



**City of Willow Park
City Council
Regular Meeting
City Hall**

516 Ranch House Rd, Willow Park, TX 76087

Tuesday, August 9, 2016 at 7:00 p.m.

Agenda

Section I – Presentations

- 1. Call to Order**
- 2. Determination Of Quorum**
- 3. Invocation & Pledge of Allegiance**
- 4. Special Recognitions**
- 5. Citizen Presentations & Comments**

Section II – Consent Agenda

All items listed below are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of the items unless a Councilmember so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence.

6. Minutes

- A. Approve Joint City Council/Planning and Zoning Meeting Minutes – June 7, 2016**
- B. Approve City Council Meeting Minutes – June 14, 2016**
- C. Approve City Council Workshop Minutes – July 12, 2016**
- D. Approve City Council Meeting Minutes – July 12, 2016**
- E. Approve City Council Workshop Minutes – July 26, 2016**
- F. Approve City Council Special Meeting Minutes – July 27, 2016**

Section III – Business Items

- 7. Discussion/Action – To consider and take action on Resolution No._____, providing authorization for the creation of a Regional Emergency Communication District in a portion of the North Central Texas Council of Governments, a Regional Planning Commission, consistent with the provisions of Subchapter H, Chapter 772, TEX. HEALTH AND SAFETY CODE. (CA Rountree).**
- 8. Discussion/Action – To consider and take action on Resolution No._____, providing authorization for the execution by the City of an Interlocal Cooperation Agreement with Parker County, TX, pursuant to Chapter 791, TEX. GOVERNMENT CODE, to provide for the mutual participation in certain**

governmental functions, more particularly the repair, maintenance and construction of roads, thoroughfares or streets, as agreed to by the Parties, in or benefiting the City. (R. Neverdousky).

9. Discussion/Action – To consider and approve the policy directive issued by the Interim City Administrator concerning the procedure, protocol and of the receipt of an application requesting rezoning of any tract of land within municipal boundaries, including preliminary determination of compliance with certain planning or policy determinations. (CA Rountree).
10. Consider approval of the City Administrator’s recommendation for a permanent solution to the City’s wastewater issue. (CA Rountree).
11. Reconsider the several submittals to the City of Willow Park Request for Proposals (RFP) for Municipal Package Plant, and Waterwaste Treatment Plans, based on a material variance between the terms specified in the RFP and the terms proposed by the vendor’s proposed contract; authorizing the Mayor to negotiate and execute a contract with a different responding vendor that provides best value for the City. (CA Rountree).
12. Review and discuss certain provisions of the City of Willow Park Employee Handbook. (Mayor Pro Tem Martin).
13. Review and Discuss Fiscal Year 2016-2017 Municipal Budget and certain scheduling items related thereto. (Mayor Pro Tem Martin).

Section IV – Information and Announcements

- A. Mayor’s Report
- B. City Administrator’s Report
 1. TML New Member Orientation Comments
 2. Special Council Meeting August 16
- C. Councilmember Comments

Section V – Executive Session

The City Council reserves the right to adjourn into executive session at any time during the course of the this meeting to discuss an matters listed on the agenda, as authorized by the Texas Government Code, including, but not limited to, Sections 55.1071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), 418.175-183 (Deliberations about Homeland Security Issues), and as authorized by the Texas Tax Code, including, but not limited, Section 321.3022 (Sales Tax Information). The City Council may take action on any agenda item listed for executive session consideration upon reconvening in open session.

14. Executive Session
 - A. Personnel – City Administrator

- B. Consultation with Attorney
- C. Contemplated litigation – Weatherford ETJ
- D. Real Property

15. Council may take action on Executive Session items.

Section VI – Adjournment

16. Adjournment

I certify that the above notice of this meeting posted on the bulletin board at the municipal complex of the City of Willow Park, Texas on or before August 5, 2016 at 5:00 pm

Josh Armstrong
City Secretary, City of Willow Park

If you plan to attend this public meeting and you have a disability that requires special arrangements at this meeting, please contact City Secretary's Office at (817) 441-7108 ext. 6 or fax (817) 441-6900 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.



