit union share or loan payment amounts. Contact the Human Resources Department for contribution levels and enrollment information.

#### **C. Record of Deductions**

The check stub serves as a statement of employee's earnings and deductions and is available through the **Employee Self Service (ESS)**. Employees who received income in the previous year will receive a Wage and Tax Statement (W-2) by January 31<sup>st</sup>. If an employee does not receive a W-2 by the second week of February, contact the Finance Department.

#### **D. Changes in Deductions**

An employee may begin, change, or cancel most optional deductions, or may change the number of dependents for tax purposes by contacting the Human Resources Department for the appropriate form.



<b>4.04 Overtime, Compensatory Time and Time Management</b>	Eff.Date: 03/01/2015 Revision Date:
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**Overtime.** Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour requirements. Exempt employees are not paid overtime compensation.

**NON-EXEMPT EMPLOYEES.**

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

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

Generally, except for Police and Fire Department shift employees, overtime pay for non-exempt employees is at the rate of 1-1/2 times the employee's regular hourly rate of pay for hours actually worked in excess of 40 in the City's workweek. (The City's workweek begins at 12:00 AM on Monday and ends at 12:00 Midnight the following Sunday.) An employee's regular hourly rate of pay includes all pay incentives, such as longevity, assignment pay, etc. Fire personnel are paid overtime based on the work cycle adopted by their Department under Section 207(k) of the Fair Labor Standards Act.

Time off for any type of leave **except vacation and holiday**, shall **not be considered time worked** for purposes of performing overtime calculations.



<b>4.04 Overtime, Compensatory Time and Time Management</b>	Eff. Date: 03/01/2015 Revision Date:
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**Compensatory Time.** Non-exempt employees may accrue compensatory time in lieu of being paid overtime compensation. Compensatory time accrues at a rate of 1 ½ hours for every hour of overtime worked by non-exempt employees. Comp time accruals are to be monitored at the department director level. All compensatory time earned **must be documented on the employee's time sheet.**

An employee who has accrued compensatory time and requests use of such time must be permitted to use the time off within a "reasonable period" after making the request, if it does not "unduly disrupt" the work of the department. If use of requested comp time would be disruptive, the department may elect to pay the employee in lieu of approving the requested time off. The City may, at any time, elect to pay a non-exempt employee for any or all of the employee's accrued comp time. The City may also require employees to take time off in order to reduce their accrued comp time. Otherwise, compensatory time off may be used the same as leave time.

**All accrued compensatory time should be taken by the 25<sup>th</sup> pay period of each fiscal year. Any time not taken by the 26<sup>th</sup> pay period will be paid to the employee on the last pay period of the fiscal year or employees may bank up to 40 hours maximum of accrued time.**

**Payment of Compensatory Time.** All employees who are reclassified from a non-exempt position to an exempt position will be paid all accrued comp time upon approval of the reclassification and will cease to be eligible for any additional overtime and /or comp time. Upon leaving employment with the City, a non-exempt employee will be paid for unused comp time at the employee's current hourly rate.

**NOTE:** Exempt employees are not eligible to accrue compensatory time.

**Flex-time Work Schedule.** In situations where overtime payment is not feasible due to budgetary constraints, the Department Director or supervisor must consider flexing the employee's work schedule in an effort to minimize the need for overtime compensation. Flexing must be completed within the same workweek or work cycle (if under the 207(k) exemption of FLSA) that the overtime was worked and must be accurately reflected on the affected employee's time record.



<b>4.04 Overtime, Compensatory Time and Time Management</b> Eff. Date: 03/01/2015 Revision Date:
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**EXEMPT EMPLOYEES**

Exempt employees are those who are not covered by the overtime requirements of the FLSA. These are employees defined by the FLSA as executives, administrators or professionals. Administrators exercise discretion and independent judgment with respect to matters of significance. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek. Exempt employees are **expected to work the hours necessary** to complete their projects at an acceptable level of quality in a timely manner.

Absent accrued paid leave time, an exempt employee need not be paid for any workweek in which no work was performed.

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



**4.05 Alternative/Compressed Schedule**

Effective Date: 03/01/2015

Revision Date:

**PURPOSE:**

To allow City employees who are normally scheduled to work 8:00 a.m. to 5:00 p.m. an opportunity to work an alternate work schedule.

**POLICY:**

Flexible work schedules are offered when it is feasible and will in no way interfere with providing efficient and effective City services.

**A. Eligibility**

Eligibility for participation in the City's alternate work week schedule will depend on an assessment by the Department Director that the employee's proposed work schedule will enable the employee to fully meet job responsibilities and performance expectations. Employees who have been subject to disciplinary action during the previous 12 months may not be eligible to participate in the alternate work schedule program.

**B. Alternate Schedule: Work Times and Core Hours**

Upon prior written approval from the Department Director, employees may participate in the City's alternate work schedule program by working the same number of normally scheduled hours per week during a different, pre-approved schedule.

1. Employees are required to work the core hours of 10:00 a.m. to 3:00 p.m. or as defined by the Department Director.
2. Employees must schedule an unpaid lunch time for a minimum of thirty (30) minutes and maximum of two (2) hours during each day worked. Taking lunch time at the beginning or end of the work day is not permitted, except in special circumstances when approved by the Department Director.

**C. Compressed Work Week**

The compressed work week is another option for a flexible work schedule consisting of four (4), 10-hour work days or other variations.

**D. Alternate work Schedule Requests**

Eligible employees may request participation in the alternate work schedule program by submitting an *Alternate/Compressed Schedule Request (Appendix F, Form 9)* to their Department Director. Employees should be prepared to discuss how they intend to resolve any conflicts that may arise between work responsibilities and the new work schedule.



**4.05 Alternative/Compressed Schedule**

Effective Date: 03/01/2015

Revision Date:

**E. Evaluation of Requests**

In evaluating an Alternate/Compressed Schedule Request, the Department Director will weigh such factors as the requesting employee's job responsibilities and his or her extent of interaction with members of the public and others, the schedules requested by other employees in the department, and the extent to which the requesting employee has demonstrated responsibility and dependability.

**F. Schedules**

Department Directors will forward the request to Human Resources.

The City reserves the right at any time to return a participating alternate/compressed work schedule employee to his or her standard schedule if the employee's schedule is not permitting the department to operate effectively or changes in circumstances necessitate a change.



**4.06 Longevity Pay**

Effective Date: 03/01/2015

Revision Date:

The City provides regular full-time employees longevity pay, at the budgeted rate **per month for each full year of service**, up to a maximum of 25 years. Longevity pay begins after a regular, full-time employee has completed one year of service.



**4.07 On Call and Call Back**

Effective Date: 03/01/2015

Revision Date:

**PURPOSE:**

To standardize On Call/Emergency Call Back pay across the City and provide guidelines for employees who are subject to on call or emergency call back pay.

**POLICY: The below applies to both On Call and Emergency Call Back**

- A. An employee who is called back to work outside his or her normal work schedule shall be paid for the time worked or a minimum of two (2) hours, whichever is greater.
- B. Department Directors shall establish reasonable, maximum response times (between 15 and 60 minutes) for their departments.
- C. An employee who is called back to work will be paid for travel time to and from work.

**Emergency Call Backs**

An emergency call back is defined as an unscheduled request made by an appropriate management official for an employee to return or report to work due to unforeseen or emergency circumstances after leaving the building or work location at the end of their regular shift and before the beginning of the next regularly scheduled shift.

Emergency call backs will be considered **overtime**. Justification must be provided to the Department Director to validate that the call back is an emergency.

**On-Call**

An on-call employee is the employee designated to be contacted if a situation arises after normal work hours. The department director of each designated department will decide specifically which employee(s) in each job title will be assigned to take call and receive the additional compensation. These decisions should be made fairly and equitably using work- and skill-related factors. Exempt employees are not eligible to receive on call pay.

On call status begins after the completion of the workday and continues until resuming work the following workday, unless a defined length of time is determined prior to the time the call commences. Employees will be considered engaged to work from the time they leave home (or when they accept the call) until the work is completed. This time will be considered worked time and will be recorded as such on the time record by the employee. Circumstances causing an increase in travel time should not be included in the time worked without the express written permission of the employee's supervisor. An employee who is on call, but is not called back, will not be compensated.



**4.07 On Call and Call Back Pay**

Effective Date: 03/01/2015

Revision Date:

Time worked while on call will be calculated at the employee's regular rate of pay unless the hours exceed 40 hours for the week. Overtime compensation is applicable only when total hours worked exceeds the regular full time work cycle. All paid leave, **except for vacation and holiday**, does not count as time worked. (See *Policy 4.04 Overtime* and *4.01 Timekeeping* for additional information).

Employees who are on call must meet the following criteria to be eligible for on call pay:

1. Maintain a working line of communication with either a mobile telephone or land line and provide the appropriate contact number to his or her supervisor.
2. Stay within range of the telephone.
3. When notified, return the call within fifteen minutes.
4. Arrive at the work unit within 30 minutes or less after receiving the call.
5. Arrive in a condition "fit" for duty in accordance with all City policies including Policy 6.05 and 6.06, Drug and Alcohol Use Policy. Any variance from such policies may result in disciplinary action, up to and including termination.

**Departmental Policies.** Each Department has its own internal procedures for handling on-call services. Departments may establish guidelines for varying levels of response to call-back situations depending upon the nature and importance of the services to be completed.



**4.08 Temporary Assignment Pay**

Effective Date: 03/01/2015

Revision Date:

- A. Temporary Assignment Pay will be paid to an employee who is approved by the Department Head to perform work in a higher classification for a period of time. The temporary appointment must be documented by a Form 2, Personnel Action Form and renewed every 30 days and shall not exceed 90 days without prior approval from the Human Resources Director.
- B. The amount of additional pay shall be determined by the respective Department Head, and approved by the Human Resources Director.
- C. Temporary Assignment Pay for public safety employees shall be granted in accordance with the Texas Local Government Code.
- D. When the temporary assignment ends, the employees' salary shall be readjusted to the original amount.



**4.09 Certification Pay**

Effective Date: 03/01/2015

Revision Date:

**PURPOSE:**

The purpose of this policy is to outline the parameters of certification pay.

**POLICY:**

The City of Texarkana is committed to the employee's educational growth and development. In addition to an employee's regular earnings, an employee who obtains certification may be eligible for certification pay.

Eligibility and compensation shall be evaluated by the Department Director, Human Resources Manager and presented to the City Manager for final consideration. All applications are subject to budgetary funding availability.

Eligible employees are required to provide Human Resources with proof of eligibility (certificate) along with a Form 2, Personnel Action Form (PAF) signed by the Department Director or designee before certification pay will be awarded.

If the certification requires renewal and the employee fails to renew the certification and turn in the paperwork, the certification will be dropped until proof of renewal is received in Human Resources.



**4.10 Shift Differential Pay**

Effective Date: 03/01/2015

Revision Date:

In addition to base pay, police officers, dispatchers and water plant operators shall be entitled to receive shift differential pay if they work more than 50% of their total monthly hours between the hours of 6:00 p.m. and 6:00 a.m.

All shift differential hours and pay must be pre-approved by the Department Director and will be accumulated, recorded and paid in compliance with the approved budget.



## Chapter 5: Employee Benefits

### 5.01 Employee Benefits

Effective Date: 03/01/2015

Revision Date:

#### **PURPOSE:**

To communicate the wide range of the benefits provided by the City of Texarkana to employees.

#### **POLICY:**

Benefit eligibility is dependent upon a variety of factors, including employee classification. The Human Resources Department can identify the eligible programs. Details of many of these benefits may be found elsewhere in this policy manual.

The following benefits are available to eligible employees:

- Health Insurance (Policy 5.02)
- Life Insurance (Policy 5.03)
- Workers' Compensation Insurance (Policy 5.13)
- Long-Term Disability (Policy 5.04)
- COBRA (Policy 5.05)
- Deferred Compensation Plan (Policy 5.06)
- TMRS Retirement Plan (Policy 5.07)
- Tuition Reimbursement (Policy 5.11)
- Employee Assistance Program (Policy 5.08)
- Uniforms (Policy 5.09)
- Credit Union (Policy 5.10)
- Certification Pay (Policy 4.09)
- Sick Leave (Policy 3.03)
- Vacation Leave (Policy 3.02)
- Vacation Leave Donation (Policy 3.12)
- Holiday Leave (Policy 3.01)
- Family and Medical Leave (Policy 3.04)
- Leave of Absence (Policy 3.11)
- Military Leave (Policy 3.05)
- Funeral/Bereavement Leave (Policy 3.06)
- Jury & Witness Duty Leave (Policy 3.07)
- Voting Time Off (Policy 3.08)
- Longevity Pay (Policy 4.06)



## 5.02 Health Insurance

Effective Date: 03/01/2015

Revision Date:

### **PURPOSE:**

To communicate the health insurance programs for City of Texarkana employees, and to identify eligibility requirements.

### **POLICY:**

The City of Texarkana's health insurance plans provide employees and their dependent(s) access to health insurance benefits. Only employees in the following employment classification are eligible to participate in the health insurance plan:

- Full time employees
- Part time employees working 30 hours per week or more.

### **AND**

- Completes the employment waiting period defined as the first month following the first complete month as an active employee.

Eligible employees may participate in the health insurance plan subject to all terms and conditions of the agreement between the City and the plan document. Each new employee is required to enroll using the on-line service, Benefit Connector.

The City offers employees the option to purchase dependent health and dental insurance as described below:

1. A covered employee's spouse. The term "spouse" shall mean the person recognized as the covered employees husband or wife under the laws of the state where the covered employee lives. At this time, in the State of Texas, domestic partners are not eligible for coverage as Dependents.
2. Biological or legally adopted children of the employee or of the employee's lawful spouse will be covered.

A change in employment classification that would result in loss of eligibility to participate in the health insurance plan may qualify an employee and/or dependent(s) for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). See *Policy 5.05 Consolidated Omnibus Budget Reconciliation Act (COBRA)* for more information.

Contact the Human Resources Department for additional information about health insurance benefits.



### 5.03 Life Insurance

Effective Date: 03/01/2015

Revision Date:

#### **PURPOSE:**

To communicate the life insurance program for City of Texarkana employees, and to identify eligibility requirements.

#### **POLICY:**

Life insurance offers employees and their families' important financial protection. The City of Texarkana provides a basic life insurance plan at **one times the employees' base annual earnings** and offers employees the option to purchase supplemental life insurance for themselves and their dependents. Employees in the following employment classifications are eligible to participate:

- Full time employees
- Part time employees working 30 hours per week or more.

Eligible employees participate in the life insurance plan subject to all terms and conditions of the agreement between City and the insurance carrier. Each new employee shall complete enrollment using the on-line service, **Benefit Connector** at the time employment begins.

Contact the Human Resources Department for additional information about life insurance benefits.



#### **5.04 Long Term Disability**

Effective Date: 03/01/2015

Revision Date:

##### **PURPOSE:**

To communicate the long-term disability program for City of Texarkana employees, and to identify eligibility requirements.

##### **POLICY:**

The City of Texarkana provides access to an employee paid long-term disability plan (LTD) to help eligible employees cope with an illness or injury that would result in long-term absence from employment. Employees in the following employment classifications are eligible to participate in the LTD plan:

- Full time employees
- Part time employees working 30 hours per week or more.

LTD is designed to ensure a continuing income for employees who are disabled and unable to work. Eligible employees may participate in the LTD plan subject to all terms and conditions of the agreement between the City and the insurance carrier. There is a 90-day period that an employee must be disabled before benefits become payable. Contact the Human Resources Department for additional information about the LTD benefits plan.



<b>5.05 Consolidated Omnibus Budget Reconciliation Act</b>	Effective Date: 03/01/04
	Revision Date:

**PURPOSE:**

To outline the eligibility and procedures for extended health insurance through the federal Consolidated Omnibus Budget Reconciliation Act (COBRA).

**POLICY:**

COBRA gives employees and/or dependent(s) the opportunity to continue health insurance coverage under the City of Texarkana's health plan when a *qualifying event* would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, death, reduction in hours, an employee's divorce or legal separation, or a dependent child no longer meets the eligibility requirements.

Under COBRA, the employee or beneficiary will pay the full cost of coverage at the City's group rate plus an administrative fee. When a qualifying event occurs, contact the Human Resources Department to determine COBRA eligibility.



## **5.06 Deferred Compensation Plan**

Effective Date: 03/01/04

Revision Date:

### **PURPOSE:**

To outline employee eligibility, contribution, and benefits of voluntary participation in the **457 Deferred Compensation Plan**.

### **POLICY:**

The 457 Deferred Compensation Plan has been established to provide employees with a voluntary investment option designed to supplement the employee's income at retirement.

Employees in the following employment classifications are eligible for participation in the 457 Deferred Compensation Plan:

- Full time employees
- Part time employees working 30 hours per week or more.

The 457 Deferred Compensation Plan, offered through the International City/County Management Association (ICMA) permits an employee, on a voluntary basis, to authorize a portion of their salary to be withheld, tax deferred, and invested. Eligible employees may enroll, make changes, or stop deductions at any time in the 457 Deferred Compensation Plan. Employees contribute up to a fixed amount that is set annually by ICMA. Neither the deferred amount nor earnings on the investments are subject to current federal income tax. Various investment options are available to best meet individual retirement objectives.

For additional information, please contact ICMA or the Human Resources Department.



## 5.07 TMRS Retirement Plan

Effective Date: 03/01/2015

Revision Date:

### **PURPOSE:**

To identify eligibility requirements for employees to participate in the Texas Municipal Retirement System (TMRS), the retirement system administered on a state-wide basis.

### **POLICY:**

Participation in the Texas Municipal Retirement System (TMRS) system provides for monthly pension benefits at retirement.

#### **A. Eligibility for Enrollment**

At the time of employment, all eligible employees are enrolled in the TMRS pension plan. Employees in the following employment classifications participate in TMRS:

- Full time employees
- Employees in positions budgeted to work 1,000 or more hours a year

#### **B. Contributions**

Contribution rates and other policies of the City's TMRS Plan are determined by the City Council and are subject to change.

1. Contributions to TMRS are mandatory for eligible employment classifications described above.
2. Currently, the employee contributes 7% of their earnings each pay period. The contributions are tax deferred and made through payroll deduction. Vesting generally occurs five (5) years after the first contribution.
3. Currently, the City's contributions are a 2 to 1 match.

#### **C. Interest Earnings**

Employee deposits earn interest on an annual basis, credited to the employee's account each year on December 31st. Prorated interest occurs only during the year in which the employee retires.

#### **D. Benefits at Retirement**

1. Generally, employees may retire after 240 months (20 years) of TMRS credit, regardless of age or at age 60 and vested with five years of service. Military Service or previous government employment may contribute service credit toward earlier retirement.
2. TMRS benefits will be based on years of service, salary, the employee and City contributions to the account, and the retirement option selected.
3. Employees must contact the Human Resources Department at least one (1) month before the planned retirement date to allow for completion of paperwork. For additional information, please consult the TMRS Benefits Guide available online at <http://www.tmr.org>.



**5.08 Employee Assistance Program**

Effective Date: 03/01/2015

Revision Date:

**PURPOSE:**

To communicate the availability of free financial, legal, personal counseling and referral assistance for full time employees of the City of Texarkana through the Employee Assistance Program (EAP).

**POLICY:**

The City of Texarkana offers an Employee Assistance Program (EAP) to employees that provide confidential short-term counseling for employees and/or their dependent(s).

Areas for counseling include, but are not limited to marital and family conflicts, drugs and alcohol use, job or emotional stress, depression, and grief. Individual counseling for immediate family is available for up to six (6) sessions per incident per year at no cost. Consult your insurance material or the Human Resources Department for the telephone number of the EAP.

[www.alliancewp.com](http://www.alliancewp.com)



## 5.09 Uniforms

Effective Date: 03/01/2015

Revision Date:

### **PURPOSE:**

To establish a standard regarding employee uniforms, the conduct employees must exhibit while in uniform, uniform maintenance, and the return of uniforms upon separation from the City.

### **POLICY:**

#### **A. Uniforms**

Employees who are required to wear uniforms will be provided new uniforms, complete with required insignia, etc., upon employment. Employees who are furnished uniforms must wear the regulation uniform while performing work for the City, except when special circumstances or work conditions exist. Employees may not wear City uniforms for other than City work. However, uniforms may be worn to and from work, while performing specific assigned or approved functions or running errands during lunch periods.

#### **B. Uniform Conduct**

No employee, while wearing any City attire, shall purchase, possess or consume alcoholic beverages in public. No uniformed employee shall use tobacco products while making public contact. This includes time on-the-job, training sessions, or time spent in City-owned, rented, or leased vehicles or equipment. Police officers who have confiscated alcohol or tobacco products within the scope of employment are exempt from this policy for that time period. See *Policy 7.11 Tobacco Use* for more information.

#### **C. Uniform Maintenance**

The employee will be responsible for all cleaning and care of the uniforms, unless this service is provided under a lease agreement. City uniforms must be in good condition. The employee's immediate supervisor will determine whether an employee's uniform is clean and serviceable. Replacement uniforms will be furnished at the City's expense on an as needed basis and as funding allows. Supervisors are responsible for determining the need for uniform replacement. Uniforms damaged due to employee carelessness or negligence will be replaced at the employee's cost.