**City of Willow Park
City Council
Planning & Zoning Commission
Joint Meeting at City Hall
516 Ranch House Rd, Willow Park, TX 76087
Tuesday, June 7, 2016 7:00 pm
Minutes**

Section I – Presentations

1. Call to Order
 - A. Planning and Zoning Commission
 - B. City Council

Mayor Neverdousky called the meeting to order at 7:00 p.m.

Determination of Quorum

Mayor Richard Neverdousky
Councilmember Gene Martin
Councilmember Greg Runnebaum
Councilmember John Gholson
Councilmember Marcy Galle

Commissioner Chair Higdon
Commissioner Bruton
Commissioner McCulley
Commissioner Melanson

Staff Present:
City Administrator Bobby Rountree
City Attorney Rider Scott
City Secretary Josh Armstrong
Jamie Wehunt

2. Invocation & Pledge of Allegiance

Mayor Neverdousky started the meeting with the invocation and by leading the room in the Pledge of Allegiance.

Section II – Public Hearing

3. Public Hearing on an application by Kirkman Engineering, acting on behalf of Crown Valley Acquisition South, L.P., to rezone that certain 82.3 acres, more or less, situated, in and being a portion of, Ann

McCarver Survey, Abstract No. 910, Parker County, Texas and being a portion of the M Edwards Survey, Abstract No. 1955, and the W. Franklin Survey, Abstract No. 468 known as the "Crown Bluffs of Willow Park" from "Class 2 – Residential: R-1 Single Family District" classification and use designation to "Class 2 -Residential: R-5 Single Family Medium Density Zoning District" classification and use designation

***Joint Public Hearing opened at 7:04 p.m.

***Glenn Balog addressed the council opposing the zoning change.

***Ella Bullock addressed the council opposing the zoning change.

***J.R. Cox addressed the council opposing the zoning change.

***Tamara Deen addressed the council opposing the zoning change.

***Brandy Dunn addressed the council opposing the zoning change.

***David Eells addressed the council opposing the zoning change.

***Amy Fennell addressed the council opposing the zoning change.

***Mitzi Gholson addressed the council opposing the zoning change.

***John Ieronymides addressed the council and provided a petition opposing the zoning change.

***Joint Public Hearing closed at 7:35 p.m.

Section III – General Business

- A. Planning and Zoning reconvenes into Open Session
- B. City Council to Recess from Public Hearing
- C. Planning and Zoning Commission to consider

***Councilmember Martin made a motion for council to recess.

Seconded by Councilmember Gholson

Aye votes: Councilmembers Martin, Runnebaum, Gholson, Galle

Motion passed with a vote of 4-0

*** Planning and Zoning reconvenes into Open Session at 7:38 p.m.

1. Discussion/Action: To consider and make recommendation to the City Council regarding a zoning change from: "Class 2 – Residential: R-1 Single Family District classification and use designation to Class 2 Residential R-5 Single Family Medium Density Zoning District classification and use designation for that certain 82.3 acres or land, more or less, more commonly referred to as "Crown

Bluffs in Willow Park,” single family residential development, located in the M Edwards Survey, Abstract No. 1955, the W. Franklin Survey, Abstract No. 68, and the Ann McCarver Survey, Abstract No. 910 in the City of Willow Park, Texas.

***Commissioner McCulley moved to deny the zoning change from R-1 to R-5.

Seconded by Commissioner Melanson
Aye votes: Commissioners Higdon, McCulley, Melanson
Commissioner Bruton abstained
Motion passed with a vote of 3-0-1

2. Discussion/Action: To consider and make a recommendation to City Council concerning the application for a Final Plat for The Bluffs, a proposed subdivision of the City, approximately 82.3 acres of land, more or less, located in the A. McCarver Survey, Abstract No. 910, the M. Edwards Survey, Abstract No. 1955 and, the W. Franklin Survey, Abstract No. 468 and being all of a tract of land as described by deed to Crown Valley Acquisition, South L.P. as recorded in Volume 2317, Page 1856 Deed Records Parker County, Texas, generally located east and south of Crown Road, and north of Royal View Drive, City of Willow Park, Parker County, Texas.

***Commissioner Melanson moved to deny the final plat.

Seconded by Commissioner McCulley
Aye votes: Commissioners Higdon, McCulley, Melanson
Commissioner Bruton abstained
Motion passed with a vote of 3-0-1

Section IV – Planning and Zoning Commission

A. Motion to Adjourn

***Commissioner Higdon made a motion to adjourn.

Seconded by Commissioner Melanson
Aye votes: Commissioners Bruton, Higdon, McCulley, Melanson
Motion passed with a vote of 4-0

Commissioner Higdon adjourned the Planning and Zoning meeting at 7:58 p.m.