#### **D. Uniforms at Termination**

Employees who separate employment for any reason must return all uniforms and insignia issued by the City. Supervisors are responsible for the return of all identifying patches and insignia. Employees must sign the *Wage Deduction Authorization Agreement (Appendix F, Form 6)* at the time the uniform is issued. By signing the form, the employee agrees to return all City-issued uniforms at separation of employment. Failure to do so will result in deduction from the final pay check equal to the replacement value of the item..



## 5.10 Credit Union

Effective Date: 03/01/2015

Revision Date:

### **PURPOSE:**

To describe credit union services offered to employees of the City of Texarkana.

### **POLICY:**

The City of Texarkana offers all employees the opportunity to join a Credit Union that provides full service banking, including checking and savings accounts and loan opportunities.

Employees in the following employment classifications are eligible to participate in the Credit Union:

- Full time employees
- Part time employees

Employees are eligible for membership at the following credit union:

Morris Sheppard Credit Union

903-798-3258

[www.morrisheppardfcu.org](http://www.morrisheppardfcu.org)

Contact the Human Resources Department for additional information.



## 5.11 Tuition Reimbursement

Effective Date: 03/01/2015

Revision Date:

### **PURPOSE:**

To provide employees with the procedures to access and utilize the City of Texarkana's Tuition Reimbursement Program.

### **POLICY:**

In recognition of the long-range contribution that additional job related education can make in continued quality service to the community, educational expense reimbursement is offered to eligible employees on a limited basis according to the following guidelines. Only Full Time Employees are eligible to participate. Tuition reimbursement does not apply to doctoral degrees.

#### **A. Eligibility**

1. Educational courses must be taken from an accredited college or university. For the purposes of this policy, accredited shall mean an institution of higher education recognized by the Department of Education and the Southern Association of Colleges and Universities or other regionally accredited agency.
2. The employee must have a field of study, commonly known as a major, declared with the employee's chosen college or university. Only those fields of study that, in the judgment of the employee's Department and Human Resources Director, are related to the employee's current job classification or which will enhance the employee's potential for advancement to a position within the City are considered under this program. Single courses in self-improvement or continuing education programs not leading to a degree do not qualify under this program.
3. The maximum number of hours eligible to be reimbursed per semester is Six (6).
4. To be eligible for reimbursement, completion of the course with a passing grade of "C" or better for undergraduate level is required, or "B" or better for graduate level work.
5. Employees receiving tuition assistance from a source that does not require repayment (Veteran's benefits, grants, scholarships, etc.) are required to submit reimbursement requests for the balance of the tuition not covered by the alternate source.
6. Reimbursement of tuition may not exceed the cost per semester hour for a course(s) at Texas A&M University-Texarkana as described in the TAMU-T tuition and fees schedule for "Border State" tuition. Employees will not be reimbursed for any portion of tuition which exceeds that amount.

#### **B. Procedures and Responsibilities**

1. An employee considering reimbursement under the terms of this program must make application to the City prior to enrollment in qualified courses. Tuition reimbursement will be paid only if the courses are pre-approved.



## 5.11 Tuition Reimbursement

Effective Date: 03/01/2015

Revision Date:

2. New applications will be accepted during the month of February. The employee must complete and submit to their Department Director the *Application for Degree Plan Approval* form (**Appendix F, Form 20**), along with a complete degree plan outlining required courses and a signed *Tuition Reimbursement Agreement* (**Appendix F, Form 23**). The Department Director will enter a recommendation as to approval of the degree plan and then forward the application to the Human Resources Department. The Human Resources Director will review the application for completion and forward to the City Manager's office with recommendations for approval.
3. The decision of the City Manager or designee is final. If the City Manager approves the field of study, all courses in the degree plan are eligible for reimbursement subject to the six (6) hour per semester cap and the availability of funds in the City's Annual Operating Budget. Reimbursement will be paid at 100% of the eligible tuition. Participation is on a first come, first serve basis.
4. Mandatory fees shall be reimbursed at 50%, excluding late fees and interest for delayed payment plans.
5. Sixty days prior to the registration of each semester, the employee must submit a *Course Pre-approval Request* (**Appendix F, Form 22**) to the Human Resources Department notifying the City of the courses to be taken that semester.
6. Upon completion of the course the employee must submit original tuition and textbook receipts, grade reports, and the *Reimbursement Request* (**Appendix F, Form 23**) to the Human Resources Department for reimbursement.
7. Books and course materials will be reimbursed with appropriate receipts up to, but not exceeding, the amount of the tuition reimbursed for the course.
8. The employee who receives tuition reimbursement must remain in service to the City, as a full time employee, for at least one year beyond the date of reimbursement; otherwise, all sums for tuition and books paid by the City over the past year must be refunded to the City. As a condition of receiving tuition reimbursement, the City may deduct any sums owing from the employee's final paycheck from the City as authorized by the Tuition Reimbursement Agreement.

The Employee agrees to refund the City of Texarkana the full amount of the tuition and book reimbursement provided during the year preceding voluntary resignation. Employee shall sign a *Tuition Reimbursement Agreement* (**Appendix F, Form 21**).



## 5.12 Education Pay

Effective Date: 03/31/09

Revision Date:

### **PURPOSE:**

The purpose of this policy is to outline the parameters of education pay.

### **POLICY:**

**Beginning on the effective date of the Employee Handbook, the City of Texarkana will no longer offer education pay.**

**Grandfather Clause:** Employee's receiving or qualified to receive education pay prior to the effective date of this policy will be grandfathered and receive education pay. Any additional college credit hours obtained after the effective date will not qualify for education pay.

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



### 5.13 Workers Compensation

Effective Date: 03/01/2015

Revision Date:

#### **PURPOSE:**

To describe the City of Texarkana's Workers' Compensation Program and the procedures to follow when workers' compensation insurance may apply.

#### **POLICY:**

The City of Texarkana complies with the Texas Labor Code in the provision of workers' compensation insurance coverage for its employees. This program covers an injury or illness sustained in the course of employment that requires medical treatment, subject to applicable legal requirements and workers' compensation guidelines. Workers' compensation insurance coverage begins immediately upon employment with the City.

Employees who sustain work-related injuries or illnesses must inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it must be reported.

Neither the City nor the workers compensation insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's participation in an off-duty recreational, social, or athletic activity sponsored by the City or for outside employment.

Time off on workers' compensation leave will not be counted as time worked for the purposes of determining overtime. FMLA will run concurrent with workers compensation absences. See **Policy 3.04 Family and Medical Leave** for more information

For additional information on workers' compensation, visit the Texas Workers' Compensation Commission online at <http://www.tdi.gov/wc//indexwc.html> or contact Human Resources.



## 5.14 WC Reporting Requirements

Effective Date: 03/01/2015

Revision Date:

1. An employee who suffers ANY on-the-job injury shall report the incident to their supervisor immediately. Upon notification of an on-the-job injury, the immediate supervisor shall conduct an investigation and complete the appropriate Risk Management Form. Injuries should be properly documented even when the injury does not require treatment by a physician.
2. On-duty injuries or illness are subject to the same guidelines for HIPAA privacy requirements as an injury or illness which occurs outside of the work environment.
3. All supervisors must report the injury and submit the Risk Management Form to the Human Resources Department within 24 hours of when the injury was reported by the employee.
4. Incidents occurring during weekends and holidays shall be reported to Human Resources prior to 11:00 a.m. the following business day.
5. Superficial injuries such as minor cuts should be treated at the Health Department by the Employee Health Nurse whenever the Employee Health Nurse is available.
6. When an on-the-job injury requires professional medical attention, the injured employee shall obtain a dated medical report (doctors slip) from the attending physician at the time of treatment. The doctor's slip shall state if the employee is medically released for full duty or restricted duty. If the doctor recommends restricted duty, the report shall list the limitations. The employee or their immediate supervisor is responsible for submitting the completed doctor's slip to the city's Human Resources Department when the Risk Management Form is submitted or as soon as possible thereafter.
7. The employee shall obtain a separate doctor's slip completed for each subsequent visit to a doctor, clinic or hospital.
8. An employee returning to work from a lost time injury shall submit a completed doctor's slip reflecting the doctor's release. The doctor's release shall be submitted to Human Resources within 24 hours of the employee's return.
9. Employees who need medical treatment have the right to choose a doctor or medical facility from the Texas Department of Insurance list of designated doctors.
10. Employees who are authorized by a physician to be off work due to an on-the-job injury shall contact the Human Resources Department by telephone within 24



## **5.14 WC Reporting Requirements**

Effective Date: 03/01/2015

Revision Date:

hours after each doctor visit. If the employee cannot make the call, they must have someone call on their behalf.

11. An employee who is authorized to be off duty due to an on-the-job injury shall be subject to disciplinary action if the employee:

- a. Engages in part-time or full-time work which is inconsistent with the employee's injury or illness.
- b. Falsifies or misrepresents the physical condition or disability.
- c. Fails or refuses to follow the instructions of the treating physician.
- d. Fails to report for examination or treatment as directed by the treating physician.
- e. Refuses to return to regular or modified duty when authorized by the treating physician and offered by the City.



## 5.15 Supplemental Benefits

Effective Date: 03/01/2015

Revision Date:

1. Supplemental Injury Benefits may be paid by the City to full time regular employees, sustaining an on the job injury, to make up the difference between Workers' Compensation benefits and the employee's regular net pay. This pay is subject to regular payroll deductions.
2. Supplemental Injury Benefits will be provided for the first **12 consecutive weeks** from the date of injury when an eligible employee is unable to work.
3. At the expiration of the **12-week period**, the employee may use their available vacation and sick leave balances to continue receiving supplemental pay. The employee may supplement their pay for the duration of the injury leave as long as vacation and sick leave balances are available.
4. Vacation and sick leave will accrue during the **12 consecutive weeks** from the date of disability, illness, injury, or medical condition. Employees who are unable to return to work and perform the essential functions of their job in a modified capacity shall cease to accrue vacation and sick leave at the end of **12 consecutive weeks** from the date of disability, illness, injury, or medical condition.
5. For Civil Service, the leave is with full pay for a period commensurate with the nature of the line of duty illness or injury. If necessary, the leave shall continue for at least one year.

### Eligibility for Supplemental Injury Benefits

1. Emergency, seasonal, temporary, part-time, or other irregularly scheduled employees, as well as employees who are completing their training periods or are on disciplinary probation are not eligible to receive injury leave.
2. The eligible employee must report to the Human Resources Department by telephone within 24 hours of every follow up doctor's appointment.
3. The eligible employee will no longer be entitled to Supplemental Injury Benefits if they resign, are terminated from employment for any reason, retire, or do not comply with the requirements of this policy.
4. The eligible employee must agree to perform regular or modified duties, as assigned, when allowed by the treating physician and/or City's designated physician.
6. If an employee's supplemental injury benefits are terminated for failing to comply with any of the requirements listed herein, the employee will be notified, in writing,



### **5.15 Supplemental Benefits**

Effective Date: 03/01/2015

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by the Human Resources Director. Once supplemental injury benefits have been denied or terminated for any given injury, the employee shall not be eligible to receive supplemental injury benefits in the future in relation to the same injury. The employee shall cease to accrue vacation and sick leave.

#### **Payment for Supplemental Injury Benefits**

1. Supplemental Injury Benefits will also be provided when the employee sustains a job-related injury, returns to work, later begins losing time due to the initial injury, and qualifies to receive temporary income benefits. In no case will the employee be provided more than twelve weeks Supplemental Injury Benefits for the same injury. Supplemental Injury Benefits will not be provided for follow-up doctor visits or continuing physical therapy once the employee has returned to work.
2. Supplemental Injury Benefits may not result in an increase in the employee's net pay as compared to the employee's net pay before the injury or illness. Net pay is comprised of the weekly non-taxable Workers' Compensation pay and the Supplemental Injury Benefit pay.
3. Employees are not entitled to receive both Workers' Compensation weekly pay and their regular paycheck. If an employee is overpaid, the employee shall repay the amount of the overpayment. The Finance Department may schedule the payments if necessary by deducting the overpayment amount from the employee's paycheck as indicated on the employee's authorized deduction form.



## **5.16 Voluntary Salary Continuation**

Effective Date: 03/01/2015

Revision Date:

Effective June 16, 1998 the City allows injured employees to voluntarily agree to exchange their weekly workers' compensation check for their regular City payroll check. This is a voluntary program in lieu of the standard practice of deducting the workers' compensation payment from the regular paycheck prior to issuance. If an employee chooses to participate, they shall complete a Voluntary Salary Continuation Agreement and submit the form to the Human Resources Department within 7 days from the date of injury.



## 5.17 Modified Duty Assignment

Effective Date: 03/01/2015

Revision Date:

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

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

Modified duty will not normally extend beyond ninety [90] calendar days without an evaluation by the employee's treating physician and a recommendation from the Department Director to the Director of Human Resources. Only the Human Resources Director may approve an extension of a modified duty assignment. Employees still unable to return to regular duty within the time limit established for modified duty must re-qualify for modified duty through evaluation by their treating physician or revert to workers' compensation indemnity payment, accumulated sick leave, Family Medical Leave Act (FMLA) or vacation benefits, if available.

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

*During a modified duty assignment, employees will typically work an 8-hour workday, Monday through Friday. This means that 24-hour shift employees, as well as other employees who work a non-traditional schedule, will usually be temporarily reassigned to an 8-hour workday, Monday through Friday, for the duration of their modified duty assignment.*

*An employee's salary during any modified duty assignment shall be at the same rate as the salary received prior to the injury.*

All modified duty requests and assignments will be reviewed by and coordinated through the Director of Human Resources. The Director of Human Resources will work



**5.17 Modified Duty Assignment**

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with the employee's department in determining whether modified duty work will be offered. Before returning to regular job duties following a modified duty assignment, the employee must provide a full release from the physician to return to work and coordinate the return through the Director of Human Resources.



## 5.18 Reasonable Accommodation

Effective Date: 03/01/2015

Revision Date:

1. When an employee is unable to perform the essential functions of his/her position with or without reasonable accommodations due to a disability, illness, injury or medical condition, the City may deem the position vacant and fill the position when business necessity requires any time after 12 weeks following the date lost time began.
2. An employee who has a job-related illness or injury that renders the employee incapable of performing his/her regularly assigned duties shall first utilize the Supplemental Injury Benefits prior to being placed in an unpaid leave status.
3. The City Manager or his/her designee may authorize the continuation of employment in certain cases if the employee provides written information from the treating physician indicating that he/she may be able to perform the essential functions of his/her position within a reasonable and specific period of time. The period of time will be determined after considering the employee's entitlement to the leave, needs of the department, and nature of the injury as indicated by the treating physician.  
See: **(Chapter 1 Section 1.14 Employee Health Examinations/Fitness for Duty)**.
5. A reasonable accommodation, if available, will be provided to any otherwise qualified employee, as defined by the Americans with Disabilities Act and its amendments.
6. Requests for a reasonable accommodation must be submitted by the individual to the Human Resources Director. All such requests shall be reviewed by the immediate Supervisor, the Department Head, and the Human Resources Director.



## Chapter 6: Employee Conduct

### 6.01 Disciplinary Procedures

Effective Date: 03/01/2015

Revision Date:

#### **PURPOSE:**

To provide a structured corrective action process to bring attention to existing performance, conduct or attendance issue(s).

#### **POLICY:**

It is the policy of the City of Texarkana that employees comply with certain standards of performance and where noncompliance is corrected in a manner that protects the dignity of employees. Disciplinary action is considered a dimension of performance evaluation and employee development. It is a corrective process to help employees overcome work related shortcomings, strengthen work performance, and achieve success. The following disciplinary procedures will usually be followed. However, each disciplinary action may be tailored to the specific offense or violation and may take into consideration the specific situation and previous performance record of the individual involved.

#### **A. Reasons for Action**

Disciplinary action may be taken for an employee's failure to maintain minimum performance standards, as disciplinary action for misconduct, or for an employee who is experiencing a series of unrelated issues involving job performance. Unrelated performance issues may be considered separately unless the effect of the performance deficiencies has a cumulative effect on the employee's overall performance.

#### **B. Documentation**

Supervisors are expected to document disciplinary action using the *Performance Correction Notice (Appendix F, Form 13)*. The documentation should contain a description of the action that prompted the discipline, the action taken, and the required improvement by the employee, including time frames, as necessary. Every disciplinary action taken shall be recorded so as to provide documentation that rules are enforced equitably and in accordance with stated policy, without regard to race, gender, national origin, disability, age, religion, military/veteran status, genetics, sexual orientation, gender identity, or any other characteristic provided by law. All disciplinary documentation shall be sent to Human Resources to be kept in the employee's personnel file.

#### **C. Procedure**

The City reserves the right to exercise any of the disciplinary options, up to and including termination of an employee. Repeating or jumping a step, or moving to immediate discharge may be appropriate depending on the circumstances and management's judgment.

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**Below are examples of the levels of discipline:**

**1. Verbal Warning**

A verbal warning is best suited for a minor rule infraction or incident of substandard performance. It is usually the first step in the disciplinary action process to bring attention to the existing performance, conduct or attendance issue. The supervisor should discuss with the employee the nature of the issue or violation of City policies. The supervisor is expected to clearly outline expectations and steps the employee must take to improve performance or resolve the issue. A **Performance Correction Notice** (Appendix F, Form 13) detailing the event shall be signed by the employee and the supervisor and submitted to Human Resources within five (5) business days. A memo may be prepared by the supervisor if needed, and attached to the *Performance Correction Notice*. A copy must be kept in the employee's personnel file in Human Resources.

**2. Written Reprimand**

A written reprimand is a more serious form of discipline that includes formal documentation of the performance, conduct or attendance issues and consequences. A **Performance Correction Notice** (Appendix F, Form 13) detailing the event, clearly outlining expectations, and identifying steps the employee must take to improve performance or resolve the issue shall be signed by the employee and the supervisor and submitted to Human Resources within five (5) business days. A memo may be prepared by the supervisor if needed, and attached to the *Performance Correction Notice*. A copy of the written reprimand must be kept in the employee's personnel file in Human Resources.

The immediate supervisor will meet with the employee and review any additional incidents or information about the performance, conduct or attendance issues as well as any prior relevant Performance Improvement Plans. The immediate supervisor or Department Director will outline for the employee the consequences if he/she continues to fail to meet performance, conduct or attendance expectations. A notification outlining that the employee may be subject to additional discipline up to and including termination if immediate and sustained corrective action is not taken may also be included in the reprimand.

**3. Disciplinary Probation**

The purpose of disciplinary probation is to allow the employee a stated period of time to demonstrate improvement on a specific performance area(s) identified at the time the employee is placed on disciplinary probation. A **Performance Improvement Plan** that includes a statement of the issue, action steps to achieve necessary improvement, length of probation period, and information concerning further disciplinary action that could result from failure to show improvement shall

**6.01 Disciplinary Procedures**

Effective Date: 03/01/2015

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be signed by the employee. Disciplinary probation shall not exceed six months in duration and may be used in conjunction with a suspension after a serious or repeated violation. No pay increases or promotions will be authorized during disciplinary probation. A copy of the disciplinary probation memo must be submitted to Human Resources within five (5) business days and kept in the employee's personnel file in Human Resources.

**4. Suspension**

A Department Director may authorize suspension without pay for up to 120 hours in a single calendar year, with the approval of Human Resources. Suspensions over 120 hours shall require the written authorization of the City Manager. Employees, in all suspensions, shall be given written notice of the reason(s) for the suspension. Upon return to work, if the supervisor and/or Department Director do not see immediate improvement in the employee's performance, he/she will be terminated. Suspensions shall be signed by the employee, the supervisor, Department Director, and Human Resources Director and must be submitted to Human Resources within five (5) business days and kept in the employee's personnel file in Human Resources.

**5. Suspension during Criminal Proceedings**

During investigation, hearings, or trial of an employee on any criminal charges, the employee may be placed on Administrative leave with pay, for the duration of the proceedings (whenever such leave would be in the best interest of the City as determined by the City Manager). An Administrative Leave memo will be issued by the Director of Human Resources and signed by the employee. A copy must be kept in the employee's personnel file in Human Resources. This is not a disciplinary action, but merely a status until the results of the investigation, hearing or trial are obtained.

**6. Demotion**

A Department Director may demote an employee for reasons which include, but are not limited to, a violation of rules or policies or repeated, intentional refusal to improve performance. Demotions may be permanent or for a predetermined period of time and may be used in conjunction with a disciplinary probation.

Disciplinary demotions may be accompanied by a reduction in salary, if appropriate. Employees shall be given written notice of the reason(s) and duration of the demotion, and in the case of a temporary demotion, the **Performance Improvement Plan** required for the employee to be reinstated to the former position. A copy of the written notice of demotion must be submitted to Human Resources within five (5) business days and kept in the employee's personnel file in Human Resources.



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### 7. Administrative Leave

Administrative leave can be used for disciplinary purposes, decision making leave, and/or transition period. See Section 3.09 for guidelines.

### 8. Termination

Employees may be terminated at any time. Nothing in this policy should be read or construed as modifying or altering the employment-at-will relationship between the City of Texarkana and its employees.

Termination is normally taken when other disciplinary actions have been utilized, but performance has not changed or when an employee has committed a major violation or performed at an unacceptable level as determined by his/her supervisor or Department Director. Termination shall be approved by the Human Resources Department. Employees who are terminated are not eligible to receive unused benefits. A copy of the termination letter must be initiated and approved by Human Resources before proceeding with the termination. A copy of this letter will be kept in the employee's personnel file in Human Resources.