Section V – City Council

- A. City Council Reconvenes into Open Session at 8:18 p.m.
- B. Receive Recommendations from Planning and Zoning Commission
- C. City Council to Consider:

1. Discussion/Action: To consider and take action on Ordinance 731-16, an ordinance of the City of Willow Park, Texas, providing for a zoning change from: "Class 2 – Residential: R-1 Single Family District classification and use designation to Class 2 Residential R-5 Single Family Medium Density Zoning District classification and use designation for that certain 82.3 acres or land, more or less, more commonly referred to as "Crown Bluffs in Willow Park," single family residential development, located in the M Edwards Survey, Abstract No. 1955, the W. Franklin Survey, Abstract No. 468, and the Ann McCarver Survey, Abstract No. 910 in the City of Willow Park, Texas.

***Councilmember Martin made a motion to move this item to another meeting.

Seconded by Councilmember Gholson

Aye votes: Councilmembers Martin, Runnebaum, Gholson, Galle

Motion passed with a vote of 4-0

2. Discussion/Action: Consider and Act on a Final Plat for The Bluffs, a proposed subdivision of the City, approximately 82.3 acres of land, more or less, located in the A. McCarver Survey, Abstract No. 910, the M. Edwards Survey, Abstract No. 1955 and, the W. Franklin Survey, Abstract No. 468 and being all of a tract of land as described by deed to Crown Valley Acquisition, South L.P. as recorded in Volume 2317, Page 1856 Deed Records Parker County, Texas, generally located east and south of Crown Road, and north of Royal View Drive, City of Willow Park, Parker County, Texas.

***Councilmember Martin made a motion to take no action on this item.

Seconded by Councilmember Runnebaum

Aye votes: Councilmembers Martin, Runnebaum, Gholson, Galle

Motion passed with a vote of 4-0

3. Discussion/Action: Adopt Resolution 07-16, an ordinance authorizing the acceptance and execution of the Development Agreement for that certain 82.3-acre subdivision known as "The Bluffs," between Crown Valley Acquisition South, L.P. (Centurion) and the City of Willow Park, Parker County, Texas.

***Councilmember Martin made a motion to take no action on this item.

Seconded by Councilmember Gholson

Aye votes: Councilmembers Martin, Runnebaum, Gholson, Galle

Motion passed with a vote of 4-0

Section V- Executive Session

Section VI – Adjournment

4. Adjournment

***Councilmember Martin made a motion to adjourn.

Seconded by Councilmember Runnebaum

Aye votes: Councilmembers Martin, Runnebaum, Gholson, Galle
Motion passed with a vote of 4-0

Mayor Neverdousky adjourned the meeting at 8:26 p.m.

APPROVED

Richard Neverdousky, Mayor
City of Willow Park, Texas

ATTEST:

Josh Armstrong, City Secretary
City of Willow Park, Texas



**City of Willow Park
City Council
Regular Meeting
City Hall
516 Ranch House Road, Willow Park, TX 76087
Tuesday, June 14, 2016 at 7:00 p.m.
Minutes**

Section I – Presentations

1. Call to Order

Mayor Neverdousky called the meeting to order at 7:00 p.m.

2. Determination of Quorum

Mayor Richard Neverdousky
Councilmember Gene Martin
Councilmember Greg Runnebaum
Councilmember John Gholson
Councilmember Marcy Galle

Staff Present:
City Administrator Bobby Rountree
City Attorney Rider Scott
City Secretary Josh Armstrong

3. Invocation & Pledge of Allegiance

Mayor Neverdousky started off the meeting with the invocation and by leading the room in the Pledge of Allegiance.