### D. Disciplinary Action and Performance Evaluation

Employees on probation or suspension at the time of the annual performance evaluation are not eligible for a pay increase. After the employee is removed from disciplinary status, the employee may be eligible to receive an increase consistent with his/her performance level if annual increases are budgeted. **The increase shall not be retroactive.**

Nothing in this policy provides any contractual rights regarding employee discipline or counseling nor should anything in this policy be read or construed as modifying or altering the employment-at-will relationship between the City of Texarkana and its employees.



## 6.02 Employee Conduct and Work Rules

Effective Date: 03/01/2015

Revision Date:

### **PURPOSE:**

To promote and ensure appropriate conduct by providing guidelines governing specific issues affecting employee conduct.

### **POLICY:**

All employees are expected to conduct themselves both on and off the job in accordance with the guidelines set forth in this policy and are expected to exemplify conduct that is lawful and professional. Employees conduct, on and/or off the job, should instill public confidence and trust, and should not bring the City into disrepute. An employee's off duty behavior should not discredit or adversely impact the City's image or public trust. Compliance with these standards of conduct is a condition of employment.

The following work rules relating to personal conduct are intended to provide minimum guidelines for employee conduct and work performance, and to inform employees of prohibited conduct. Engaging in one or more of the following forms of prohibited conduct may result in disciplinary action up to and including termination.

Each employee has a duty to report to a supervisor, Department Director, or to the Human Resources department **any employee conduct** that such person believes is a violation of the law, constitutes a misuse of City funds or assets, or represents a danger to public health and safety. An employee will not be subject to disciplinary action or reprisal for bringing forward, in good faith, allegations of wrongdoing in accordance with this policy.

The following (A-X) is a non-exclusive list of examples of employee conduct for which an employee may be disciplined. The City has the right to exercise any disciplinary options as the situation may warrant.

- A. **Unsatisfactory attendance** is exemplified by, but is not limited to, the following violations:
1. Unexcused absence or tardiness;
  2. Failure to give notice of an absence or tardiness to the supervisor before the start of the employee's work day, or as may be prescribed by departmental policy;
  3. Separate absences or days of tardiness which exceed the average absences or days of tardiness of the employee's work group and which lack sufficient justification according to the supervisor or Department Director;



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Effective Date: 03/01/2015

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4. Absence or tardiness that causes significant curtailment or disruption of services without sufficient justification according to the supervisor or Department Director; or
  5. Abuse of leave, such that the employee's absence from the workplace renders him/her unable to perform the essential functions of the job at a satisfactory level, except as provided by the Family and Medical Leave Act.
  6. Nothing in this policy is intended to be applied in such a way as to violate the Family and Medical Leave Act or the Americans with Disability Act, as amended. It is the City's intention to work with its employees in either situation, to enter into interactive dialogue, to provide leave, and to provide an accommodation, as necessary, if no undue hardship is created for the City.
- B. **Excessive use of sick leave** may constitute grounds that the physical condition of an employee is below the requirement(s) for the employee to perform the essential functions of the job. Failure to provide a physician's certification will be deemed a violation of City Policy and subject to disciplinary action. Refer to Chapter 3.03 - Sick Leave for more information.
- C. **Abandonment** occurs when an employee deliberately and without authorization is absent from the job, or refuses a legitimate order to report to work, for two (2) consecutive work days. The employee is deemed to have abandoned his/her job and shall be terminated.
- D. **Inability to come to work** occurs when an employee is absent due to an extended illness or injury after all eligible leave has been exhausted, except when the employee's absence is covered by the Family and Medical Leave Act.
- E. **Unwillingness to perform assigned work satisfactorily** is exemplified by, but is not limited to, the following violations:
1. Failure to follow routine written or verbal instructions;
  2. Arguing over assignments or instructions; or
  3. An accumulation of other deficiencies indicating the employee's continuous, intentional and/or unwillingness failure to adequately perform in a productive and efficient manner.
- F. **Indifference toward work** is exemplified by, but is not limited to, the following violations:



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1. Inattention, inefficiency, loafing, carelessness, or negligence;
2. Reading unauthorized material, playing games, watching television, movies or accessing unauthorized internet sites, unauthorized e-mail usage, or otherwise engaging in entertainment while on the job and/or in view of the public;
3. Excessive failure to remain at one's work station without notifying his/her supervisor, leaving work without permission, or taking excessive, unauthorized time for eating or break periods;
4. Smoking or using tobacco products in other than designated areas;
5. Performance of personal business during working hours;
6. Interference with the work of others; or
7. Discourteous or irresponsible treatment of the public or other employees.

G. **Sabotage** is exemplified by, but is not limited to, the following violations:

1. Deliberate damage to or destruction of City equipment or property;
2. Defacing of City property;
3. Unauthorized alteration, removal, destruction, or disclosure of City records;
4. Advocacy of or participation in unlawful trespass or seizure of City property;
5. Encouraging or engaging in slowdowns, sit-ins, or other concerted actions or efforts to limit or restrict employees from working;
6. Encouraging City employees to disobey provisions of these rules and regulations, the City Charter, City ordinances, or other laws;
7. Interference with the public use of or access to City services, properties, or buildings; or
8. Threats to commit any act of sabotage as defined in this subparagraph.

H. **Safety and workplace violations** are exemplified by, but are not limited to, the following violations:

1. Failure to follow City or departmental safety rules and regulations;
2. Failure to use required safety apparel;
3. Removal or circumvention of a safety device;
4. Operations of a vehicle or other equipment in an unsafe, negligent, or careless manner;
5. Smoking in a prohibited area;
6. Endangering of one's own safety or that of others by careless or irresponsible actions or negligence;
7. Use of another's computer sign-on or computer access code(s), or providing an individual's sign on or computer access code to a third party



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- without proper authorization to gain access to the City's computer network or access to confidential or privileged information;
8. Reading another employee's mail, correspondence, or email without express permission, except as otherwise authorized by personnel policy;
  9. Listening to another employee's voice mail without express permission, except as authorized by the personnel policy; or
  10. Failure to maintain a driving record acceptable to the City.
- I. **Dishonesty** is exemplified by, but is not limited to, the following violations:
1. Cheating, forging, or falsification of official City reports or records;
  2. False reporting of the reason for a paid leave of absence;
  3. Failure to accurately record time records, or recording the time of another employee; or
  4. Any other falsifying action detrimental to the City, City employees, or others.
- J. **Theft**, regardless of item value, is exemplified by, but is not limited to, the following violations:
1. Unauthorized taking of City property, City supplies, or the property of others;
  2. Unauthorized use of City or employee funds;
  3. Using or authorizing the use of City equipment, supplies, or employee services for other than official City business, including the unauthorized use of long distance or pay telephone services (including "900" toll calls); or
  4. Using or authorizing the use of City equipment or employee services without proper authority.
- K. **Insubordination** is exemplified by, but is not limited to, the following violations:
1. Willful failure or refusal to follow the specific orders or instructions of a supervisor or higher authority; or
  2. Pursuit of a denied request to a higher authority without revealing the lower level disposition; provided that:
    - a. If the employee believes an instruction or order is improper, he/she should request an interpretation from the next higher level of authority; or



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- b. If the employee believes the instruction or order, if followed, would result in physical injury to the employee or others, or damage to City equipment, the employee should request approval by the next higher level of supervision before performing the work, unless the danger complained about is inherent to the job.

**L. Abuse of drugs or alcohol.**

- 1. Abuse of drugs or alcohol is exemplified by, but is not limited to, the following violations:

- a. An employee is judged unable to perform duties in an effective and safe manner due to:
  - (1) ingestion, inhalation, or injection of a drug; or
  - (2) ingestion of an alcoholic beverage;
- b. An employee possesses or ingests, inhales, or injects into his/her body a drug:
  - (1) during working hours and lunch periods;
  - (2) in a City vehicle;
  - (3) on City property; or
- c. An employee possesses or ingests an alcoholic beverage:
  - (1) during working hours and lunch periods;
  - (2) in a City vehicle; or
  - (3) on City property;
  - (4) except at an authorized City event.

- 2. In this section:

- a. "Drug" means a controlled substance as defined by Chapter 481 of the Texas Health and Safety Code, as may hereafter be amended.
- b. "Alcoholic beverage" means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

**M. Disturbance** is exemplified by, but is not limited to, the following violations:

- 1. Fighting, horseplay, or raucous conduct;
- 2. Deliberately causing physical injury to another employee or third party;
- 3. Harassment or intimidation;
- 4. Unnecessary disruption of the work area;
- 5. Use of profane, abusive, threatening, or loud and boisterous language;
- 6. Sexual harassment;
- 7. Spreading of false reports



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N. **Unauthorized use of City property** is exemplified by, but is not limited to, the following violations:

1. Intentional, careless, or negligent damage or destruction of City equipment or property;
2. Waste of City materials or negligent loss of tools or materials;
3. Loss of City tools, equipment, or materials.
4. Improper maintenance of City equipment and tools;
5. Damage caused by use of City tools or equipment for purposes other than that for which the tools or equipment was intended; or
6. Unauthorized internet or e-mail usage.

O. **Misconduct** is any criminal offense or immoral conduct, during or off working hours, which, on becoming public knowledge, could have an adverse effect on the City or the confidence of the public in City government. "Criminal offense" means any act constituting a violation of law and/or resulting in your arrest, charges being filed, an indictment, conviction or confinement.

Employees must notify their immediate supervisor and the supervisor will notify the Human Resources Director within 24 hours of any arrest, charge, indictment or driver's license suspension/revocation, whether related to on-duty or off-duty events. Employees may be transferred, demoted or terminated if it is determined by the City in an Administrative Review that the criminal offense is inappropriate for the position or might otherwise compromise the public trust or confidence in the City government.

In determining whether the criminal offense is inappropriate for the position in question, the City will consider, but is not limited to, the following factors:

1. Nature of the position;
2. Nature of the offense;
3. Severity of the offense;
4. Security of other employees and/or citizens;
5. Disruption of the workplace; or
6. Violation of public trust.

P. **Disregard of public trust** is any conduct, during or off working hours, which, on becoming public knowledge, could impair the public's confidence or trust in the operation of City government.



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- Q. **Failure to report a violation** is exemplified by, but not limited to, failure to report any known violation described in these subsections to the supervisor, Department Director, and/or Human Resources.
- R. **Discrimination:** No employee shall discriminate against any individual on the basis of race, color, creed, religion, gender, national origin, age, disability, ethnic affiliation, military/veteran status, sexual orientation, gender identity, or any other characteristic protected by law.
- S. **Labor organizations:** No employee shall engage in any form of unauthorized labor organization or political association activities while on duty or on City property. An employee shall have the right to join labor organizations, but nothing shall compel the City to recognize or to engage in collective bargaining with any such labor organizations.
- T. **Membership in unlawful groups:** No employee shall be or become a member with intent to further its aims of any organization, association, movement, or group which advocates or approves the commission of acts of force or violence to deny others their rights under the Constitution of the United States or which seeks to alter the form of government of the United States by unlawful means.
- U. **Traffic Violations:** Employees shall notify their immediate supervisor of traffic violations, (except Class C traffic offenses), any arrest, indictment or convictions within five (5) calendar days of such traffic violation, arrest, indictment or conviction. Employees who operate City vehicles or equipment are required to notify their supervisor immediately of all traffic violations, excluding parking violations of any conviction therefore.
- V. **Concealed handgun:** Except for sworn peace officers, no employee of the City, whether licensed or not licensed by the State of Texas to carry a concealed handgun, shall carry a concealed handgun or any other firearm into any City building or portion of a building, or have in his/her possession in any City vehicle.
- W. **Confidentiality and use of information:** No employee shall make known any information concerning the progress of an investigation, a known or reported law violation, a condition against which action is to be taken at a future time or any proposed law enforcement action to any person not authorized to receive it. An employee shall treat the official business of the City as confidential and shall disseminate information regarding official business only to those for whom it is intended in accordance with established City procedures and consistent with Texas' Public Information Act. An employee may remove or copy official records or reports from a City office only in accordance with established procedures and



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with the approval of the applicable Department Director. An employee shall not promise confidentiality or divulge the identity of a person giving confidential information except when authorized by proper authority and necessary in the performance of their work. Further, an employee shall not use information gained from any City information system for anything other than official City business.

- X. **Administrative Review or Internal investigation:** An employee shall fully cooperate in a City Administrative Review or internal investigation, and is required to answer all questions truthfully and with full disclosure. Any employee failing or refusing to cooperate in a review or investigation will be subject to disciplinary action up to and including termination.



### 6.03 Disciplinary Actions Appeal Process

Effective Date: 03/01/2015  
Revision Date:

#### **PURPOSE:**

To outline the procedures for full time employee appeal to a disciplinary action. This policy does not apply to part time, temporary, or seasonal employees.

#### **POLICY:**

An employee who wishes to appeal a disciplinary action may do so by the following procedure. Written notification of the appeal of a disciplinary action must be presented to the following management personnel in the order indicated.

#### **A. Step One – Appeal to Employee Disciplinary Review Board (See Appendix B)**

A written request for an appeal hearing before the Review Board shall be presented to the **Human Resources Department** within five (5) City business days of the disciplinary action taken. Once the request is received, a hearing date shall be set by the Human Resources Department.

The Review Board shall hear the appeal and issue a written decision within five (5) City business days of the hearing. In cases involving written reprimands, probation, and disciplinary suspension for five (5) City business days or less, the decision of the Review Board shall be final. In cases involving disciplinary suspension of more than five (5) City business days, demotion, or dismissal, the decision of the Review Board may be appealed to the City Manager or designee. In the event this occurs, a written request must be submitted to the Human Resources Department within five (5) City business days after the decision of the Review Board is issued. Procedures for the Employee Review Board can be found in the Appendix (Appendix B).

#### **B. Step Two – Appeal to the City Manager**

In the event the decision of the Review Board is eligible to be appealed, and is requested, the City Manager shall hear the appeal within five (5) City business days of the request, unless the date is extended by mutual agreement between the employee and the City Manager. The City Manager reserves the right to appoint one or more designees to hear an appeal in his/her stead at any time during the appeal procedure. Employee representation will be allowed if requested.

The City Manager shall have the absolute right to determine the case on the merits. The City Manager shall render a written decision to the employee and Department Director within five (5) City business days at the conclusion of the appeal hearing. The decision of the City Manager is final.



## 6.04 Grievance

Effective Date: 03/01/2015

Revision Date:

### **PURPOSE:**

The purpose of this policy is to provide employees guidelines for discussing and resolving grievance matters and procedures to follow when those matters are not resolved to the employee's satisfaction.

Grievance policies and procedures empower employees by ensuring that their voices are heard. A formal process improves employee morale, relieves immediate supervisors of ongoing disputes, and helps to ensure that disagreements and other issues are addressed in a prompt and orderly fashion.

### **POLICY:**

The scope of a grievance is limited to the inappropriate or inconsistent application of a written policy.

No employee will retaliate against a grieving employee.

### **DEFINITIONS:**

**"Business day"** means any day the City is open to conduct normal business. For the purposes of this policy, it does not include the day the grievance is filed and the day the written response is given.

**"Grievable Act"** means conduct that constitutes an unequal and/or unlawful treatment, interpretation and/or application of City or departmental policies, procedures, or practices; and retaliation.

**"Grievance"** means a formal, written claim for a grievable act.

**"Non-Grievable Act"** is something that an employee may not submit as a grievance. Examples include but are not limited to:

1. Job or duty assignments;
2. Work schedules and shift assignments;
3. Staffing levels;
4. Disciplinary matters;
5. Performance evaluations.

**"Grieving Employee"** is an employee who files a grievance.



**6.04 Grievance**

Effective Date: 03/01/2015  
Revision Date:

**PROCEDURE:**

**1. *Filing the Grievance***

An employee who believes he/she is the subject of a grievable act is strongly encouraged to discuss the matter with an immediate supervisor – minimally, in an informal manner. If the immediate supervisor cannot resolve the employee’s concerns, the employee may pursue filing a formal grievance in accordance with this policy. Nothing shall preclude the employee from filing a formal grievance initially.

An employee desiring to file a grievance must either use the ***Employee Grievance Form (Appendix F, Form 12)*** or complete a memorandum similar in structure to the grievance form. The grieving employee may attach documents the employee feels is pertinent to the grievance.

**2. *Investigating the Grievance***

Any person who is responsible for receiving and responding to a grievance should interview the grieving employee and other applicable employees, and review as many relevant documents as necessary in order to thoroughly respond.

**3. *Three Steps of the Grievance Process***

**A. *Step One – Immediate or Designated Supervisor***

The grieving employee must present the written grievance to the immediate or designated supervisor within ten (10) City business days of: 1) the grievable act; or 2) the application of policy; or 3) when the employee learned of the grievable act.

Each department is responsible for designating the applicable supervisor for Step One.

Once received, the supervisor shall provide a written response to the grieving employee within ten (10) City business days of receiving the grievance. Employees who attempt to grieve a non-grievable act will receive notice that the grievance is dismissed and will receive a copy of this grievance policy for guidance.

Grieving employees who are dissatisfied with the immediate or designated supervisor’s decision may appeal the decision in writing to the Department Director within five (5) City business days after receiving the supervisor’s decision.



**6.04 Grievance**

Effective Date: 03/01/2015

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**B. Step Two – Department Director**

The Department Director will schedule a meeting with the grieving employee and provide a written response to the grievance within ten (10) City business days of receiving the grievance request.

Grieving employees who are dissatisfied with the Department Director's decision regarding the grievance may appeal the decision in writing to the City Manager within five (5) City business days of receiving the Department Director's decision.

**C. Step Three –City Manager**

The City Manager will schedule a meeting with the grieving employee within ten (10) days of the request. A written response to the grievance will be provided to the employee within ten (10) City business days of meeting with the employee. The decision of the City Manager is final.

**6.05 Drug and Alcohol Use Policy**

Effective Date: 03/01/2015

Revision Date:

**PURPOSE:**

To ensure the City of Texarkana is a work environment free of substance and alcohol abuse.

**POLICY:**

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

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

The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. No employee in his or her work-related capacity should ever be impaired because of the excessive use of alcohol. City employees may not store or transport alcohol in a City-owned or leased vehicle.

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

**Permissive Use of Prescribed and Over-The-Counter Drugs.** The legal use of prescribed and over-the-counter drugs is permitted while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment only if it does not affect an employee's performance of the essential functions of the job (or operate the vehicle, or use the tools, property or other equipment) effectively and in a safe manner such that he/she does not pose a danger to him/herself and/or to his/her co-workers.

**6.05 Drug and Alcohol Use Policy**

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

**Mandatory Disclosure by Employees.** Employees taking prescription medication and/or over-the-counter medication must report such use to either their immediate supervisor or Department Head if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his or her job (or operate a vehicle, or use City property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace.

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

**Mandatory Reporting of Convictions.** Employees must notify their immediate supervisor and the Department Director, in writing, of any alcohol or drug-related convictions (including a plea of *nolo contendere*) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than twenty-four (24) hours after the arrest and/or conviction.

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

**Rehabilitation/Treatment.**

1. It is the City's desire to assist employees who voluntarily request assistance with alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge the issue and seek and accept counseling and/or rehabilitation before it impairs job performance and/or jeopardizes the employee's employment. See Chapter 5.08 Employee Assistance Program.
2. Employees with drug or alcohol abuse issues that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a

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

3. The cost of any rehabilitation or treatment may be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.
4. During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time.
5. If the employee successfully completes the prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to the prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:

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

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

Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;

In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to consent to periodic and/or random testing by the City for up to two years following the employee's return to work following treatment; and,

The employee must sign a formal written agreement to abide by the above

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conditions, as well as any other conditions deemed appropriate by the Director of Human Resources. The employee must meet with the Director of Human Resources to discuss the terms of continued employment.

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

**I. TESTING**

**Types of Tests.** Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, intoxilyzer, blood, or other generally-accepted testing procedure.

**Testing of Applicants.** All applicants to whom a conditional offer of employment has been made will be required to submit to testing for alcohol and controlled substances, as defined in schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812) and as further defined by regulations located at 21 CFR 1300.11 through 1300.15. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the City.

**Testing of Employees.**

1. Employees may be tested for alcohol and/or controlled substances after a workplace injury or accident or “near miss,” **when reasonable suspicion exists**, or in connection with any required treatment or rehabilitation. The City may conduct random testing on employees holding safety-sensitive positions. If you have a question as to whether your position is “safety-sensitive”, ask your supervisor or Human Resources.
2. Police and Fire Department employees are also subject to any applicable Departmental rules and regulations regarding illegal drug and alcohol testing.
3. Reasonable suspicion drug and alcohol testing is conducted when a trained supervisor has reason to believe that an employee is in violation of this policy. The reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or odors of the employee; the observations may also include indications of the chronic and withdrawal effects of controlled substances. The supervisor must consult with the Department Director (or designee) and affirm the basis of the suspicion. If the Department Director concurs, the employee will be required to undergo testing only

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after consultation with the Director of Human Resources. A written report of the reasonable suspicion observations must be prepared by the supervisor(s) who made the observation within 24 hours of the observed behavior or before the results of tests are released, whichever is earlier. This report must be promptly forwarded to the Director of Human Resources.

4. Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee's normal work time.
5. ***Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.***
6. A positive test result is a violation of the City's Drug and Alcohol Use Policy and may result in disciplinary action up to and including termination of employment. Any employee who is terminated for violation of the City's Drug and Alcohol Use Policy will not receive any unused vacation days or other benefits upon termination and he/she is ineligible for future employment with the City.
7. The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Please see the City's Drug and Alcohol Policy for DOT Employees for additional information.

**Testing Procedures.**

1. All testing must normally be authorized in advance by both the employee's Department Director and the Director of Human Resources. If the Department Director is unavailable within a reasonable period of time, the Director of Human Resources may, with sole discretion, authorize the testing of an employee. If the Director of Human Resources is unavailable within a reasonable period of time, the Department Director may, with sole discretion, authorize the testing of an employee. For **reasonable suspicion testing**, testing may not be authorized without the supervisor's documentation of the articulable factors which led the supervisor to suspect that the employee is under the influence of a controlled substance or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.
2. If an employee's conduct resulted in a work place accident, injury or "near miss," and reasonable suspicion exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put the employee on administrative leave until



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the test results are received. The City will make arrangements to have the employee transported home after the testing.

3. All controlled substance testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.
4. Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the Director of Human Resources; supervisors and managers on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.



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

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

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

**Prohibited Alcohol Use.**

- a. **On-duty and Pre-duty Use.** Reporting for, or remaining on, duty requiring the performance of safety-sensitive functions is prohibited under the following condition:
- While having a breath alcohol concentration of 0.04 or more as indicated via breath test;

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

**Required Alcohol and Drug Tests.** DOT requires the following testing for covered drivers: pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing. Before conducting any required DOT testing, the City will notify



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the driver that the alcohol or drug test is required by DOT regulations.

- a. **Pre-employment Testing.** Drug and alcohol tests will be conducted after a conditional offer of employment is made, but before actually performing safety-sensitive functions for the first time. These tests are also required when employees are promoted, demoted or transferred into a safety sensitive driver position.
- b. **Post-accident testing.** Drug and alcohol tests will be conducted after accidents in which the driver's performance could have contributed to the accident (as determined by a citation for a moving traffic violation) and for all fatal accidents even if the driver is not cited for a moving traffic violation. Post-accident testing must be conducted as soon as practicable on all surviving drivers following an occurrence involving a CMV operating on a public road in commerce, as follows:
  - When the employee is **issued a moving traffic violation citation and one or more of the vehicles involved is disabled and must be towed from the scene;**
  - When the employee is **issued a moving traffic violation citation and any person involved in the accident is injured to the extent that he/she requires and receives immediate medical treatment away from the scene of the accident;** or
  - In an accident involving a **fatality**, testing will be performed on anyone who was performing safety sensitive functions with respect to the vehicle.

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

In post-accident situations, the City may substitute a blood or breath alcohol test for a urine drug test, so long as the test is performed by state or local law enforcement officials using procedures required by their jurisdictions, provided such test results are received directly from the local jurisdiction. A positive post-accident test administered by law enforcement will result in the same action as a positive post-accident test performed at the City's request.

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



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

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

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

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

- d. **Random Testing.** Drivers are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employee's Social Security number, payroll identification number, or other comparable identifying numbers. Each driver subject to this policy will have an equal chance of being tested each time random selections are made. The number of drivers



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randomly selected will be in accordance with applicable DOT regulations. Each driver randomly selected for testing will be tested during the selection period. Dates and times for random testing are unannounced and spread reasonably throughout the calendar year. Each driver selected for random testing must proceed to the test site immediately after notification; if, however, the driver is performing a safety-sensitive function, other than driving a CMV, at the time of notification, the City will instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible. A driver will be randomly tested for alcohol just before, during, or just after performing, safety sensitive functions; random testing for drugs does not have to be conducted in immediate time proximity to performing safety sensitive functions.

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

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

**Additional Information About Alcohol Testing.**

- b. **Consequences of a Positive Alcohol Test.** An employee who is tested and has an alcohol concentration of 0.04 or greater will be removed from safety sensitive



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functions and may be terminated. An employee who is tested and has an alcohol concentration of .02 to .039 will not be permitted to perform safety sensitive functions for a minimum of 24 hours and will be disciplined, up to and including termination. If not terminated, then the employee will receive a mandatory referral to a substance abuse professional through the Employee Assistance Program. Any non-compliance with the recommendations of the substance abuse professional will result in disciplinary action, up to and including termination.

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

**Additional Information About Drug Testing.**

- a. **Drug Testing Procedures.** Drug testing is conducted by analyzing a driver’s urine specimen at a lab certified by the U.S. Department of Health and Human Services. The driver provides a specimen in a location that affords privacy and the “collector” seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug-testing lab. “Split” urine specimens provide drivers with an opportunity for a second test, if needed. If the driver challenges the validity of the test, then the employee has 72 hours to request that the split specimen be sent for testing to another certified lab approved by the City’s Director of Human Resources. The second test will be at the driver’s own expense.
- b. **Drugs Tested For.** DOT requires testing for the following drugs:
- Marijuana (THC)
  - Cocaine
  - Amphetamines
  - Opiates
  - Phencyclidine (PCP)

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



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*this policy. The City may, however, test for other controlled substances pursuant to its general Drug and Alcohol Use Policy.*

- c. **Review of Drug Test Results.** All drug test results are reviewed and interpreted by a physician medical review officer (MRO) before they are reported to the City. If the lab reports a positive result to the MRO, the MRO will contact the driver (either in person or by phone) and will conduct an interview to determine if there is an alternative medical explanation for the drug(s) found in the driver's urine specimen. If the driver provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug(s), the drug test result is reported as a negative to the City.
- d. **Consequences of a Positive Drug Test.** A driver will be removed from safety sensitive duties and placed on administrative leave if the test returns a positive for drugs. The

removal cannot take place until the MRO has interviewed the driver and determined that the positive test resulted from the unauthorized use of a controlled substance. A confirmed positive drug result will result in termination of employment.

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

**Information From Prior Employers.** For new hires, promotions and transferred employee-drivers seeking to perform safety sensitive functions for the first time, the City is required, with the driver's written consent, to obtain information from previous employers regarding alcohol test results of 0.04 or greater, verified positive drug test results, refusals to test (including verified adulterated or substituted drug test results), and any other violation of DOT drug and alcohol testing regulations within the two years prior to the date of the driver's application, promotion or transfer. Affected individuals must sign a Breath Alcohol and Drug Testing Results Request. The City will obtain and review the information before allowing the person to perform safety sensitive functions. The City will maintain a written, confidential record of the information it obtains and/or



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the good faith efforts it made to obtain the information. This information will be retained for a minimum of 3 years. The City will also ask if the person has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the driver applied for, but did not obtain, safety sensitive transportation work covered by a DOT agency drug and alcohol testing rules during the past 2 years. If the driver refuses to provide the City with the required written consent, the driver will not be permitted to perform safety sensitive functions.

**Record Retention.** The City will maintain and retain records under this policy as mandated by DOT regulations.

**Notification to Applicants/Employees of Positive Test Results.** The City will notify applicants of the results of a pre-employment drug test if the applicant requests such results within 60 calendar days of the disposition of the employment application. The City will notify an employee of the results of random, reasonable suspicion and post-accident drug tests if the test results are confirmed positive, and also which controlled substance(s) verified positive after the MRO confirms the positive. The City will also make reasonable efforts to contact and request each driver who tested

positive to contact and discuss the results of his/her drug test with a MRO who has been unable to contact the driver. The City will immediately notify the MRO that the driver has been notified to contact the MRO within 72 hours.

**Employee Admission of Drug/Alcohol Use.** An employee who admits to alcohol misuse or drug use must do so in accordance with the City's general Drug and Alcohol Use Policy; provided, however, the employee may not self-identify in order to avoid the testing requirements of this DOT policy. Further, the employee must make the admission prior to performing a safety sensitive function, i.e., prior to reporting for duty. The employee may not perform a safety sensitive function until the City is satisfied that the employee has been evaluated and has successfully completed educational or treatment requirements in accordance with the City's general Drug and Alcohol Use Policy. A drug and alcohol abuse evaluation expert, i.e., an EAP professional, a substance abuse professional or a qualified drug and alcohol counselor, will determine successful completion. Prior to the employee performing safety sensitive functions, the employee must undergo a return to duty alcohol test with a result of less than 0.02 and/or a return to duty drug test with a negative test result.

**Safety Sensitive Functions.** Safety sensitive functions/duties include:

- ***All time at a City, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City;***
- All time inspecting equipment as required by applicable DOT regulations or otherwise inspecting, servicing, or conditioning any CMV at any time;
- All time spent at the driving controls of a CMV in operation;
- All time, other than driving time, in or upon any CMV;



<b>6.06 Drug and Alcohol Use Policy for DOT Employees</b> Effective Date: 03/01/2015 Revision Date:
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- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

For purposes of this policy, safety sensitive function or duty means all the time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work.

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

**Questions.** Anyone with questions regarding this policy should contact the Director of Human Resources.

**6.07 Harassment and Discrimination**

Effective Date: 03/01/2015

Revision Date:

**PURPOSE:**

To provide guidelines and procedures for defining and preventing inappropriate workplace conduct, including employee harassment, discrimination and retaliation.

**POLICY:**

It is the policy of the City of Texarkana to prohibit any form of harassment, discrimination or retaliation of employees, applicants or members of the public. The City maintains a strict policy that harassment whether sexual, racial, ethnic national origin or religious in nature or directed toward one's age, gender, genetic information, military/veteran status, gender identity, sexual orientation, or disability status is not acceptable in the workplace and will not be tolerated. All employees, including managers, supervisors and representatives of the City are expected to refrain from exhibiting any unwelcome behavior or displaying conduct toward any other employee, applicant or members of the public which could be interpreted as harassment.

Equal employment opportunity has been, and will continue to be, a fundamental principle at the City of Texarkana, where employment is based upon personal capabilities and qualifications without regard to race, color, gender (sex), age, national origin, disability, genetic information, national origin, military/veteran status, gender identity, sexual orientation, or any other protected characteristic established by law. This policy of equal employment opportunity applies to all policies and procedures relating to recruitment and hiring, compensation, benefits, termination, and all other terms and conditions of employment. The City prohibits and will not tolerate any such discrimination, harassment and/or retaliation.

The City is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the City expects that relationships among persons in the workplace will be business-like and free of bias, prejudice, and harassment. This policy is not to be construed to prohibit the City from establishing bona fide occupational qualifications that relate to physical or mental capabilities required to perform a job.

Allegations of inappropriate behavior, harassment, discrimination and/or retaliation will be promptly investigated by the Human Resources Director or designee.

**A. Definitions of Harassment****1. Sexual harassment**

For the purpose of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal, non-verbal or physical conduct of a sexual nature when: submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or such conduct has the

**6.07 Harassment and Discrimination**

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purpose or effect of unreasonable interference with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include a range of subtle, not so subtle, or overt behaviors and may involve individuals of the same or different gender. These behaviors may include, but are not limited to:

- a. Unwanted sexual advances or requests for sexual favors;
- b. Unwelcome, sex-oriented kidding, jokes or innuendo;
- c. Use of sexual profanity or other verbal abuse of a sexual nature;
- d. Subtle pressure or overt demand for sexual activity;
- e. Commentary about an individual's body, sexual prowess, or sexual deficiencies;
- f. Insulting or obscene teasing, comments, or gestures;
- g. Leering, catcalls, staring at a person's body;
- h. Physical contact such as patting, pinching or repeatedly brushing against another's body;
- i. Display or circulation in the workplace of sexually suggestive objects, pictures, or calendars featuring persons in sexually suggestive or submissive poses (including transmission and/or receipt of information through email); or
- j. Dancers/strippers on City property, and any other physical, verbal, or visual conduct of a sexual nature.

2. Harassment or Discrimination on the Basis of a Protected Characteristic

Under this policy, **harassment** is verbal, non-verbal or physical conduct that denigrates or shows hostility or aversion toward an individual based on race, gender, color, religion, national origin, age, disability, military/veteran status, gender identity, sexual orientation, or any other characteristic protected by law, and that:

- a. Has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
- b. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- c. Otherwise adversely affects an individual's employment opportunities.
- d. Harassing or discriminatory conduct includes, but is not limited to:
  - i. Epithets, slurs, or negative stereotyping;
  - ii. Threatening, intimidating, or hostile acts;
  - iii. Denigrating jokes;
  - iv. Display or circulation in the workplace of written or graphic material that belittles, demeans, victimizes, abuses or shows hostility or aversion toward an individual or group (including transmission or receipt of information through email); or

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- v. Individual or group behavior that excludes and/or disrespects other employees; or behavior that undermines an employee's integrity, credibility, work performance or potential for promotion.

**B. General Provisions****1. Scope**

This policy applies to all applicants, employees, elected officials and representatives of the City and prohibits harassment, discrimination, and/or retaliation by fellow employees, supervisor, manager, Director and/or representatives of the City or by individual(s) not directly connected to the City such as an outside vendor, consultant, or customer.

**2. Prohibited Conduct**

Conduct and behavior described above in the definitions of sexual harassment, gender based harassment, and harassment or discrimination based on a protected characteristic are prohibited in the workplace or in any work-related setting outside the workplace, such as business trips, business meetings, and business-related social events.

**3. Prohibition of Retaliation**

Retaliation is prohibited against any individual who reports inappropriate behavior, discrimination or harassment, or who participates in an investigation of such reports by filing, testifying, assisting or participating in an investigation. Retaliation against an individual is a violation of policy and will be subject to disciplinary action up to and including termination.

**4. Prevention**

It will be the ongoing responsibility of the Department Director and/or his/her representative(s) to maintain a professional, positive and productive work environment for all employees that is free of inappropriate behavior, harassment, discrimination and retaliation. Directors, managers and supervisors must monitor the workplace for any inappropriate sexual displays, comments or behavior and take immediate action. This responsibility includes discussing and enforcing this policy and administrative procedures with all employees, and assuring them that they are not required to endure insulting, degrading, exploitative treatment or actions that tend to intimidate, demean, belittle, threaten, victimize, abuse, or otherwise subject them to adverse treatment.

**C. Complaint Procedure****1. Reporting: Inappropriate behavior, harassment or discrimination:**

City employees are to report all incidents of inappropriate behavior, harassment, discrimination, and/or retaliation promptly, regardless of the

**6.07 Harassment and Discrimination**

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offender's identity or position. The City has developed a ***Discrimination and/or Harassment Complaint Form (Appendix F, Form 11)*** that may be used to file a complaint or the allegations may be provided verbally to the immediate supervisor, Department Director or the Director of Human Resources or designee. Individuals who believe they have been a recipient of harassment, discrimination or retaliation should immediately report the behavior or incident to their immediate supervisor, Department Director, or Director of Human Resources or designee. Individuals are not obligated to follow the chain of command and may report allegations or incidents directly to the Director of Human Resources or designee. The Director of Human Resources and the manager or supervisor of the employee are both responsible for notifying each other when an allegation or incident has been reported or a complaint filed. Information disclosure will be limited to those who have a right to know and/or those who are necessary to facilitate review, investigation and/or resolution of the matter. A supervisor's failure to immediately notify Human Resources and/or the Director of the department regarding a harassment, discrimination or retaliation complaint may result in disciplinary action.

- a. *Accusation Disclosure:* If allegations are made to anyone other than the Human Resources Director or designee, the matter must be immediately referred to Human Resources or the appropriate Department Director. If the Director of Human Resources is initially notified of allegations of inappropriate behavior, harassment, discrimination or retaliation, Human Resources will immediately notify the appropriate Department Director. All reports of inappropriate behavior, harassment, discrimination or retaliation shall be immediately investigated and reviewed on an individual basis considering the record as a whole on the totality of the circumstances, such as the nature of the behavior and the context in which the alleged incidents occurred. If harassment, discrimination and/or retaliation is determined, prompt corrective action will be taken.
- b. *Employee Responsibility:* Any Employee who experiences unwelcome, inappropriate or offensive behavior shall make it clear where possible that such behavior is offensive to him/her. Avoid letting such behavior pass without comment. Any employee who feels that he/she is a recipient of inappropriate behavior, harassment, discrimination and/or retaliation has the responsibility to immediately report the facts of the incident (s) to his/her immediate supervisor, Department Director or the Director of Human Resources or designee. This includes employees who think that they are direct recipients of the alleged behavior and also those who believe that they have witnessed harassment, discrimination and/or retaliation of another employee or applicant. Employees are not obligated to follow the chain of command and have the option to report the incident

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(s) directly to the Director of Human Resources or designee. All incidents of harassment, discrimination and/or retaliation are to be promptly reported. Failure to fulfill this obligation could affect the timely internal resolution of an employee's allegations.

- c. *Early Reporting and Intervention* have proven to be the most effective method of resolving actual or perceived incidents of harassment, discrimination and/or retaliation. Therefore, while no fixed reporting period has been established, the City strongly urges the prompt reporting of concerns or complaints in order that rapid and corrective action can be taken. The City will make every effort to stop inappropriate, harassing, and discriminatory and/or retaliatory behavior, and certainly before it becomes severe or pervasive however, the City can only do so with the cooperation of Directors, managers, supervisors and reporting employees. The availability of this reporting procedure does not preclude employees who believe they are subject to inappropriate, harassing, discriminatory and/or retaliatory behavior from promptly advising the offender that his/her behavior is offensive/unwelcome and requesting that the offensive behavior be discontinued.
2. Administrative Review and Investigation
    - a. All allegations of inappropriate, harassing, discriminatory and/or retaliatory behavior observed or reported by an employee shall be reviewed immediately by the Director of Human Resources or designee to initially determine the level of administrative review and/or investigation assigned based on the nature of the behavior and the context in which the alleged incident(s) occurred. The Director of Human Resources or designee shall inform the employee or his or her findings and/or recommendations.
    - b. *Processing*: After the administrative review, the Human Resources Director or designee shall notify the Department Director of the intent to commence a full investigation.
    - c. *Allegation Response*: The respondent will be notified of the allegation's and after the initial discussion, may be given the opportunity to respond to the allegations in writing. The respondent may also elect to respond to any other significant new information or allegations that arise during the investigation process.
    - d. *Administrative Leave*: When warranted, the Department Director may recommend that the respondent and/or recipient be placed on administrative leave during the investigation process. The Department Director and Director of Human Resources shall mutually agree on such action.
    - e. *Allegation Discussion*: If appropriate, investigators will meet with the respondent's Department Director to discuss the allegation(s).

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- f. *Determination Filing:* Unless the investigation progresses into more allegations, then within ten (10) work days of the investigation conclusion, the City attorney and the respondent's Department Director will be provided with a determination as to the validity of the complainant's allegations and whether disciplinary action is warranted.
- g. *Complaint Withdrawal:* The complainant may withdraw his/her complaints at any time. The City may still pursue an investigation, however, and determine whether disciplinary action is warranted.

Any reported allegations of harassment, discrimination, or retaliation will be reviewed and investigated promptly, thoroughly, and impartially, regardless of when it was reported. The administrative review and investigation will include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. The City has a compelling interest in protecting the integrity of its administrative reviews and investigations. In every administrative review and investigation, the City has a strong desire to protect witnesses from harassment, intimidation and retaliation, to keep evidence from being destroyed, to ensure that testimony is not fabricated, and to prevent a cover-up. Therefore, in most circumstances, to achieve these objectives, the City must maintain the administrative reviews and/or investigations in the strictest confidence. Employees are required to assist fully in any administrative review or investigation process.

An employee's intentions are not a factor in considering alleged harassment behavior. If the effect of an employee's behavior upon another employee has a hostile, offensive, or intimidating effect upon that employee, there is a possibility that harassment or discrimination may be present.

**3 Disciplinary Action Procedure**

- a. *Disciplinary Action Decisions:* Within ten (10) work days of a determination of violation of City policy relative to harassment, discrimination or retaliation, a disciplinary action decision will be made by the Department Director in consultation with Human Resources and the City attorney. Extensions may be approved by the Director of Human Resources or designee. Disciplinary actions and applicable appeals must be in accordance with established City disciplinary procedures. (Note: A transfer of the respondent may be considered upon the complainant's request.)
- b. *Written Notifications:* In most circumstances, the complainant and the respondent will be provided written notification of the Department

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- c. Director's decision. The City Manager and those deemed as appropriate will receive copies of the decision.
- d. *Department Director Respondents*: If the Department Director is the respondent, the appropriate actions will be taken by the City Manager. Misconduct constituting harassment, discrimination, or retaliation will be dealt with promptly and appropriately. Responsive action may include, for example, training, referral to coaching, monitoring of the offender and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension without pay, or termination, as the City deems appropriate under the circumstances.

If an employee making a complaint does not agree with the resolution, the employee may appeal to the City Manager or designee. Individuals who have questions or concerns about these policies shall confer directly with their supervisor, Department Director, or a member of the Human Resources Department.

Finally, this policy and its administrative guidelines shall not, and may not, be used as a basis of excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussion in order to avoid allegations of harassment. The policies of the City prohibit disparate treatment on the basis of gender or any other protected characteristic, with regard to terms, conditions, privileges, and perquisites of employment. The prohibitions against harassment, discrimination, and retaliation are intended to complement and further this policy and its administrative guidelines, not form the basis of an exception to these.