4. Citizen Presentations & Public Comment

***John Ieronymides addressed the council regarding an article in the Weatherford Democrat.

Section II – Consent Agenda

5. Approve and Act on Consent Agenda

- A. Approve City Council Meeting Minutes – May 10, 2016**
- B. Approve City Council Special Meeting Minutes – May 17, 2016**

***Councilmember Martin made a motion to approve the city council meeting minutes.

Seconded by Councilmember Runnebaum

Aye votes: Councilmembers Martin, Runnebaum
Councilmembers Gholson and Galle abstained
Motion passed with a vote of 2-0-2

***Councilmember Martin made a motion to approve the city council special meeting minutes.

Seconded by Councilmember Runnebaum
Aye votes: Councilmembers Martin, Runnebaum, Gholson, Galle
Motion passed with a vote of 4-0

Section III – Administration, Planning & Development Items

6. Accept Resignation of Honorable Brian Thornburg, Councilmember Place

***Councilmember Runnebaum made a motion to accept the resignation of the honorable Brian Thornburg, councilmember place 1.

Seconded by Councilmember Martin
Aye votes: Councilmembers Martin, Runnebaum, Gholson, Galle
Motion passed with a vote of 4-0

Section IV – Public Works Items

7. Discussion/Action: Consider and authorize city administrator to obtain cost estimates and initiate the procedural steps necessary to acquire a package wastewater treatment plant.

***Councilmember Runnebaum made a motion to authorize the city administrator to obtain cost estimates and initiate the procedural steps necessary to acquire a package wastewater treatment plant.

Seconded by Councilmember Gholson
Aye votes: Councilmembers Martin, Runnebaum, Gholson, Galle
Motion passed with a vote of 4-0

Section V – Council Requested Items

8. Discuss Resolution No. 04-14 concerning City Council Rules and Procedures.

***Council has asked staff to put together a committee to work on updating this document.

Section VI – Informational

9. Mayor & Council Member Announcements

- A. Proposed formation of three Advisory Committee to facilitate procurement of necessary professional services (e.g., engineer, architect) for: (i) wastewater treatment plant; (ii) street repair or maintenance, and (iii) public safety building.

Wastewater Treatment Plant Advisory Committee: Councilmembers Runnebaum and Galle

Street Repair Advisory Committee: Mayor Neverdousky and Councilmember Hogue

Public Safety Building Advisory Committee: Councilmembers Martin and Gholson

10. City Administrator's Report

- A. Status of the City Administrator search
- B. Proposed Budget Calendar
- C. Parks and Beautification Committee

***Councilmember Runnebaum made a motion to recess into executive session.

Seconded by Councilmember Martin

Aye votes: Councilmembers Martin, Runnebaum, Gholson, Galle

Motion passed with a vote of 4-0

Section VIII – Executive Session

11. Executive Session

- A. Consultation with Attorney
- B. Personnel Matters

***Mayor Neverdousky recessed to executive session at 7:41 p.m.

***Mayor Neverdousky reconvened the meeting session at 8:11 p.m.

12. Other Business, including appointment for City Council vacancy

***Councilmember Gholson made a motion to appoint Norman Hogue to fill the vacated city council seat, place 1.

Seconded by Councilmember Galle

Aye votes: Councilmembers Martin, Runnebaum, Gholson, Galle

Motion passed with a vote of 4-0

Section IX – Adjournment

13. Adjournment

***Councilmember Martin made a motion to adjourn.

Seconded by Councilmember Runnebaum

Aye votes: Councilmembers Martin, Runnebaum, Gholson, Galle

Motion passed with a vote of 4-0

Mayor Neverdousky adjourned the meeting at 8:12 p.m.

APPROVED

Richard Neverdousky, Mayor
City of Willow Park, Texas

ATTEST:

Josh Armstrong, City Secretary
City of Willow Park, Texas



**City of Willow Park
City Council
Workshop
City Hall
516 Ranch House Rd., Willow Park, TX 76087
Tuesday, July 12, 2016 at 5:00 p.m.
Minutes**

1. Call to Order

Mayor Neverdousky called the meeting to order at 5:00 p.m.

2. Determination Of Quorum

Mayor Richard Neverdousky
Councilmember Norman Hogue
Councilmember Gene Martin
Councilmember Greg Runnebaum
Councilmember John Gholson
Councilmember Marcy Galle

Staff Present:

City Administrator Bobby Rountree
City Attorney Rider Scott
City Secretary Josh Armstrong
Budget and Financial Analyst Candy Scott

3. Budget Workshop

***Discussion of FY 2016-2017 Budget

4. Executive Session

A. Personnel Matter

***Mayor Neverdousky recessed to executive session at 6:01 p.m.

***Mayor Neverdousky reconvened the meeting session at 6:59 p.m.

5. Adjournment

Mayor Neverdousky adjourned the meeting at 7:00 p.m.