4. Records

All records concerning harassment, discrimination or retaliation complaints, administrative review and investigations are to be kept in a separate, confidential locked file in Human Resources. Access shall be approved by the Director of Human Resources or designee. Records concerning subsequent corrective or disciplinary actions shall be kept in the regular personnel files.

**6.08 Dress Code & Personal Appearance**

Effective Date: 03/01/2015

Revision Date:

**PURPOSE:**

The purpose of this policy is to establish a dress code that projects a positive and professional image of the City of Texarkana and its employees.

**POLICY:**

Grooming, appearance, and personal cleanliness standards contribute to the morale of all employees and affect the professional image the City presents to citizens and visitors. A professional, businesslike atmosphere shall be reflected in both conduct and dress. During business hours or when representing the City, the employee is expected to present a clean, neat, and tasteful appearance.

City uniforms or apparel with City and/or department logo will not be worn while engaging in other employment or during off-duty hours, unless attending a City sponsored event. Exceptions may be made on a case by case basis by Department Directors. Employees wearing uniforms shall not engage in any acts that would not reflect favorably upon the City (gambling, etc). Employees wearing City uniforms shall not campaign for or against any individual or ballot measure.

No City uniform or apparel with City and/or department logo shall be donated to charity. Before discarding an old uniform, the City logo should be cut off the clothing and shredded to prevent unauthorized use.

Employees must, at all times, dress appropriately and professionally and present a clean and neat appearance while at work and while representing the City or conducting City business. The City allows **business casual dress** in the work place on Monday through Thursday and “**casual dress**” on Friday in accordance with this policy. Department Directors are strongly encouraged to allow their employees to participate in business casual dress, as practical. **Department Directors and supervisors are responsible for enforcing this policy** in their respective departments in order to maintain acceptable dress and appearance.

Employees must remember that they are professionals 100% of the time and are dressing for business, not for pleasure. Police and Fire Department employees may be covered under Departmental policies regarding appropriate dress and appearance.

**Standards for Work Attire in a Business Casual Work Environment:**

Men: Slacks (twill, Khaki, no jeans) Knit shirts with collar, banded collar shirts, short sleeve or dress shirts are acceptable. All shirts are to be tucked in unless specifically designed to be worn outside trousers. Leather boot or dress shoes.

Women: Slacks (twill, khaki-no jeans) Skirts shall be worn no shorter than 4 inches above the top of the knee. Dress shoes, sandals, pumps, flats, boots or loafers. Blazer, vests, sweater/cardigans, dress cotton T-shirt with jacket, sleeveless blouses or shells may be worn with jackets. Shirts with City logo.

**6.08 Dress Code & Personal Appearance**

Effective Date: 03/01/2015

Revision Date:

**Standards for Casual Work Attire:**

Casual days are specifically designated days when Employees are allowed to wear clean, neat jeans on Fridays, unless otherwise specified.

Casual attire includes everything listed in Business Casual attire plus neat jeans (no tears), clean sneakers, canvas tennis shoes, boots shirts with city logo, sweatshirts with city logo or no emblem.

**The following are inappropriate in a professional environment and are not allowed:**

- Provocative or revealing, low cut attire including body-hugging, see-through, or excessively tight fabrics;
- Completely bare shoulders, tank tops, spaghetti straps, halter, or muscle shirts;
- Clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind;
- Wrinkled, ripped and tattered clothing;
- No visible tattoos which could be deemed offensive. Employees hired after the date of this adopted dress code may not have any visible tattoos.
- Nose rings/studs, eyebrow rings/studs, tongue studs or similar type facial jewelry except earrings as described above.

**Hair.** Hair styles and hair colors must be appropriate to the employee's position. Extremes of any type are unacceptable. For example, green hair, mohawk style haircuts, and severely spiked hair are not allowed. Hair, including facial hair, must be clean and neatly groomed at all times. Employees are to maintain appropriate personal hygiene and the use of perfumes and facial make-up should be used in moderation.

Reasonable accommodation will be made for Employees' religious beliefs and for disabilities whenever possible, consistent with the business necessity to present a professional appearance to the public.

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

Employees who are provided with uniforms are required to wear their uniforms when on duty and must keep them in good, clean and serviceable condition. No part of the uniform shall be worn by itself. An employee must wear the entire uniform when on duty. No part of the uniform shall be worn when off duty, except to and from work and City related events.



## 6.08 Dress Code & Personal Appearance

Effective Date: 03/01/2015

Revision Date:

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

**Enforcement.** In all cases, the City will make the determination as to acceptable dress, appearance and grooming. Employees should direct questions about appropriate appearance or dress to your supervisor, Department Director, or the Director of Human Resources.

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

The Department Director, with approval of the City Manager's office, may make departmental exceptions to this policy when deemed necessary for business reasons or implement a more restrictive dress and appearance policy.

**6.09 Political Activity**

Effective Date: 03/01/2015

Revision Date:

**PURPOSE:**

To establish guidelines for employees regarding involvement in political activities.

**POLICY:**

It is the policy of the City of Texarkana to encourage its employees to fully exercise their constitutional rights as citizens to vote and participate in political activities; however, employees are subject to the restrictions contained herein on political activity, except as may be otherwise provided by law.

City employees will not be appointed or retained on the basis of their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. No City employee is prohibited from becoming a candidate for public office. However, City employees may not:

- Publicly endorse or campaign in any manner for any person seeking a City public office.
- Use the employee's position or office to coerce political support from employees or citizens.
- Use the employee's official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.
- Make, solicit or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Council or take any part in the management, affairs or political campaign of any such candidate; provided nothing herein shall infringe upon the rights of an employee to seek office himself/herself, express his or her opinions and to cast his or her vote.
- Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.
- Contribute money, labor, time or other valuable thing to any person for City election purposes, except as permitted by law.
- Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, e.g. City of Texarkana City Council. Upon being elected to such an office, an employee must immediately resign or will be dismissed upon failure to do so.

**Civil Service employees shall be covered by the rules in chapter 143.**



## Chapter 7: Work Environment

### 7.01 Cell Phone Use in the Workplace

Effective Date: 03/01/2015

Revision Date:

The City recognizes that many employees bring cell phones to work. Cell phones may belong to the employee or be provided for the employee's use by the City. The use of personal cell phones, including those with a texting, camera and/or video playing capability should be limited as to not impede work or the duties required of an employee and is **subject to a supervisor's approval**. Employees who are permitted by a supervisor to use a personal cell phone while at work must not allow cell phone use to become disruptive or interfere with their own or a co-worker's ability to do their jobs. Employees who use cell phones to violate City policy, including the City's Sexual and Other Unlawful Harassment Policy, will be subject to disciplinary action.

**Reasonable** personal use of city cell phones is allowed under this policy as long as such use is not excessive and does not impede job performance or the performance of City business.

Except in emergency circumstances, employees are discouraged from using a cell phone while operating a City owned motor vehicle, including both making and receiving phone calls, texting, viewing the Internet, Instagram, or Facebook, reading or responding to emails, etc. During work hours, calls may be conducted from a motor vehicle only if the vehicle has been pulled off the road, removed from traffic, and brought to a complete stop.

All employees must, when asked by the City, consent to a request to provide the City access to all City-issued cell phone and text message records during work hours. Employees using City-issued cell phones have no expectation of privacy in either cell phone calls, pictures, or text messages on these City-issued cell phones made during work hours.

### **PUBLIC INFORMATION ACT**

***Employees are advised that records related to calls and text messages made and received on City owned cellular telephones or business calls made on personal cell phones are public information. Information related to telephone numbers called, length of call, and time and date of call as well as the text message itself may be obtainable through the Texas Public Information Act, except in narrowly defined circumstances.***

### **MONITORING OF CELL PHONE CALLS**

Employees should be aware that cellular telephone calls are not secure and can be monitored. It is a crime for a third party to intentionally monitor cell phone conversations without the consent of one of the parties to the conversation. Inadvertent monitoring of private cellular conversations is possible. Caution should be used whenever confidential or sensitive information must be discussed on a City-provided cell phone.

**7.02 Electronic Communications and Systems  
Access Use**Effective Date: 03/01/2015  
Revision Date:

The City may provide computer networks, Internet access, instant messaging, email, telephones, cell phones, digital cameras, voice mail, and fax communication systems for use by City employees in the performance of their job duties. These communication devices are referred to collectively in this policy as “electronic communications systems” or “systems.” These electronic communications systems are designed to support and enhance the communication, research and information capabilities of City employees and to encourage work-related communication and sharing of information resources within the City. This policy governs user behavior pertaining to access and usage of the City’s electronic communications systems. This policy applies to all City employees, contractors, volunteers and other affiliates who use the City’s electronic communications systems. The City’s electronic communications systems access must be used in a professional, responsible, efficient, ethical and legal manner. The City owns all data associated with city owned electronic communications systems.

**Internet, Instant Message and email access.** Users desiring Internet, instant messaging and/or email access must obtain written authorization from their Department Director and provide it to the Director of IT through the Work Order system. Users must acknowledge an understanding of this policy and its guidelines as a condition of receiving an Internet, instant message and/or email access account. Failure to adhere to this policy and its guidelines may result in suspending or revoking the offender’s privilege of access and/or other disciplinary action under City policies, up to and including termination of employment.

**Acceptable Use.** Acceptable uses of the City’s electronic communication systems are limited to those activities that support reference, research, internal/external communication and conducting City business in line with the user’s job responsibilities. Network users are encouraged to develop uses which meet their individual needs and which take advantage of the City’s internal network function. The City prohibits connection to sites or forwarding of information that contain materials that may be offensive to others including, but not limited to, sites or information containing sexually explicit material.

Users must understand that use of any City-provided, publicly accessible computer network such as the Internet, instant messaging and email is a privilege. Minimal personal use of the Internet, instant messaging or email and other electronic communications systems is allowed under this policy as long as such use is not excessive and does not impede job performance or the performance of City business. The City is not responsible for personal communications sent on its electronic communications systems. Supervisors cannot alter the restrictions of this policy.

**7.02 Electronic Communications and Systems  
Access Use**Effective Date: 03/01/2015  
Revision Date:**Unacceptable Uses of Electronic Communications Systems include:**

- Using language that is hharassing, bullying, discriminatory, threats of violence, maliciously false, intimidating, or retaliatory to coworkers or third parties.
- Accessing, displaying, downloading, or distributing sexually explicit material.
- Accessing, displaying, downloading or distributing profane, obscene, harassing, or offensive messages or content.
- Copying or downloading commercial software in violation of copyright law.
- Using the systems for financial gain or for any commercial activity unrelated to City business.
- Using the systems in such a manner as to create a security breach of the City network.
- Looking or applying for work or business opportunities other than for internal City postings.
- Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, genetics, color, sex, national origin, disability, age, physical attributes, gender identity, sexual orientation, or military/veteran status.
- Transmitting or sharing information regarding a coworker's health status without authorization.
- Expressing opinions or personal views that could be misconstrued as being those of the City.
- Expressing opinions or personal views regarding management of the City.
- Expressing opinions about politics or other political views that could be misconstrued as being those of the City.
- Using the electronic communication systems for any illegal purpose or in any way that violates City policy or is contrary to the City's best interest.

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

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

**7.02 Electronic Communications and Systems  
Access Use**Effective Date: 03/01/2015  
Revision Date:

are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy.

**Copyright Restriction.** Prior written authorization from the Director of IT is required before introducing any software into the City's computer system. Employees may not download entertainment software, games or any other software unrelated to their work. Any software or other material, including music, downloaded into a City computer may be used only in ways consistent with the licenses and copyrights of the vendor, author or owner of the material.

**Trademark Restriction** All marks indicating City of Texarkana or City of Texarkana logos are the property of City and Employees are strictly prohibited from utilizing City marks for any personal communication, including photographs or web pages or social media pages without the express written authorization of the City Manager.

**Security Issues** All messages created, sent or retrieved on the City's systems are the property of the City. Employees do not have privacy right in any matter that is created, sent or retrieved on the City's systems. The City reserves the right to monitor these systems and access any message, in order to assure superior service to our customers and to enforce this policy. Employees must provide password(s) to the City, as an employee's mailbox may need to be accessed during an absence. Employees must not, however, disclose individual password, messages or other information gained via the City's systems to unauthorized personnel. Consider the proprietary or confidential nature of the City's and its customers' information before relaying it via email. Do not presume that the information will be kept confidential. The City Manager or designee must approve all downloading of software.

**7.03 Social Networking**

Effective Date: 03/01/2015

Revision Date:

**POLICY**

**SOCIAL MEDIA.** An employee's use of social media, both on and off duty, must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the City or violate any City policy. The intent of these standards is to regulate the creation and distribution of information concerning the City, its employees and citizens through electronic media, including, but not limited to online forums, instant messaging and internet social media and blogging sites. This policy is designed to protect the City's reputation and ensure that an employee's communications not only reflect positively on the employee as an individual, but also on the City.

***The term "social media" encompasses, but is not limited to: tweets and twittering, Facebook, LinkedIn, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media.***

***Use of City's Internet. Use of the City's Internet is a privilege and City employees must use it responsibly and ethically. The City may monitor an employee's access, use, and postings to the City's Internet to: ensure compliance with internal policies; support the performance of internal investigations; assist management of information systems; and for all other lawful purposes. The City expects all employees to follow the Guidelines below when posting information on the City's Social media sites.***

**A. EMPLOYEE GUIDELINES: Use of City's Social Media on Work Time**

Any blogging or posting of information on the Internet or other City social media sites must comply with the City's guidelines, regardless of where the blogging or posting is done.

- Blogging, or posting information of a personal nature on the Internet or other City social media sites shall be limited during work hours. Employees are permitted to engage in social networking of a personal nature while using any of the City's electronic social media sites. Such engagement shall not impede job performance and shall not be excessive. The Department Director is responsible for compliance.
- ***Employees must obtain written authorization from the Public Information Officer (PIO) to update or post on social media sites on behalf of the City and all content must be approved prior to posting. All of the employee's time spent updating or posting on City social media sites as part of the***

**7.03 Social Networking**

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- ***employee's job duties is compensable time that must be reported and counted in the calculation of overtime.***
- ***No use of social media on work time and on City equipment on City-operated networks is considered private or confidential, even if password protected or otherwise restricted. The City reserves the right to access, intercept, monitor and review all information accessed, posted, sent, stored, printed or received through its communications systems or equipment at any time.***
- Never disclose any confidential information concerning another employee of the City in a blog or other posting to the Internet. Posting of confidential information may violate state law and subject the user to criminal penalty. All requests for City documents must be processed through the Public Information Act.
- Employees must abide by all federal and state law and policies of the City with regard to information sent through the City's Internet.
- Individual supervisors do not have the authority to make exceptions to these guidelines.

**EMPLOYEE GUIDELINES: Use of Personal Social Media While not on Work Time.**

The City recognizes that many City employees utilize social media when not at work. The City requires that employees be aware of guidelines regarding posting of work-related information on personal social media sites, and they are listed below.

- If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.
- Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media. Recognize that postings on the employee's social media site, even if done off premises and while off duty, could have an adverse effect on the City's legitimate business interests.
- Respect coworkers and the City. Employees must not put anything on the employee's personal social media site that may defame, embarrass, insult, demean or damage the reputation of the City or any of its employees.
- Employees must not put anything on a personal social media site that may constitute violation of the City's Harassment policy. Employees cannot post any



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pornographic pictures of any type that could identify the employee as an employee of the City. The City's harassment policy covers both work and non-work time, including postings on social media sites.

- Do not post pictures of yourself or others on your personal social media site containing images of City uniforms or insignia, City logos, City equipment or City work sites.
- Employees cannot post information on a personal social media site that could adversely impact the City and/or an employee of the City.
- Employees must not permit or fail to remove postings violating this policy, even when placed by others on the employee's personal social media site.

**Other City Policies.** This policy should be read and interpreted in conjunction with other City policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior. Violations of the Social Media Policy may lead to disciplinary action.

**7.04 Arrests, Confinements and Indictments**

Effective Date: 03/01/2015

Revision Date:

**POLICY**

City employees are subject to disciplinary action and/or job restrictions for violations of law. This policy applies to acts prohibited by law that result in charges being filed, arrest, confinement, indictment, and/or conviction, as well as to acts prohibited by law not resulting in charges filed, arrest, confinement, or indictment.

**PROCEDURE**

**Employee Detained by Law Enforcement Authorities:** An employee that is questioned by law enforcement authorities and not free to leave is considered to be “detained.” A detained employee, who fails to report to work at the employee’s regularly scheduled time, and/or provide timely notification to the supervisor, will be subject to disciplinary action for unauthorized absence. If the employee is unable to report to the supervisor because of confinement, the employee must have someone contact the supervisor for the employee, no later than the beginning of the next scheduled work shift, to report why the employee is unable to report to work.

**Violations of Law Discovered through Criminal History Check:** Offenses, arrests or convictions that are discovered may result in disciplinary action, up to and including termination.

**Exempt Employees:** Depending on the circumstances of the arrest, confinement, or indictment, the salary or the leave accruals of an exempt employee may be docked for absences of less than one (1) full work day.

**Non-exempt Employees:** If a non-exempt employee does not report to work as scheduled, the time missed will be recorded as unpaid leave.

**Felonies and Misdemeanors:** Employees must immediately notify their supervisor and/or Department Director within twenty-four (24) hours if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead *nolo contendere* to any misdemeanor or felony. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations. In most instances, the City will conduct its own investigation and take appropriate action. An employee arrested, charged, or indicted for a felony or misdemeanor, or accused by information of official misconduct or other serious criminal violation may be placed on **administrative leave** (with or without pay) until the charge, indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are completed and all related administrative matters are concluded. Such a determination will typically be made by the Department Director and the Director of Human Resources.



## **7.04 Arrests, Confinements and Indictments**

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An employee on administrative leave may, in the City's sole discretion, be reinstated to the position held before being placed on administrative leave (if available), if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.

**Employee Status after Violation of Law:** At the time the employee's department is made aware of an employee's arrest or conduct constituting an offense, the Department Director shall consult with Human Resources to determine available options which may include, but are not limited to:

- allowing the employee to return to regular duty with pay;
- allowing the employee to return to restricted duty with pay;
- placing the employee on paid administrative leave;
- placing the employee on unpaid administrative leave; or
- terminating the employee.

**Disciplinary Action:** Disciplinary action may be pursued concurrently or in place of the above options or imposed at a later date. Multiple violations of law or confinements within a prescribed time period may also result in disciplinary action.

**Other Policies:** This policy should not be construed to limit disciplinary action that may be taken in accordance with other Personnel Policies and Procedures, department policies, or other City-wide policies.

### **CIVIL SERVICE EMPLOYEES**

In addition to the policy above, civil service employees shall be governed by applicable departmental policies and procedures, the City's Civil Service Rules and Regulations and Chapter 143 of the Texas Local Government Code.



<b>7.05 Weapons Control and Violence Prevention Policy</b> Effective Date: 03/01/2015 Revision Date:
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The City strives to provide a safe and secure working environment for its employees. This policy is designed to help prevent incidents of violence from occurring in the workplace and to provide for the appropriate response when and if such incidents do occur.

**Zero Tolerance.** This policy prohibits harassment, bullying, intimidation, threats, and violent behavior by or towards anyone in the workplace, that is in any way job- or City-related, that is or might be carried out on City-property, or that is in any way connected to the employee's employment with the City, whether the conduct occurs on-duty or off-duty. The City has a zero tolerance policy for this type of misconduct.

**Weapons Banned.** Unless specifically authorized by the City Manager, no employee, other than a City licensed peace officer, shall carry or possess a firearm or other weapon on City property. Employees are also prohibited from carrying a weapon while on duty or at any time while engaging in City-related business. Prohibited weapons include firearms, clubs, explosive devices, knives with blades exceeding 5 ½ inches, switchblades, etc. Employees do not have an expectation of privacy and the City retains the right to search for firearms or other weapons on City property.

Employees licensed by the State of Texas to carry a concealed weapon may have a permitted weapon only on the City parking lot if it is locked in the employee's vehicle.

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

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



<b>7.05 Weapons Control and Violence Prevention Policy</b> Effective Date: 03/01/2015 Revision Date:
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Director and the Director of Human Resources of any protective or restraining order issued against them.

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

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

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

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



7.06 Searches

Effective Date: 03/01/2015

Revision Date:

The City may conduct searches or inspections of the work site, including but not limited to City property used by employees such as lockers, file cabinets, desks, and offices, computer and electronic files, whether secured, unsecured or secured by a lock or password provided by the employee. No supervisor has the authority to deviate from City policy.

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

**7.07 City Property/Equipment Use**Effective Date: 03/01/2015  
Revision Date:

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

*Employees must notify their supervisor immediately if any vehicle, equipment, machinery, tools, etc. appears to be damaged or defective, or are in need of repair. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of equipment will likely result in disciplinary action.*

**Personal Use Prohibited.** City property, materials, supplies, tools, equipment or vehicles may not be removed from the premises or used for personal business without prior written approval by the City Manager, or the Department Director.

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

**Take Home Vehicles.** A City vehicle may be assigned to a position or employee when it is more economical than payment of a car allowance or mileage reimbursement. To be eligible for assignment of a take-home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal work station. The primary use of a take-home vehicle is to commute to and from home or work. A City vehicle may be used for minimal personal business such as going to the bank, grocery store, etc. without prior written approval of the Department Director. No alcoholic beverages are allowed in City vehicles. No passengers may be transported in take-home vehicles except as required by official duties.