APPROVED

Richard Neverdousky, Mayor
City of Willow Park, Texas

ATTEST:

Josh Armstrong, City Secretary
City of Willow Park, Texas



**City of Willow Park
City Council
Regular Meeting
City Hall
516 Ranch House Road, Willow Park, TX 76087
Tuesday, July 12, 2016 at 7:00 p.m.
Minutes**

Section I – Presentations

1. Call to Order

Mayor Neverdousky called the meeting to order at 7:00 p.m.

2. Determination of Quorum

Mayor Richard Neverdousky
Councilmember Norman Hogue
Councilmember Gene Martin
Councilmember Greg Runnebaum
Councilmember John Gholson
Councilmember Marcy Galle

Staff Present:
Interim City Administrator Bobby Rountree
Candy Scott
City Attorney Rider Scott

3. Invocation & Pledge of Allegiance

Mayor Neverdousky started the meeting with the invocation and by leading the room in the Pledge of Allegiance.

4. Special Recognitions

- A. Administer the Oath Of Office and formally swear in the newly appointed Municipal Officials
- Councilmember Norman Hogue – Place 1

5. Citizen Presentations & Public Comment

***Amy Fennell presented gift to First Responders

Section II – Consent Agenda

6. Approve and Act on Consent Agenda

- A. Approve Joint City Council/Planning and Zoning Meeting Minutes – June 7, 2016
- B. Approve City Council Meeting Minutes – June 14, 2016

***Councilmember Martin made a motion to hold above item until the next meeting.

Seconded by Councilmember Gholson

Aye votes: Councilmembers Hogue, Martin, Runnebaum, Gholson, Galle

Motion passed with a vote of 5-0

Section III – General Items

- 7. Discussion/Action: Consider and approve Resolution No. 07-16 authorizing the canvassing of returns and declaring the results of a Bond Election (Proposition No. 1 and 2) on the Municipal Election Ballot of May 7, 2016.

***Councilmember Martin made a motion to approve Resolution 07-16, and the effective date to be 7-12-16 given both propositions passed.

Seconded by Councilmember Runnebaum

Aye votes: Councilmembers Hogue, Martin, Runnebaum, Gholson, Galle

Motion passed with a vote of 5-0

- 8. Discussion/Action: Receive Municipal Fiscal Year 2015-2016 Financial Audit.

***Councilmember Runnebaum made a motion to accept Audit.

Seconded by Councilmember Marcy

Aye votes: Councilmembers Hogue, Martin, Runnebaum, Gholson, Galle

Motion passed with a vote of 5-0

- 9. Discussion/Action: Consider and approve the appointment by the Mayor of Mike LaNoir to the office of the Municipal Fire Chief.

***Councilmember Gholson made a motion to approve Mike LaNoir to the office of the Municipal Fire Chief.

Seconded by Councilmember Martin

Aye votes: Councilmembers Hogue, Martin, Runnebaum, Gholson, Galle

Motion passed with a vote of 5-0

Section IV- Planning & Development Items

- 10. Discussion/Action: Approve Site Plan for “The Shops at Willow Park” approximately 10.44 acre tract of land situated in the Wesley Franklin Survey, Abstract No. 468, City of Willow Park, Parker County, Texas and being further described as a portion of Lot 1, Block B, Crown Pointe Addition generally located at the intersection of Interstate Highway 20 and Crown Pointe Boulevard, northeast corner.

*** Councilmember Martin made a motion to approve Site Plan for “The Shops at Willow Park”.

Seconded by Councilmember Runnebaum and Gholson

Aye votes: Councilmembers Hogue, Martin, Runnebaum, Gholson, Galle

Motion passed with a vote of 5-0

Section V- Public Works Items

11. Discussion/ Action: Receive and consider the submittals in response to the municipal Request for proposals for a Municipal Package Plant, Wastewater Treatment Plant, including the approval of an award to best value submittal.

*** Councilmember Gholson made a motion to approve proposals, allow Mayor to execute and sign lease agreement, and that the method of finance recommended by staff be approved.