If approved by the City Manager, use of a City owned vehicle may be included within a contract of employment and may be exempt from this policy.



## 7.07 City Property/Equipment Use

Effective Date: 03/01/2015

Revision Date:

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

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

- Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
- Always observe all posted laws and speed limits.
- Always wear seat belts when the vehicle is in operation.
- No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the Department Director.
- No personal use of City-provided vehicles is allowed without the prior, specific approval of the Department Director.
- All maintenance and use records for City vehicles must be completed as directed by the Fleet Services Manager.
- Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
- Drivers covered by Department of Transportation (DOT) regulations must comply with them at all times.



**7.08 Telephone Contact**

Effective Date: 03/01/2015

Revision Date:

- (A) All supervisory personnel and service personnel must have a telephone number at which they can be reached during off-duty hours. This can be a cell phone or a land line telephone.
- (B) All employees must immediately notify supervision of any change in phone number(s), and provide a phone number for a secondary contact, i.e., spouse, parent.



## 7.09 Safety

Effective Date: 03/01/2015

Revision Date:

### **PURPOSE:**

To define health and safety practices utilized by the City to assist in providing a safe and healthy work environment for employees, citizens, customers, and visitors.

### **POLICY:**

The City has established a Workplace Safety Manual which is available in each department. Human Resources is responsible for implementing, administering, monitoring, and evaluating the safety program. However, its success depends on the alertness and personal commitment of all employees.

#### **A. Report of Accident**

The City will take all practical steps to eliminate or reduce an employee's exposure to accidental injury or to conditions that would be injurious to his or her health. In the case of accidents resulting in injury, employees must immediately complete a Risk Management Form, located on the City Intranet and submit the form to their immediate supervisor. The supervisor must then submit the form to Human Resources.

#### **B. Safety Training**

Employees and supervisors receive periodic workplace safety training through City-initiated risk/safety procedures. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards. A safety advisory group has been established to assist in these activities and to facilitate effective communication between employees and management about workplace safety and health issues.

#### **C. Reporting Unsafe Acts**

Employees shall cooperate with the City by observing reasonable safety regulations and working in a safe manner. Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, cause hazardous or dangerous situations, fail to report, or, where appropriate, correct such situations, may be subject to disciplinary action, up to and including termination of employment.

#### **D. Safety Suggestions**

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, another supervisor or manager, or bring them to the attention of Human Resources. Reports and concerns about workplace safety issues may be made anonymously, if the employee wishes. All reports can be made without fear of reprisal.

**7.10 Travel**

Effective Date: 03/01/2015

Revision Date: 01/07/2015

**Purpose**

To establish official travel guidelines to safeguard City funds, define reporting requirements, and ensure reimbursements comply with IRS regulations. This policy will remain in effect until changed or otherwise repealed by the City Manager. It supersedes all prior published travel policies.

**Policy**

The Travel Policy is applicable to all individuals conducting official City business. Official travel should benefit the City and the traveler should have the desire and ability to make productive use of and share the knowledge gained. Professional conduct is expected while representing the City.

The Chief Financial Officer is responsible for the overall administration and enforcement of the travel policy. Directors may impose more restrictions upon their departments within the confines of IRS regulations and the Fair Labor Standards Act as long as employees are properly notified of the restrictions. Employees should report concerns of travel misuse to the Chief Financial Officer.

The City adheres to the General Services Administration's (GSA) per diem & mileage rates. The policy meets IRS Accountable Plan standards for allowing non-taxable reimbursements under the following conditions:

- A business connection exists
- Adequate receipts are filed within a reasonable period of time (30 days)

**Approval Levels**

Travel expenses are considered authorized if approved in the Annual Budget. Non-budgeted travel must be funded within current budget parameters.

**Directors approve employees in their chain of command.**

**Travel Authorization Request**

Travelers are expected to make the most cost effective travel arrangements possible. A Travel Claim Form (TCF) is to be completed identifying estimated expenses. Obtain travel approval prior to making any non-refundable reservations. If the request is denied, the traveler is financially responsible for expenses. Upon approval, the TCF is submitted to Purchasing for issuance of a "Travel Advance" card. Requests must be received at least five (5) working days prior to the departure date. Those with "P" cards open to travel are not required to submit a TCF until the trip is completed.

**7.10 Travel**

Effective Date: 03/01/2015

Revision Date: 01/07/2015

**Expense Reimbursement**

All travelers should file a TCF post-travel. Reimbursement is made for ordinary and reasonable expenses (see Allowable Expenses below). Examples include mileage, parking, and tolls. The TCF is due to Purchasing within ten (10) days after return with required detailed receipts attached. Purchasing will review the TCF for compliance to the Travel Policy. If an error is determined, the traveler will be given correction instructions. In case of overpayment, the City reserves the right to deduct amounts owed from the traveler's paycheck.

*Note: per IRS guidelines, Reimbursements Requests without detailed receipts or filed after thirty days (30) may be considered taxable income to the traveler.*

**Allowable Expenses**

- Per Diem

Per Diem is an allowance intended to cover daily meals and incidentals, such as tips for food and luggage-handling services. Each October 1, the GSA establishes per diem rates which vary by destination. No deduction is made for conference provided meals. Travel day meals are reimbursed in accordance with the following rules:

- Breakfast is reimbursed if travel day departure is prior to 7:00 a.m.
- Dinner is reimbursed if return travel day arrival is after 6:00 p.m.

- Transportation

Cost-saving methods which include using a City vehicle or ride-sharing are encouraged. Early departure or a later return resulting in a substantial cost saving may be approved by the supervisor. The original airfare, lodging, and per diem expenses must be documented and attached to the TCF to substantiate.

- Air Travel

Authorized fares are based on economy/coach rates. However, the traveler may upgrade using personal reward miles or by paying the difference out-of-pocket. Early booking is encouraged to ensure discounted rates. Luggage reimbursement is limited to one (1) checked bag and excludes any excess fees (i.e. overweight). Special consideration is given for fees on necessary City equipment. Airport Parking is reimbursed up to the DFW Express non-covered parking rate.

- Personal Vehicle

Mileage is calculated using the closest distance, either the traveler's residence or normal work place, to the destination. If travel by personal vehicle is chosen over air travel, the reimbursement will not exceed coach fare plus related expenses.



## **7.10 Travel**

Effective Date: 03/01/2015

Revision Date: 01/07/2015

- **Traveler Receiving a Car Allowance**

The traveler is allowed reimbursement for fuel purchases if the destination exceeds 100 miles one-way. A City issued P-Card may be used for the purchase of fuel. If the traveler is requesting a rental car, the traveler must deduct 200 miles times the standard mileage per diem on the TCF.

- **Rental Car**

Car rentals must be pre-approved by a Director. Cars must be rented from City approved rental agencies. Rental type shall be compact or intermediate size. Full size, minivans or SUV's are acceptable for parties over two. Any upgrade requested shall be paid by the requesting traveler for the rate daily difference. Free upgrades offered by the rental car agencies are acceptable. The purchase of insurance (loss Damage Waiver) is not authorized. The City has insurance through the Texas Municipal League for car rentals.

- **Lodging**

Authorized rates are based on single-occupancy rooms. The traveler should request a "government" room rate, which may be lower than the "conference" rate. Internet charges may be authorized by the supervisor/director if conducting City business. The traveler is responsible for room service or other personal charges.

- **Registration**

Required registration fees and materials are authorized.

- **Miscellaneous Expenses**

Allowable expenses include tolls, parking, cab fares, copy/fax/phone charges, and other business related expenses.

### **Special Circumstances**

When practical, official travel should occur during regular work hours. In the event that travel occurs outside of regular work hours, every effort should be made to reduce overtime by adjusting the weekly work schedule or accrue compensatory time. Supervisors must approve travel outside of regular work hours.

Official travel may coincide with personal travel plans (i.e. vacation, attend conference golf tournament, etc.) when vacation is approved prior to the trip. Any expenses not related to City business, such as extracurricular events, lodging, and meals will be the responsibility of the traveler.

A traveler is permitted to bring guest(s) and is responsible for any extra charges incurred. If the travel is cancelled, the City is not liable for any guest expenses and



**7.10 Travel**

Effective Date: 03/01/2015  
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the traveler will not be reimbursed. The Director may authorize reimbursement of a guest's travel expenses based upon special circumstances and the benefit to the City. Damage or loss of luggage or other personal items is not covered by the City's insurance. Travelers should file claims with their personal insurance company or, if applicable, the airline.



**7.11 Tobacco Use**

Effective Date: 03/01/2015

Revision Date:

**PURPOSE:**

To provide a safe and healthy work environment for citizens, customers, and employees.

**POLICY:**

In keeping with the City's intent to provide a safe and healthful work environment, smoking and the use of smokeless tobacco products (e.g. chewing tobacco, snuff, vapor e-cigarettes, etc.) are prohibited on City property including the parking areas, in City-owned or municipal buildings or in City-owned, rented, or leased vehicles or equipment.

No employee shall use tobacco products while making public contact. In City-owned buildings, employees may use tobacco products outdoors, in non-public entrance areas designated by the Department Director, during their break or meal period.

Willful or repeated violations of this policy will result in appropriate disciplinary actions.



## 7.12 Visitors in the Workplace

Effective Date: 03/01/2015

Revision Date:

### **PURPOSE:**

To provide for the safety and security of employees and City facilities.

### **POLICY:**

Restricting unauthorized visitors helps maintain safety standards, protect against theft, ensure security of equipment, protect confidential information, safeguard employee welfare, and avoid potential distractions and disturbances.

All visitors must enter City buildings at the main entrance(s). Authorized visitors will receive directions to their destination. Employees are responsible for the conduct and safety of their visitors. If an unauthorized individual is observed in restricted employee only areas, employees must immediately notify their supervisor or, if necessary, direct the individual to the public area.



## Chapter 8: MISCELLANEOUS

### 8.01 Media Relations

Effective Date: 03/01/2015

Revision Date:

#### **PURPOSE:**

To standardize the City's communication with the media and assure that information about the City and its policies, practices, and programs are communicated properly and reported accurately to the media.

#### **POLICY:**

The City of Texarkana seeks to inform its residents, businesses, and visitors by engaging in pro-active communications. The news media and the City both play important roles in keeping the communities they serve informed. The City is committed to maintaining an ongoing positive and dynamic working relationship with the media. The City recognizes the time constraints facing the media and will strive to respond to information requests in an open, helpful, and prompt manner.

#### **A. Types of Media Communication**

This policy covers all communication to the news media including: news releases, media advisories, formal statements, interviews, press conferences and briefings, letters to the editor, , technical announcements, and other information or material given to a news media representative, a collective term that includes, but is not limited to reporters, editors, and writers for newspapers, magazines, scientific journals, trade publications, radio or television stations or networks, online news services, and any other electronic or print media related to news distribution that could serve as an information outlet.

#### **B. Media Relations**

- The Public Information Office will coordinate media relations activities for the City and act as the official news source and principal contact for all communication between the City and media representative.
- Unless otherwise authorized, the City's spokespersons are:
  - Mayor
  - City Manager, Assistant City Manager
  - Public Information Officer
- Media representatives are asked to place their requests through the Public Information Office in order to expedite a prompt and coordinated response.
- Department Directors or their designee have the authority to communicate with the media within areas of their responsibility and expertise. Other staff should refer media requests to their Department Director or Public Information Office without comment.
- The Public Information Office must be notified of all potentially sensitive, contentious, or controversial media inquiries with respect to City activities.

**8.01 Media Relations**

Effective Date: 03/01/2015

Revision Date:

The Public Information Office will promptly identify the appropriate spokesperson and arrange for an interview or statement.

- The City will endeavor to provide open and equal access to all news media and will respect the exclusivity of a story initiated by individual media representatives.

**C. Responding to Media Inquiries**

The Public Information Office is the City's primary media contact. If employees receive an inquiry from the media, such as reporters, editors, or researchers, for an interview, to provide statistics, or write an article on behalf of the City, employees should get the reporter's name, phone number(s), deadline, and an idea of his/her area of interest. Before responding, the employee should refer the inquiry to the Public Information Office. This enables the Public Information Officer to determine which individual in the City should respond to the inquiry, to make certain that consistent information is being disseminated, to stay abreast of areas of media interest, and to prepare for future inquiries.

**D. City Initiated Information**

Most proactive media contact is initiated through the Public Information Office. This includes issuing press releases, media advisories, and personal contacts with reporters and editors for coverage. Departments seeking publicity for events or activities should submit the information to the Public Information Office no less than 24 hours before distribution or as much in advance as possible to ensure the best media coverage of their activities. Departments should not initiate news media contact before notifying the Public Information Office.

**E. Opinion Pieces and Letters to the Editor**

It is recognized that all employees have the right to their personal points of view regarding any issue. However, personal points of view may conflict with the City's official policy. Therefore, City employees who write letters to the editor of any newspaper may not use official City stationary. If an employee chooses to identify himself or herself as a City employee in any personal communication to the editor, he or she must include language which states the views set forth in the letter do not represent the views of the City, but rather, are the employee's personally held opinions. Similar disclaimers must be present even if an employee addresses a public meeting, participates in a radio talk show, or is interviewed for a radio or television program, unless the employee is officially representing the City. Employees who are representing the City in any of the above formats must identify themselves as an official spokesperson for the City and must notify the Public Information Office before representing the City in such a capacity.



## 8.01 Media Relations

Effective Date: 03/01/2015

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### F. **Litigation, Personnel, and Election Issues**

Inquiries regarding election and campaign issues, pending litigation, matters involving a significant exposure to litigation, and certain personnel-related information should be referred to the City Manager's Office.

### G. **Public Safety Issues**

The Police and Fire Departments can generate a high volume of media calls, and should have a designated media spokesperson that follows specific guidelines when releasing information. If a PIO is not designated within the department, the City's Public Information Officer will assume duties and be briefed by the Department Chief. All information released to the media by the Police and Fire Departments must be provided immediately to the Public Information Office, who should be contacted at the time of major incidents. Media calls to other City staff regarding a Police or Fire issue should immediately be referred to the Police or Fire Department and Public Information Officer.

### H. **Crisis or Emergency Issues**

Timely release of breaking news and information during crises, such as natural disasters or personnel tragedies, often requires swift publication and/or dissemination of information in support of public confidence. The Department Director may issue a brief statement or media advisory to the news media in place of a news release. In such cases, the Department Directors must provide the Public Information Office with copies of any such release of information concurrent with its release to the new media.

## APPENDICES

**Appendix A:** Nepotism Chart

**Appendix B:** Procedures for the Employee Review Board

**Appendix C:** Positions Subject to DOT Regulations

**Appendix D:** Safety Sensitive Positions

**Appendix E:** Organizational Chart

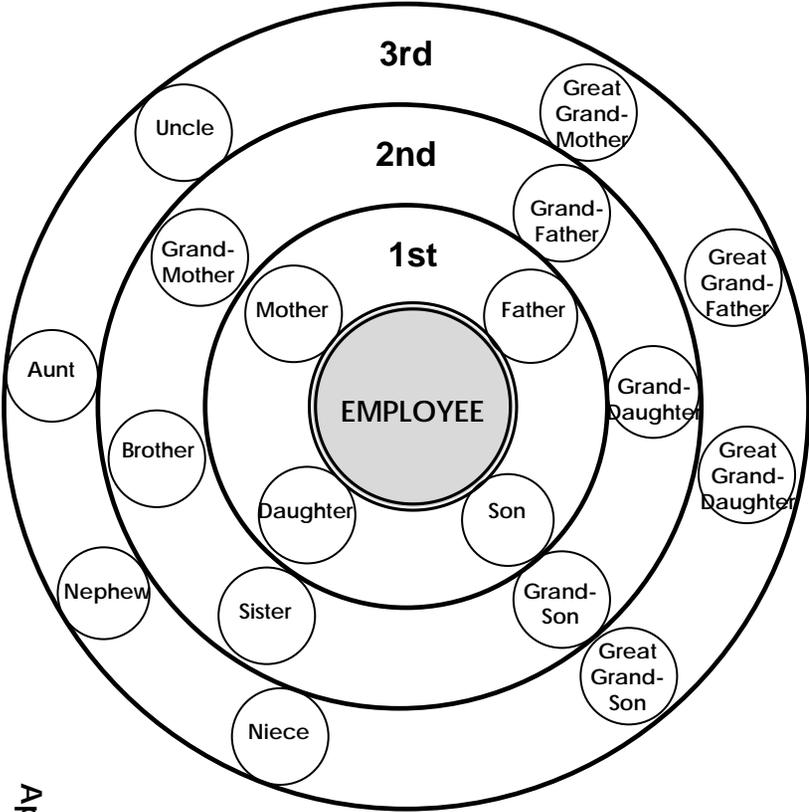
### **Appendix F: FORMS**

Personnel Request .....	Form 1
OPEN .....	Form 2
Personnel Action Form (PAF).....	Form 3
Voluntary Resignation/Retirement Notice .....	Form 4
Employee Separation Checklist.....	Form 5
Wage Deduction Authorization .....	Form 6
Application for Leave Donation.....	Form 7
Authorization to Transfer Vacation Leave.....	Form 8
Alternative Work Schedule Request .....	Form 9
Retiree Insurance Election .....	Form 10
Discrimination and/or Harassment Complaint.....	Form 11
Grievance .....	Form 12
Performance Correction Notice .....	Form 13
Performance Improvement Plan .....	Form 14
Discipline Options Chart .....	Form 15
Supervisor's Report of Reasonable Suspicion.....	Form 16
Employer Notification of Traffic Violation (CDL).....	Form 17
Employee Request for ADA Accommodation .....	Form 18
Social Media Networking Request.....	Form 19
Application for Degree Plan Approval.....	Form 20
Tuition Reimbursement Agreement.....	Form 21
Course Pre-Approval Request.....	Form 22
Tuition Reimbursement Request .....	Form 23
Request for Outside Employment.....	Form 24
Non-Disclosure of Personnel Information .....	Form 25

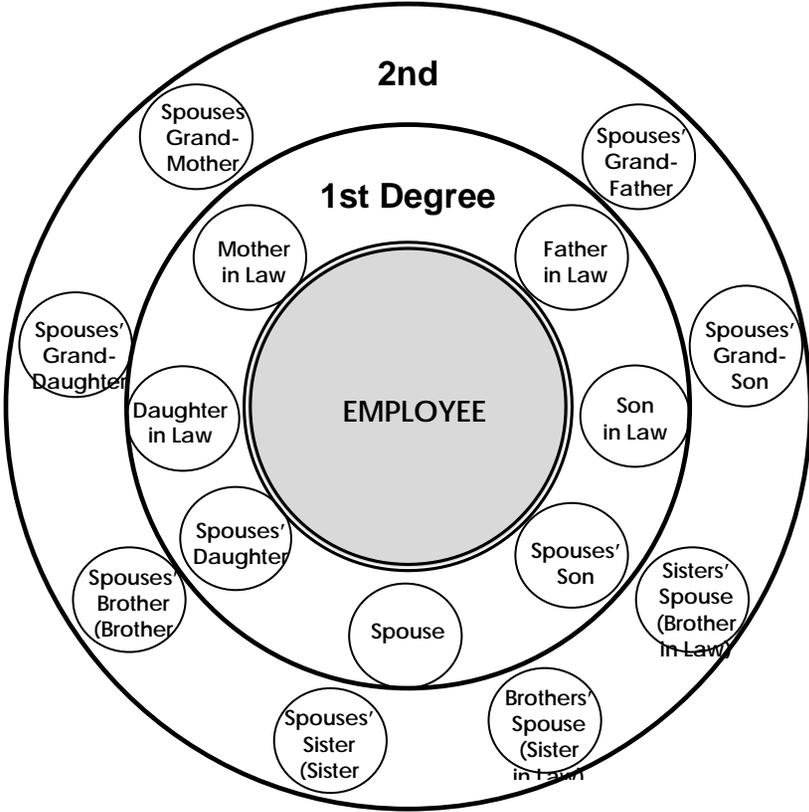
# Appendix A: Nepotism Chart

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**Consanguinity Kinship Chart  
(Relationship by Blood)**



**Affinity Kinship Chart  
(Relationship by Marriage)**





## **Appendix B: Procedures for the Employee Review Board**

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The following guidelines and rules of procedure shall apply in all hearings before the Texarkana Employee Disciplinary Review Board as Step One of *Policy 6.03 Employee Appeal Process*.

1. Persons attending the hearing shall consist of the employee, who is entitled to bring a representative, and the appropriate Department Director or departmental supervisor. The Director of Human Resources or designee shall be present to guide and coordinate the entire appeal proceedings and deliberation of the Review Board. The Director of Human Resources is also a resource to answer questions, provide additional information, and coordinate witnesses for the Review Board.
2. The Employee Review Board process is confidential. Therefore, there should be no discussion regarding the proceedings and outcomes, except with those that have a right to know.
3. In conducting hearings, the board will not be bound by technical rules of evidence and may direct questions to both parties and witnesses.
4. The employee and/or the City may have representation present at the hearing; however, counsel will serve in an advisory capacity only. The attorneys will not present opening or closing statements or conduct examinations of witnesses.
5. Beginning with the Department Director or supervisor, both parties will relate to the Review Board their best recollections of the facts relevant to the appeal and shall include reasons they believe the Review Board should or should not affirm the action taken against the employee.
6. Members of the Review Board shall be entitled to ask questions of the employee and Department Director, manager or supervisor.
7. Neither the employee, the employee's representative, the Department Director, nor supervisor shall be entitled to cross-examine the other or to ask questions of the members of the Review Board.
8. The hearing is a private, internal City of Texarkana meeting; outside parties, including a court reporter or stenographer are prohibited, as are tape recordings.
9. Neither party shall be allowed to call any witnesses. Should the Review Board determine that statements from witnesses are necessary, they may request witnesses to provide a statement before the Board. The Review Board may determine whether or not the employee and the Department Director will be allowed to be present during the witness statements.



10. The HR Director or designee will guide and coordinate the hearing proceedings as follows:
  - a. Human Resources Director will provide introductions, purpose of the Review Board process, guidelines and overview of the procedures for the proceedings.
  - b. Initial presentation by City representative.
  - c. Initial presentation by employee.
  - d. Closing by City representative.
  - e. Closing by employee.
  - f. Board questions City representative/employee.
  - g. Board requests/questions witnesses.
  - h. Director of Human Resources adjourns the proceedings.
  - i. Board deliberates and prepares ruling based on evidence received. The ruling shall be a majority consensus of the Review Board.
  - j. Board signs ruling to affirm or not affirm the disciplinary action.
  - k. Director of Human Resources or designee closes deliberations and sets additional deliberation time if necessary.

Note: During the hearing, the Director of Human Resources may designate a recess, remind or warn employee, city representatives or Review Board regarding breach of protocol, or discontinue the proceedings based on extenuating circumstances.

11. Upon completion of all deliberations by the Review Board, a written finding will be issued to the employee and department within five (5) working days after the hearing deliberations. Human Resources will be responsible for coordinating communication to the employee, department and City Manager or designee.
12. In cases involving disciplinary suspension for five (5) days or less, the decision of the Review Board is final.
13. In cases involving disciplinary suspension of more than five (5) days, demotion, or dismissal, the decision of the Review Board is final when they affirm the disciplinary action taken by the Department Director.

Should the Review Board **not** affirm the disciplinary action, one of the following will occur:

- a. The Department Director may elect to apply a lesser disciplinary action,  
**OR**
- b. The Department Director may elect not to adjust the level of discipline; therefore, the employee's appeal, along with the decision of the Review Board will be forwarded to the City Manager or designee, who will proceed as outlined in Step Three of *Policy 6.03 Procedure for Appeal of Disciplinary Action* and make the determination. The ruling from the City Manager or designee will be final.



### Appendix C: Positions Subject to DOT Regulations

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All employees that hold a Commercial Driver’s License (CDL), operate a Commercial Motor Vehicle with a gross vehicle weight rating of 26,001 pounds or more.

Street Maintenance Supervisor	Light Equipment Operator	Finisher/Operator
Foreman - Street	Mower Operator	Formsetter/Finisher
Traffic Signal Tech	Truck Driver	Heavy Equipment Operator
Mechanic	Building Maintenance Sup.	Sweeper/Operator
Foreman/Operator	Shop Technician - Street	
<b>TWU</b>		
Plant Mechanic I	Utilities Foreman/Operator	Utility Supervisor
Plant Mechanic II	Laborer II	Sludge Disposal Foreman
Utilities Foreman/Heavy Eq. Op.	Maintenance Chief	Jet Truck Operator
Auto Mechanic		



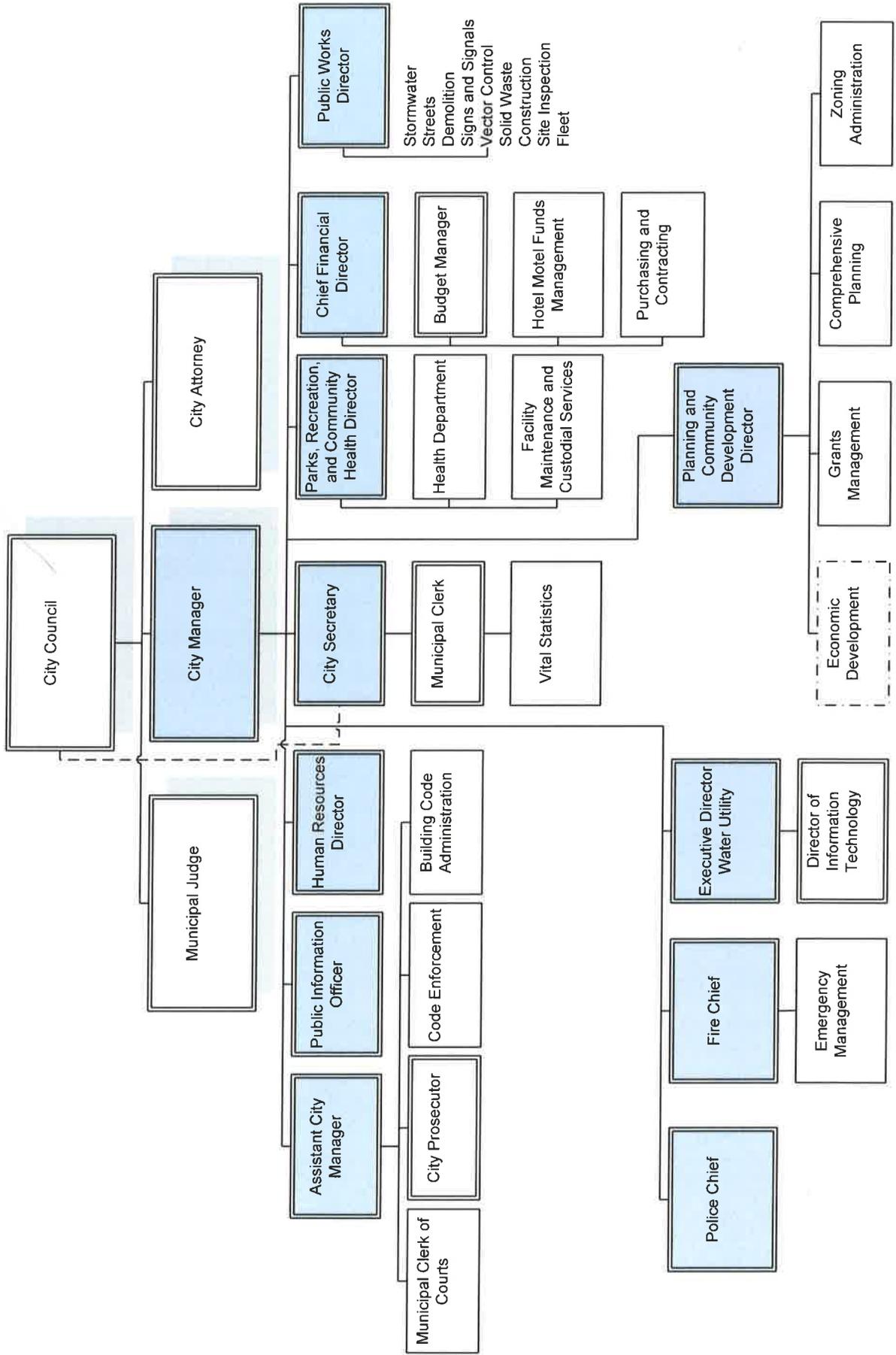
**Appendix D:**  
**DOT/Safety Sensitive Positions**  
*Revised October 2014*

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Licensed Police Officers	CRC - Dispatchers	
Licensed Firefighters	Emergency Management	
DOT includes all employees with a Commercial Driver's License (CDL).		

# City of Texarkana, Texas

July 1, 2014



FORMS

**PERSONNEL REQUEST**

**TO: Human Resources**

FROM: \_\_\_\_\_

Account No. \_\_\_\_\_

DATE: \_\_\_\_\_

Position Grade \_\_\_\_\_

Position Title \_\_\_\_\_

Number of Position Vacancies \_\_\_\_\_

**Type of appointment:**

Full Time \_\_\_\_\_ Regular Part-Time \_\_\_\_\_ Temporary \_\_\_\_\_ Seasonal \_\_\_\_\_

**Requests for position reclassifications or new classifications must be reviewed and approved.**

No. of positions authorized in budget: \_\_\_\_\_

No. of positions presently on payroll: \_\_\_\_\_

Pay plan starting annual salary: \_\_\_\_\_

Proposed starting annual salary: \_\_\_\_\_

Proposed annual salary after orientation: \_\_\_\_\_

**Please provide justifications for this request:**

**This request is being made to fill the position that was previously vacated by:**

\_\_\_\_\_  
Employee's Full Name

Requested by:

\_\_\_\_\_  
Director

\_\_\_\_\_  
Date

Approved by:

\_\_\_\_\_

\_\_\_\_\_

Director of Human Resources

Date



## REQUEST FOR CONSIDERATION

This form is for use by current employees who are interested in applying for available employment opportunities within the City. Temporary/seasonal staff may apply using the external application for employment.

Please print answers and complete all blanks. Submit the completed form to HUMAN RESOURCES by deadline indicated on the job announcement. Thank you for your interest.

Position Applying For \_\_\_\_\_

Name \_\_\_\_\_ Phone Number \_\_\_\_\_

Email Address \_\_\_\_\_

Present Position \_\_\_\_\_

Department \_\_\_\_\_ Length of Time in Position \_\_\_\_\_

Indicate education, skills, training, etc., which you feel qualify you for the available position. Attached resume if available.

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I understand if selected for consideration for this position, I must notify my current supervisor. I also understand that the supervisor over the position I am applying for may call my current supervisor for information regarding my work habits and history in my current position.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date





## SUPERVISOR'S CHECKLIST FOR SEPARATED EMPLOYEE

(To be completed by the Supervisor)

Employee: \_\_\_\_\_

Department: \_\_\_\_\_ Title: \_\_\_\_\_

1. If resigning or retiring, have employee complete *Voluntary Resignation Notice (Appendix F, Form 3)*. A resignation letter may be substituted for the *Voluntary Resignation Notice*.  Completed  
 N/A
  
2. Complete Personnel Action Form to remove from payroll and obtain appropriate management signatures.  Completed  
 N/A
  
3. Send the completed *Voluntary Resignation Notice* (or resignation letter) and Personnel Action Form to Human Resources.  Completed  
 N/A
  
4. Collect all City equipment from employee by the last day of work. Examples Include:  Completed  
 N/A

<input type="checkbox"/> Procurement/Credit Card(s)	<input type="checkbox"/> Weapons	<input type="checkbox"/> Key(s)
<input type="checkbox"/> Laptop Computer	<input type="checkbox"/> Gas Card	<input type="checkbox"/> Uniform
<input type="checkbox"/> Employee ID Card (Return to HR)	<input type="checkbox"/> Cell Phone	<input type="checkbox"/> Tools
	<input type="checkbox"/> Pager	<input type="checkbox"/> Other
	<input type="checkbox"/> Radio(s)	
  
5. If employee had a Procurement Card, notify the Finance Department of employee's separation.  Completed  
 N/A
  
6. Notify Information Technology to disable computer ID, passwords, and email account.  Completed  
 N/A
  
7. Cancel attendance in future training classes, seminars, or meetings as appropriate.  Completed  
 N/A
  
8. Remove employee's name from Department routing lists.  Completed  
 N/A
  
9. Other: \_\_\_\_\_  Completed  
 N/A

Completed by: \_\_\_\_\_

Supervisor Signature

Date: \_\_\_\_\_



## WAGE DEDUCTION AUTHORIZATION AGREEMENT

I understand and agree that my employer, the City of Texarkana, may deduct money from my pay from time to time for reasons that fall into the following categories:

1. Any contributions I may make into a retirement or pension plan sponsored, controlled, or managed by the City;
2. The balance of Per Diem advances from the City, if there is a balance remaining when I leave;
3. If I receive an overpayment of wages for any reason, repayment of such overpayments to the City;
4. The cost to the City of personal long-distance calls or faxes made on City phones/faxes or on any City accounts;
5. The cost of repairing or replacing City supplies, materials, equipment, uniforms, money, or other property that I may damage (other than normal wear and tear), lose, fail to return, or take without appropriate authorization from the City during my employment (applies to non-exempt employees only);
6. If I take paid vacation, sick, or holiday bank leave in advance of the date I would normally be entitled to it and I separate from the City before accruing time to cover such advance leave, the value of such leave taken in advance that is not covered.

**I agree that the City may deduct money from my pay under the above circumstances.**

I also acknowledge that I understand that the City pays its employees fairly and that all work is compensated and no supervisor may authorize work off the clock.

I acknowledge that I must accurately record time worked and should contact HR, my supervisor or my supervisor's manager with any questions. Non-exempt employees who work overtime without receiving proper authorization will be subject to disciplinary action, up to and including possible termination of employment.

I have read the above agreement and have received Policy 4.04 Overtime.

\_\_\_\_\_  
Employee Name (Printed)

\_\_\_\_\_  
Department

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Human Resources

\_\_\_\_\_  
Date



## APPLICATION FOR LEAVE DONATION

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Department: \_\_\_\_\_

Title: \_\_\_\_\_

**Purpose for which this request is being made:**

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**Why does the employee not have sufficient leave?**

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**What is the employee's current status?**

Working, but anticipating an extended absence due to surgery or hospitalization on or about (date) \_\_\_\_\_.

Currently hospitalized.

Convalescing at home.

Other, please describe: \_\_\_\_\_

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### DEPARTMENT DIRECTOR ACTION

Request Approved

Request Denied

Comments:

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\_\_\_\_\_  
Department Director Signature

\_\_\_\_\_  
Date



### AUTHORIZATION TO TRANSFER ACCRUED LEAVE

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Department: \_\_\_\_\_ Title: \_\_\_\_\_

**Note: You must have at least an 80 hour balance of the type of leave donated before you can participate.**

Check Type of Leave Donated: Sick \_\_\_ Vacation \_\_\_

I freely and voluntarily authorize the immediate transfer of \_\_\_ hours (4-hour increments, 40 hour maximum) leave to the following employee:

Name: \_\_\_\_\_

Employee Number: \_\_\_\_\_

I understand that all leave transfers are final, and once processed by Payroll, are irrevocable.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

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### HUMAN RESOURCES DEPARTMENT

\_\_\_\_\_  
Human Resources Signature

\_\_\_\_\_  
Date Received

\_\_\_\_\_  
Time Received



## ALTERNATE/COMPRESSED SCHEDULE REQUEST

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Department: \_\_\_\_\_

Title: \_\_\_\_\_

### ***Proposed Schedule***

Day of the Week	Date	Start Hour	Meal Period	End Hour
Sunday	_____	_____	_____ to _____	_____
Monday	_____	_____	_____ to _____	_____
Tuesday	_____	_____	_____ to _____	_____
Wednesday	_____	_____	_____ to _____	_____
Thursday	_____	_____	_____ to _____	_____
Friday	_____	_____	_____ to _____	_____
Saturday	_____	_____	_____ to _____	_____

Total number of work hours per work week: \_\_\_\_\_

### ALTERNATE/COMPRESSED SCHEDULE AGREEMENT

I have read and acknowledge all provisions in *Policy 4.05 Alternative & Compressed Work Week Schedule* and agree to work the approved alternate work schedule from \_\_\_\_\_, 20\_\_\_\_ to \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

#### **Please Note:**

- The Fair Labor Standards Act (FLSA) requires that overtime compensation be paid at one and one-half time the regular hourly rate for each hour worked over 40 hours during the non-exempt employee's designated workweek.
- Averaging work hours over different workweeks is not permitted.

### DEPARTMENT DIRECTOR ACTION

Request Recommended: From \_\_\_\_\_, 20\_\_\_\_ to \_\_\_\_\_, 20\_\_\_\_

Request Denied - Comments: \_\_\_\_\_

\_\_\_\_\_  
Department Director

\_\_\_\_\_  
Date



## RETIREE NOTIFICATION FORM Group Health Coverage

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
Street Number      Street Name      City      State      Zip

Department: \_\_\_\_\_ Title: \_\_\_\_\_

Phone # \_\_\_\_\_ Retirement Date: \_\_\_\_\_

- Yes     No    Are you retiring under the Texas Municipal Retirement System?
- Yes     No    Have you been continually employed with the City of Texarkana for the last five years?
- Yes     No    Do you have other group health insurance available to you?
- Yes     No    Does your spouse or covered dependents have other group health insurance available to them?
- Yes     No    Do you agree to inform the City of Texarkana if you or a covered member of your family become covered under another group health plan or entitled to Medicare?
- Yes     No    Do you understand that premium amounts will change from year to year?
- Yes     No    Do you understand that you are responsible for remitting the full amount of the premium by a specific date, and if you fail to remit the required amount coverage will terminate for you and your dependents?

### DECLINATION

\_\_\_\_\_ (initial) I understand that I am eligible for group health coverage continuation; however, I hereby decline retiree health coverage. I understand that this is the only opportunity I will have to continue the City's group health coverage.

I understand that I also have the right to continue coverage subject to COBRA provisions for up to 18 months, and that this declination will not jeopardize those rights under COBRA.

I certify by signature below that I have read the retirement provisions described in the Texarkana policy handbook.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## DISCRIMINATION AND/OR HARASSMENT COMPLAINT FORM

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

Department: \_\_\_\_\_ Supervisor: \_\_\_\_\_

### Reason(s) for Unlawful Treatment:

- |   |  |                                |                                      |
|---|--|--------------------------------|--------------------------------------|
| <input type="checkbox"/> Race                       | <input type="checkbox"/> National Origin | <input type="checkbox"/> Age   | <input type="checkbox"/> Religion    |
| <input type="checkbox"/> Sex                        | <input type="checkbox"/> Disability      | <input type="checkbox"/> Color | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Other (Please List): _____ |  |                                |                                      |

**Briefly Describe the Nature of the Complaint.** Please explain why you believe discrimination and/or harassment has affected your employment with the City of Texarkana. Where possible, specify the date(s) of the incident(s) and name(s) involved. If additional space is needed, please attach additional pages.

The City of Texarkana will not tolerate employment discrimination or harassment based upon an employee's or applicant's race, color, national origin, sex, religion, disability, or age, according to *Policy 7.06 Harassment & Discrimination*.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date



## EMPLOYEE GRIEVANCE FORM

Grievant Name: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

Department: \_\_\_\_\_

### EMPLOYEE GRIEVANCE

#### **HISTORY AND FACTS OF GRIEVANCE:**

Provide as much specific information as possible, including all pertinent names, dates, and places. Indicate specifically which section of the Employee Handbook you believe was violated (if applicable). Attach additional sheets if necessary.

#### **REMEDY SOUGHT:**

State specifically what action(s) you are requesting to resolve the complaint.

\_\_\_\_\_  
Grievant Signature

\_\_\_\_\_  
Date

### STEP I



**IMMEDIATE SUPERVISOR RESPONSE**

Grievance response must be returned to the aggrieved employee within ten (10) working days of receipt. Attach additional sheets and documentation if necessary.

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date

**GRIEVANT'S ANSWER TO SUPERVISOR RESPONSE:**

I accept the resolution to Step I:     Yes         No

If answer is no, grievance must be submitted to Step II within five (5) working days of receipt of Step I response. Give specific reasons why the Step I response is unsatisfactory, and what further action(s) you are requesting to resolve the complaint.

\_\_\_\_\_  
Grievant Signature

\_\_\_\_\_  
Date

**STEP II**

**DEPARTMENT DIRECTOR RESPONSE** *(If Required):*

The Department Director may schedule a meeting with the employee or provide a written response. The written response shall be provided to the employee within ten (10) working days of receiving the grievance request.



\_\_\_\_\_  
Department Director Signature

\_\_\_\_\_  
Date

**GRIEVANT'S ANSWER TO SUPERVISOR RESPONSE** *(If Required):*

I accept the resolution to Step II:     Yes             No

If answer is no, grievance must be submitted to Step III within five (5) working days of receipt of Step II response. Give specific reasons why the Step II response is unsatisfactory, and what further action(s) you are requesting to resolve the complaint.

\_\_\_\_\_  
Grievant Signature

\_\_\_\_\_  
Date

**STEP III**

**CITY MANAGER RESPONSE** *(If Required):*

At a mutually agreeable time, the City Manager may elect to have a meeting with the employee informally or to convene a hearing. Once the meeting or hearing has been held, the Assistant City Manager shall respond to the grievance in within ten (10) days. As per the *Policy 6.04 Grievance*, the decision of the City Manager is final and is not eligible for further appeal.



\_\_\_\_\_  
City Manager Signature

\_\_\_\_\_  
Date



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**PERFORMANCE CORRECTION NOTICE**

---

Employee Name: \_\_\_\_\_ Date: \_\_\_\_\_

Department: \_\_\_\_\_ Supervisor: \_\_\_\_\_

**Disciplinary Level:**

- \_\_\_\_\_ Verbal Correction
- \_\_\_\_\_ Written Reprimand
- \_\_\_\_\_ Delay of Step Increase
- \_\_\_\_\_ Disciplinary Probation (End date: \_\_\_\_\_)
- \_\_\_\_\_ Suspension (Dates: \_\_\_\_\_)
- \_\_\_\_\_ Demotion
- \_\_\_\_\_ Termination

**Occurrence: (One sentence summary of incident)**

- \_\_\_\_\_ Performance
- \_\_\_\_\_ Conduct
- \_\_\_\_\_ Attendance

**Prior Notifications**

<u>Level of Discipline</u>	<u>Date</u>	<u>Subject</u>
Verbal	_____	_____
Written	_____	_____



**Incident Description and Supporting Details:** Include the following information: Description of Incident, Date of Occurrence, Persons Present as well as Organizational Impact. Attach additional pages, if necessary.