Seconded by Councilmember Marcy

Aye votes: Councilmembers Hogue, Martin, Runnebaum, Gholson, Galle

Motion passed with a vote of 5-0

12. Discussion/Action: Receive and consider the submittals in response to the municipal Request for Proposals Water System improvements, including the approval of an award to best value submittal.

*** Councilmember Marcy made a motion to approve submittals for Water System Improvements. Authorizing Mayor to execute Contract, award of best value to Housley community base bid, which means removing all of added alternate B and a proportionate reduction of unit cost of added alternate A to a sum total of \$56,483. Also to approve the method of finance to be existing and approved financing from TWDB.

Seconded by Councilmember Martin

Aye votes: Councilmembers Hogue, Martin, Runnebaum, Gholson, Galle

Motion passed with a vote of 5-0

13. Discussion/Action: Consider Resolution No. 08-16 authorizing the City as a member of the Parker Count Appraisal District (PCAD), to approve PCAD construction of or addition of approximately 3500 square feet of useable space to the PCAD existing structure at a cost not to exceed 750,000.

*** Councilmember Martin made a motion to accept Resolution 08-16, adding sec 2., that The Governing body authorizes payment in accordance with the PCAD annual cost and allocation provided as of June 26, 2016.

Seconded by Councilmember Runnebaum

Aye votes: Councilmembers Hogue, Martin, Runnebaum, Gholson, Galle

Motion passed with a vote of 5-0

Section VI – Council Requested Items

*** No council items

Section VII – Informational

14. Mayor & Council Member Announcements

*** No announcements

15. City Administrator's Report

- A. City Administrator Search
- B. Public Safety Building Architects selection process
- C. Texas Municipal League:
 - New Council Member orientation Granbury, July 28/29
 - Annual Conference, October 4/7, Austin

Section VIII – Executive Session 8:05pm

The City Council reserves the right to adjourn into executive session at any time during the course of the this meeting to discuss an matters listed on the agenda, as authorized by the Texas Government Code, including, but not limited to, Sections 55.1071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development),418.175-183 (Deliberations about Homeland Security Issues), and as authorized by the Texas Tax Code, including, but not limited, Section 321.3022 (Sales Tax Information). The City Council may take action on any agenda item listed for executive session consideration upon reconvening in open session.

16. Executive Session

- A. Consultation with Attorney
- B. Contemplated Litigation
- C. Real Property

Section IX – Adjournment

17. Adjournment

***Councilmember Martin made a motion to adjourn.

Seconded by Councilmember Runnebaum

Aye votes: Councilmembers Hogue, Martin, Runnebaum, Gholson, and Galle

Motion passed with a vote of 5-0

Mayor Neverdousky adjourned the meeting at 9:30 p.m.

APPROVED

Richard Neverdousky, Mayor
City of Willow Park, Texas

ATTEST:

Josh Armstrong, City Secretary
City of Willow Park, Texas



**City of Willow Park
City Council
Workshop
City Hall
516 Ranch House Rd., Willow Park, TX 76087
Tuesday, July 26, 2016 at 5:00 p.m.
Minutes**

1. Call to Order

Mayor Neverdousky called the meeting to order at 5:00 p.m.

2. Determination Of Quorum

Mayor Richard Neverdousky
Councilmember Norman Hogue
Councilmember Gene Martin
Councilmember Greg Runnebaum
Councilmember John Gholson
Councilmember Marcy Galle

Staff Present:

City Administrator Bobby Rountree
City Secretary Josh Armstrong
Budget and Financial Analyst Candy Scott

3. Budget Workshop

***Discussion of FY 2016-2017 Budget

4. Adjournment

Mayor Neverdousky adjourned the meeting at 8:33 p.m.

APPROVED

Richard Neverdousky, Mayor
City of Willow Park, Texas

ATTEST:

Josh Armstrong, City Secretary
City of Willow Park, Texas



**City of Willow Park
City Council
Special Called Meeting
City Hall
516 Ranch House Rd., Willow Park, TX 76087
Wednesday, July 27, 2016 at 9:45 a.m.
Minutes**

1. Call to Order

Mayor Neverdousky called the meeting to order at 9:45 a.m.

2. Determination Of Quorum

Mayor Richard Neverdousky
Councilmember Norman Hogue
Councilmember Gene Martin
Councilmember Greg Runnebaum
Councilmember John Gholson
Councilmember Marcy Galle

Staff Present:
City Administrator Bobby Rountree

3. Executive Session

A. Personnel – City Administrator

***Mayor Neverdousky recessed to executive session at 9:55 a.m.

***Interviewed Scott Wall

***Interviewed Mike Peacock

***Interviewed Mark Kaiser

***Interviewed Susan Guthrie

4. Open Meeting

***Mayor Neverdousky reconvened the meeting session at 4:15 p.m.

5. Adjournment

Mayor Neverdousky adjourned the meeting at 4:17 p.m.

APPROVED

Richard Neverdousky, Mayor
City of Willow Park, Texas

ATTEST:

Josh Armstrong, City Secretary
City of Willow Park, Texas

CITY OF WILLOW PARK RESOLUTION

A RESOLUTION AUTHORIZING THE CREATION OF THE NORTH CENTRAL TEXAS
REGIONAL 9-1-1 EMERGENCY COMMUNICATIONS DISTRICT

WHEREAS, Chapter 772, Subchapter H, of the Texas Health and Safety Code, cited as the Regional Emergency Communications District Act (the “act”), provides the creation of a Regional Emergency Communications District: and

WHEREAS, the act applies to a state planning region established under Chapter 391 of the Texas Local Government Code with a population of under 1.5 million, composed of counties and municipalities that operate a 9-1-1 system solely through a regional planning commission: and

WHEREAS, the Act requires that the governing bodies of each participating county and municipality in the region adopt a resolution approving the creation of the Regional Emergency Communications District (the “District”): and

WHEREAS, as of (xx xx, year), the City of Willow Park exclusively receives 9-1-1 system services operated through the North Central Texas Council of Governments, a regional planning commission;

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF WILLOW PARK
AUTHORIZES THE CREATION OF THE NORTH CENTRAL TEXAS REGIONAL 9-1-1
EMERGENCY COMMUNICATIONS DISTRICT**

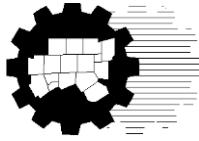
Passed and approved on the ___ day of ___, 20xx at a regularly scheduled Council Meeting of the City of Willow Park, Texas.

APPROVED:

Mayor

ATTEST:

City Secretary



North Central Texas Council Of Governments

Richard Neverdousky
Mayor
City of Willow Park
516 Ranch House Road
Willow Park, TX 76087

Dear Richard Neverdousky,

The North Central Texas Council of Governments (NCTCOG) currently administers the State's 9-1-1 Program for your city/county, as directed by legislation enacted in 1987. NCTCOG is recognized nationally as a leader in the provision of 9-1-1 services. They have more than met the legislative charge of providing emergency dispatch centers with the latest and best available equipment and technology; and assuring that this equipment and technology is operating or backed up on a 24 hour/365 day basis. Additionally, they have actively assisted with the training and certification of dispatch center personnel.

I am writing this letter to you on behalf of the NCTCOG 9-1-1 Regional Advisory Committee, which is made up of elected and appointed officials from the entities which are served by the NCTCOG 9-1-1 program. We believe there is a positive opportunity for the participants in the NCTCOG program to have a real and larger impact on policy and fiscal matters than is now available through the state administrative program.

In the most recent legislative session, the Health and Safety Code was amended by SB 1108/HB 3462 to permit Councils of Governments/Regional Planning Commissions to establish Regional Emergency Communications Districts (ECD). We see a lot of potential advantages and opportunities that would be to our benefit by creating an ECD. I will attempt to lay out our reasoning in the following paragraphs.

Currently, our citizens and businesses are charged 50 cents on their phone bills to pay for 9-1-1 services. This money is remitted to and held by the state until the legislature appropriates all or part of the funds collected to the Texas Commission on State Emergency Communications (CSEC). CSEC then allocates these funds to councils of governments. The problem is that the Legislature does not always appropriate all of the funds collected, but rather retains some of the funds to show (on paper) a balanced state budget. Currently, the state is holding over \$150 million. Over 15% of this amount has been collected from our Region.

If we were to create an ECD, the monies collected through the maximum 50 cent fee would be remitted in their entirety to this district. The major benefit from this, aside from all the funds collected in our region coming back to it, is that a long-range strategic plan could be adopted outlining future capital improvements and replacements for our dispatch centers based on a known and reliable stream of revenue. Under the present situation, we have no certainty of the amount of funding that the region will receive during any given biennium. This results in a lot of inefficiencies because long-term planning for capital equipment is difficult to do.