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**Performance Correction Plan**

*Immediate and sustained improvement is expected.*

**1. Measurable/Tangible Correction Goals:**

Targeted completion date: \_\_\_\_\_

**2. Training or Special Direction Provided:**

**3. Interim Performance Evaluation Date (If Necessary):** \_\_\_\_\_

4. In addition, I recognize that you may have certain ideas to improve your performance. Therefore, I encourage you to provide your own **Personal Correction Plan Input and Suggestions**. Attach additional sheets if needed.)

**Outcomes and Consequences**

Distribution of copies:      2      Employee      Human Resources



**Positive:** If you meet your Correction goals, no further disciplinary action will be taken regarding this issue.

**Negative:** (Describe the consequence should the incident occur again) Future policy violations or failure to perform job duties in an acceptable manner will result in additional disciplinary action up to and including termination.

**Scheduled Review Date (if applicable):** \_\_\_\_\_

**Employee Comments and/or Rebuttal** (Attach Additional Sheets, if Needed)

\_\_\_\_\_  
Employee Signature

**Employee Acknowledgment**

I understand that City of Texarkana is an "at-will" employer, meaning that my employment has no specified term and that the employment relationship may be terminated any time at the will of either party. I also realize that City of Texarkana is opting to provide me with corrective action measures, and can terminate such corrective measures at any time, solely at its own discretion, and that the use of progressive discipline will not change my at-will employment status.

I have read the Performance Correction Notice and understand it. It has been discussed with me, and I have been advised to take time to consider it before I sign it. Signing this, I commit to follow the city's standards of performance, conduct and attendance.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

Witness: (if employee refuses to sign)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

**A copy of this document will be placed in your file.**

Distribution of copies: 3 Employee Human Resources



## Performance Improvement Plan

The Improvement Plan should be completed as a joint effort by both the supervisor and employee when an employee receives an overall score below “meets job requirement” on their Performance Review or disciplinary action. Each competency that is below a “meets job requirement” should be numbered, listed below and individually addressed. Concerns should be performance, attendance or conduct based.

Employee: \_\_\_\_\_

Manager: \_\_\_\_\_

Date: \_\_\_\_\_

This outlines the Performance Improvement Plan to assist the employee in addressing the performance areas that were below the “meets job requirement” identified during his/her Performance Review on \_\_\_\_\_.

The Improvement Plan includes:

- The Performance Concern
- The Performance that is required to meet the job requirement
- The Action and Support provided to correct deficiencies
- Dates for subsequent observations, conferences, and/or meetings to monitor progress on the plan

### **Performance Concern:**

(Supervisor: List each performance competency that is below a “meets job requirement”)

1.

2.

### **Performance Required:**

(Supervisor: Identify the performance that is expected)

1.

2.

### **Action/Support that will be provided:**

(Supervisor and Employee: List the training, mentoring activity, action plan to bring performance to a “meets job requirements”)

1.

Forward original copy to HR  
Make a copy for both Supervisor and Employee



2.

**Dates to monitor progress:**

(Supervisor and Employee: Review is usually completed at 30, 60 and 90 days)

1.

2.

3.

---

*It is the **employee's** responsibility to utilize or request resources needed to carry out these and/or other strategies to improve performance to meet the required Performance standard. Immediate and sustained improvement is expected. Failure to perform job duties in an acceptable manner will result in disciplinary action up to and including termination.*

Signature of Employee: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Supervisor: \_\_\_\_\_

Date: \_\_\_\_\_

---

**Follow up Outcome:**

(Supervisor and Employee: List: Date Reviewed / Competency Reviewed / Outcome/ follow-up plan and dates as needed)

1.

2.

3.

Signature of Employee: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Supervisor: \_\_\_\_\_

Date: \_\_\_\_\_

Forward original copy to HR  
Make a copy for both Supervisor and Employee

## Performance Options

INFORMAL DISCUSSIONS								
Action	Initiator	Prior Approval	Documentation	Employee Signature Required	Distribution	Appealable	Eligible for Transfer	Eligible Comp. Change
POSITIVE CONTACT/COACHING SESSION	Immediate Supervisor	None	Employee Counseling Notice (Optional)	N/A	Department File (Optional)	N/A	Yes	Yes

FORMAL DISCIPLINE OPTIONS									
Action	Initiator	Approval	Documentation	Employee Signature Required	Witness Required	Distribution	Appealable	Eligible for Transfer	Eligible Comp. Change
VERBAL WARNING	Immediate Supervisor	None	Memo or Email Summary	N/A	No	Department File, HR	No	Yes	Yes
WRITTEN REPRIMAND	Immediate Supervisor	Dept. Dir., HR	Employee Counseling Notice	Yes	No	Employee, Department File, HR	No	Yes	Yes
SUSPENSION WITHOUT PAY	Immediate Supervisor	Dept. Dir., HR, possibly Legal	Memo	Yes	Yes	Employee, Department File, HR	Yes	No	No
DISCIPLINARY PROBATION	Immediate Supervisor	Dept. Dir., HR	Memo	Yes	Yes	Employee, Department File, HR	Yes	No	No

## Performance Options

FORMAL DISCIPLINE OPTIONS									
Action	Initiator	Approval	Documentation	Employee Signature Required	Witness Required	Distribution	Appealable	Eligible for Transfer	Eligible Comp. Change
SUSPENSION DURING CRIMINAL PROCEEDINGS	Dept. Dir.	CM, Legal	Memo	No	No	Employee, Department File, HR	Yes	No	No
DEMOTION	Immediate Supervisor	Dept. Dir., HR, Legal	Memo	Yes	Yes	Employee, Department File, HR	Yes	No	No
DISMISSAL	Immediate Supervisor	Dept. Dir. HR Legal	Chronological Summary	N/A	Yes	Original: Employee Copies: HR, Next Level Supervisor, Dept. Dir., Legal	Yes	N/A	N/A

Appeal Process									
Action	Initiator	Prior Approval	Documentation	Employee Signature Required	Witness Required	Distribution	Appealable	Eligible for Transfer	Eligible Comp. Change
Appeal	Employee	N/A	Letter of appeal	Yes	No	Original: Employee Copies: HR, Dept. Dir	Yes – Step 1 – Employee Review Board Step 2 City Manager	N/A	N/A

**\*\*Please note – The City reserves the right to exercise any of the disciplinary options, up to and including termination. Repeating or jumping a step, or moving to immediate discharge may be appropriate depending on the circumstances and management’s judgment.**



**SUPERVISOR'S REPORT OF REASONABLE SUSPICION  
-Confidential-**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Department: \_\_\_\_\_ Title: \_\_\_\_\_

**PROCEDURE**

This form is to be completed whenever there is reasonable suspicion that an employee is under the influence of alcohol and/or prohibited drug substance. A supervisor and a Department Director shall note all pertinent behavior and physical signs which led them to believe that the employee is under the influence of alcohol and/or a prohibited drug substance. The Department Director shall contact Human Resources for reasonable suspicion testing authorization. In the event that Human Resources is unavailable, the Department Director shall contact the City Manager's office. Upon authorization, the employee will be required to undergo drug and/or alcohol testing.

**PERSONS OBSERVING BEHAVIOR (At least one Department Director required.)**

Name/Title: \_\_\_\_\_

Name/Title: \_\_\_\_\_

Date of Observation: \_\_\_\_\_ Time: \_\_\_\_\_

Location: \_\_\_\_\_

<b>Circumstances which existed to warrant the testing for reasonable suspicion were as follows:</b>	<b>Yes</b>	<b>No</b>
Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working, while on the employer's premises, or while operating the employer's vehicle, machinery, or equipment.		
Observable phenomena while at work, such as direct observation of drug use or the physical symptoms or manifestations of being under the influence of a drug or alcohol.		
Abnormal conduct or erratic behavior while at work or a significant deterioration work performance.		

**WRITTEN SUMMARY**

Summarize the facts and circumstances of the accident or incident, employee response, supervisor actions, and any other pertinent information not previously noted on this form. Attach additional sheets as needed.

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**OBSERVATIONS** (Both observers INITIAL their observations below.)

**ABILITY TO WALK**

- Normal
- Falling
- Grasping for Support
- Moved In Circles
- On Hands and Knees

- Staggering
- Swaying
- Unable to Walk

**APPEARANCE**

- Normal
- Disheveled
- Dirty
- Odor

**ACTIONS**

- Crying
- Profanity
- Punching
- Resisting
- Sleepy
- Threatening

**ABILITY TO STAND**

**OTHER:** \_\_\_\_\_  
\_\_\_\_\_

- Normal
- Need Support
- Rigid
- Sagging Knees
- Swaying
- Unable To Stand

**EYES**

- Normal
- Constricted
- Contacts/Glasses
- Dilated
- Droopy Lids
- Bloodshot
- Watery

**FACE**

- Flushed
- Pale

**MOVEMENT OF HANDS**

- Trembling
- Uncoordinated

**BREATHING**

- Normal
- Deep

- Gasping
- Laboring
- Rapid
- Shallow
- Slow

**SPEECH**

- Normal
- Abusive
- Boisterous
- Confused
- Crying
- Hoarse
- Incoherent
- Rambling
- Rapid
- Shouting
- Silent
- Slobbering
- Slow
- Slurred
- Stuttering
- Whispering

**ODOR OF ALCOHOL/DRUG**

- No
- Yes

**SIGNATURES**

**Supervisor:** Based on my observations noted on this checklist, I **recommend / do not recommend** (*circle one*) that an alcohol/drug test be administered.

Supervisor Signature \_\_\_\_\_ Date \_\_\_\_\_

**Department Director:** Based on my observations noted on this checklist, I **recommend / do not recommend** (*circle one*) that an alcohol/drug test be administered.

Department Director Signature \_\_\_\_\_ Date \_\_\_\_\_

**Contact the Human Resources Department immediately after completion of this checklist to proceed.**

\_\_\_\_\_

**HUMAN RESOURCES DIRECTOR (OR DESIGNEE) ACTION**

Employee underwent:       alcohol test  drug test

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Location: \_\_\_\_\_

Employee *refused* testing:  Yes     No

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Human Resources Director (or designee)

\_\_\_\_\_  
Date



**EMPLOYER NOTIFICATION OF TRAFFIC VIOLATION  
FOR COMMERCIAL DRIVER'S LICENSE (CDL)**

*(Not necessary for parking violations)*

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Department: \_\_\_\_\_

Title: \_\_\_\_\_

Driver's License # \_\_\_\_\_

State: \_\_\_\_\_

Date Ticketed: \_\_\_\_\_

Citation No: \_\_\_\_\_

Type of Traffic Violation: \_\_\_\_\_

Resolution of Citation: \_\_\_\_\_

Vehicle Operated (check one):       Personal       City       Other

Was vehicle a commercial motor vehicle?     Yes     No

Location of offense (City/County): \_\_\_\_\_ State: \_\_\_\_\_

Issuing Agency: \_\_\_\_\_

Did violation result in loss of driving privileges?     Yes     No

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

**Supervisor:** *Send to the Human Resources Department within 24 hours of receipt.*



**Confidential**

**City of Texarkana**

**Employee Request for Accommodation Form**

Applicant or Employee Name: \_\_\_\_\_ Date: \_\_\_\_\_

Position or Title: \_\_\_\_\_

Department/Supervisor: \_\_\_\_\_

***Applicant or Employee*** – Please complete this section, and return the completed form to the Human Resources department. Request is confidential and will only be shared with those who have a right to know.

Identify your condition(s) and indicate how you believe each condition affects your ability to perform the essential duties of the position:

State the requested accommodation(s) and any alternatives.

***Human Resources Use only***

Date Received: \_\_\_\_\_ Date (s) reviewed: \_\_\_\_\_

Accommodation approved or denied: \_\_\_\_\_

Summary of outcome (attach any supporting documents)

Request for Appeal, yes or no

Date Received: \_\_\_\_\_ Dates Reviewed: \_\_\_\_\_

Summary of outcome (attach any supporting documents)

Signature of ADA Coordinator or designee: \_\_\_\_\_ Date \_\_\_\_\_



**SOCIAL MEDIA APPROVAL/AGREEMENT FORM**

Name: \_\_\_\_\_

Position/Title: \_\_\_\_\_

Department: \_\_\_\_\_

Name of Social Media site: \_\_\_\_\_

Approval of Dept. Manager: \_\_\_\_\_ Date: \_\_\_\_\_  
*Signature*

City Manager (or designee) Approval: \_\_\_\_\_ Date: \_\_\_\_\_  
*Signature*

I agree to use City-approved Social Media Sites for City business as appropriate and in compliance with this Policy. I understand that I must have approval from my Department Manager and the City Manager to create or participate in a Social Media Site on behalf of the City. I also understand that I am responsible for all postings made by me on City Social Media Sites, including those made in the comments sections. I further understand that this policy also applies to City-related postings made by me on personal (non-City) Social Media Sites, and I agree to adhere to the guidelines in this policy when so doing.

I acknowledge that all City-approved Social Media Sites are considered to be City property and may be monitored by officials of the City. I understand that employees do not have privacy rights in the use of City Social Media Sites and the postings, data, access to or distribution of such materials is subject to Texas Public Information Act, Federal e-discovery rules, and the City's records retention schedules.

I agree to abide by all City security policies and procedures before accessing or posting to any Social Media Site. I acknowledge that any abuse of Social Media Sites, including violation of the rules and guidelines set forth in this Policy or in any current or future modified Employee Handbook can be grounds for disciplinary action, up to and including termination of my employment.

Printed Name \_\_\_\_\_ Date: \_\_\_\_\_

Employee Signature \_\_\_\_\_



**APPLICATION FOR DEGREE PLAN APPROVAL  
Step 1: TUITION REIMBURSEMENT**

**PROCEDURE:**

1. EMPLOYEE: completes form, attaches required documents, and submits form to the Department Director.
2. DEPARTMENT DIRECTOR: reviews, makes a recommendation, and submits form to the HR Department.
3. HUMAN RESOURCES DEPARTMENT: reviews for completion and forwards form to City Manager's Office.
4. CITY MANAGER: reviews, makes a decision, sends original to HR Department, and copy to the employee.

Name: \_\_\_\_\_ Date Employed: \_\_\_\_\_

Position: \_\_\_\_\_ Department: \_\_\_\_\_

Name of College or University: \_\_\_\_\_

Degree Plan Sought: \_\_\_\_\_

Semester/Year Course(s) to Commence: \_\_\_\_\_

Please state how the degree sought meets the objectives of the Tuition Reimbursement Program:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**A copy of degree plan must be attached to this request.**

Are you eligible for or will you be receiving any other financial assistance for your education? **Yes\_\_ No\_\_**  
Employees receiving tuition assistance from a source that does not require repayment (Veteran's benefits, grants, scholarships, etc) are required to submit reimbursement requests for the balance of the tuition not covered by the alternate source.

The City of Cedar Hill has the right to audit the employee's educational and financial records that may be contained in the employee's records at the institution attended. Any right that the employee may have pursuant to the Family Education Rights and Privacy Act of 1974, or any similar act, are waived by acceptance of tuition reimbursement. By signing this application, I acknowledge that I am familiar with the requirements for tuition reimbursement pursuant to the City's Personnel Policy and agree to abide by those requirements.

**Employee Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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**DEPARTMENT DIRECTOR ACTION**

- Recommend Approval                       Do not recommend this application for tuition

**Dept. Director Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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**CITY MANAGEMENT ACTION**

- Approved                                       Disapproved

**City Manager Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_



**TUITION REIMBURSEMENT AGREEMENT**  
**Step 2: TUITION REIMBURSEMENT**

Under the terms of the Tuition Reimbursement Policy I hereby acknowledge that an employee who receives tuition reimbursement must remain in service to the City, as a full time employee, for at least one year beyond the date of reimbursement; otherwise, all sums for tuition and books paid by the City over the past year must be refunded to the City.

I understand and agree that if I receive tuition assistance from any source(s) that do not require repayment, (i.e. Veteran's benefits, grants, scholarships, etc) I will submit reimbursement requests only for the balance of the tuition and fees not covered by the alternate source.

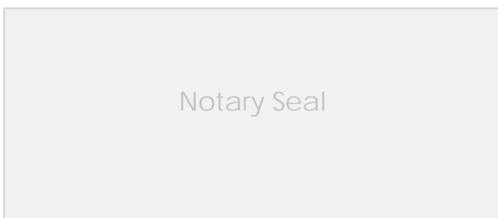
I hereby agree that should I be reimbursed for the tuition and/or textbooks under the tuition reimbursement program and I leave the full time employment of the City of Texarkana within a period of one year following reimbursement, I will refund the City of Texarkana the full amount of the tuition and book reimbursement paid to me over the year preceding voluntary resignation. In lieu of a cash refund my signature below authorizes the City to deduct such amount from my final paycheck.

WITNESS BY MY HAND THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Employee Printed Name

\_\_\_\_\_  
Employee Signature

SUBSCRIBED AND SWORN TO THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_



\_\_\_\_\_  
Notary

\_\_\_\_\_  
Commission Expires



**COURSE PRE-APPROVAL REQUEST**  
**Step 3: TUITION REIMBURSEMENT**  
*To be completed **BEFORE** semester begins.*

**NOTE:** To be eligible for tuition and book reimbursement, the employee must have an approved Application for Degree Plan Approval on file with the HR Department. This request form must be completed by the employee and submitted to the Human Resources Director prior to taking a course.

Name: \_\_\_\_\_

Department: \_\_\_\_\_ Title: \_\_\_\_\_

Name of College or University: \_\_\_\_\_

Semester course(s) to be taken: \_\_\_\_\_

<u>Course Title(s) and Catalog Number</u>	<u>Number of Semester Hours</u>
1. _____	_____
2. _____	_____
3. _____	_____

Approximate Cost: Tuition \$ \_\_\_\_\_ Books \$ \_\_\_\_\_

Did you receive funds from any other source for payment of tuition/textbooks? **YES**      **NO**

*Employees receiving tuition assistance from a source that does not require repayment (Veteran's benefits, grants, scholarships, etc) are required to submit reimbursement requests for the balance of the tuition not covered by the alternate source. The City of Cedar Hill has the right to audit the employee's educational and financial records that may be contained in the employee's records at the institution attended. I agree that any right I may have pursuant to the Family Education Rights and Privacy Act of 1974, or any similar act, is waived by acceptance of tuition reimbursement. I understand that the penalty for fraudulently seeking a tuition reimbursement benefit may include disciplinary action. By signing this application, I acknowledge that I am familiar with the requirements for tuition reimbursement pursuant to the city's personnel policy and agree to abide by those requirements.*

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

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**HUMAN RESOURCES DEPARTMENT**

\_\_\_\_\_  
Human Resources Director

\_\_\_\_\_  
Date



**REIMBURSEMENT REQUEST**  
**Step 4: TUITION REIMBURSEMENT**  
*To be completed at **END** of semester.*

**NOTE:** To receive tuition and book reimbursement, the employee must attach a **grade report** for all course(s) indicated, as well as a **fee receipt for tuition and textbook payment**.

Name: \_\_\_\_\_

Department: \_\_\_\_\_ Title: \_\_\_\_\_

Name of College or University: \_\_\_\_\_

Semester course(s) taken: \_\_\_\_\_

	<u>Course Title(s)</u>	<u>Tuition Cost</u>	<u>Textbook Cost</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

Approximate Cost:                      Tuition \$ \_\_\_\_\_                      Books \$ \_\_\_\_\_

Did you receive funds from any other source for payment of tuition/textbooks?     
*Employees receiving tuition assistance from a source that does not require repayment (Veteran's benefits, grants, scholarships, etc) are required to submit reimbursement requests for the balance of the tuition not covered by the alternate source.*

By signing this request form, I certify that this tuition reimbursement request is a true and accurate statement of my enrollment, course completion, grade, and tuition/textbook expense. I am hereby requesting reimbursement pursuant to the city's personnel policy.

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

**HUMAN RESOURCES DEPARTMENT: Reimbursement**

Human Resources Director \_\_\_\_\_ Date \_\_\_\_\_



## REQUEST FOR OUTSIDE EMPLOYMENT

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Department: \_\_\_\_\_

Title: \_\_\_\_\_

As directed by *Policy 1.12 Outside Employment*, I hereby request approval to engage in outside employment as described below:

Nature of Employment:

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Time required for Employment:

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

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

### DEPARTMENT DIRECTOR ACTION

Request Approved       Request Denied

Comments or Special Conditions:

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\_\_\_\_\_  
Department Director Signature

\_\_\_\_\_  
Date

*Forward completed form to the Human Resources Department.*

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## NON-DICLOSURE OF PERSONNEL INFORMATION

Under the Texas Public Information Act, Section 552.024 of the Government Code, you may designate whether you want the City of Texarkana to release your address, telephone number(s), or information on family members, when a requests is made. Please indicate by checking the appropriate box below to authorize release of this information or withhold this information.

I elect to withhold this information from public release.

I authorize release of this information.

\_\_\_\_\_  
Print Employee Name

\_\_\_\_\_  
Department

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

*Department Director: Please forward original form to Human Resources*