The other major benefit to be realized from having our own district is one of local control. Policy and budgetary matters would be decided by a Board of Directors consisting of local elected officials from entities served by NCTCOG's 9-1-1 Program. An initial ECD Board of Directors consisting of a representative from participating entities would meet to determine the size of the permanent Board, and the qualifications of its members. At least two-thirds of the initial Board members must be elected officials.

616 Six Flags Dr, CenterPoint Two
P.O. Box 5888, Arlington, Texas 76005-5888
(817) 640-3300 FAX: 817-640-7806
www.nctcog.org

The new law specifies that councils of governments, NCTCOG in our case, will continue as staff to the district. This assures that there will be no disruption to the current services provided to our citizens and businesses through the already existing dispatch centers.

The new law requires that the governing body of each entity now served by a councils of governments pass a resolution calling for the creation of an ECD. Many of our entities have already indicated an interest in doing so. Thus, the Regional Advisory Council is now reaching out to everyone to see if there is a broader interest in creating a district. Please use the enclosed form to let us know of your preference and/or if you would like to have a meeting to learn more about this matter and to get any questions answered. Also enclosed is a sample resolution, which can be used if you are ready to support the creation of an EDS. The final enclosure is a membership list for the Regional Advisory Committee. Please submit your response forms or resolutions to Mike Eastland, the NCTCOG Executive Director, using the contact information below. I would also encourage you to call me at 903-408-4146, if you have any questions. Other members of the Advisory Committee will be happy to receive inquiries.

Yours Truly,

A handwritten signature in black ink, appearing to read "John Horn". The signature is fluid and cursive, with a large loop at the beginning and a long tail.

John Horn
County Judge, Hunt County
Chair, 9-1-1 Regional Advisory Committee

Contact information for Mike Eastland is:
Mailing Address: PO Box 5888, Arlington, Texas 76005
Email Address: meastland@nctcog.org
Phone: 817-695-9101
Fax: 817-704-2543

Enclosures:
Questionnaire Form
Resolution
9-1-1 Regional Advisory Committee Membership List
Frequently Asked Questions

Emergency Communications District Questionnaire

The County/City of _____ supports the creation of an Emergency Communications District and plans to consider the passage of a resolution in favor of the district.

The County/City of _____ is interested in the creation of an Emergency Communications District for North Central Texas, but wants to participate in a meeting to get more information before considering a resolution in favor of the District.

The County/City of _____ does not support the creation of an Emergency Communications District.

Please send your response by mail, email, or fax to:

Mike Eastland
PO Box 5888, Arlington, Texas 76005
Email Address: meastland@nctcog.org
Phone: 817-695-9101
Fax: 817-704-2543

9-1-1 Regional Advisory Committee Members:

Chair: Judge John Horn (Hunt County)
Vice-Chair: Judge Bruce Woods (Kaufman County)
Major Pam Palmisano (Collin County Sheriff's Department)
Brett Latta (Navarro County Sheriff's Department)
Judge Craig Johnson (Wise County)
Chief Michael Jennings (City of Dublin)
Judge Danny Chambers (Somervell County)
Patrick Adams (City of Mineral Wells)
Sheriff Roger Deeds (Hood County)
Chief Mike Manning (Parker County)
Commissioner Jerry Stringer (Johnson County)
Chief Mark Poindexter (Rockwall County)
Chief Victor Kemp (Dallas County)
Chief Carl Smith (Ellis County)
Mayor Steve Terrell (City of Allen)
Chief Deputy Brian Peterson (Somervell County)

Term Expiration:

December 2016

Sheriff Rodger Deeds – Representing Hood County
Mayor Steve Terrell – Representing Urban County

December 2017

Patrick Adams – Representing Palo Pinto County
Judge John Horn – Representing Hunt County
Judge Bruce Woods – Representing Kaufman County

December 2018

Chief Mike Manning – Representing Parker County
Chief Mark Poindexter – Representing Rockwall County
Chief Victor Kemp – Representing Dallas County
Commissioner Jerry Stringer – Representing Johnson County
Judge Danny Chambers – Representing Somervell County
Chief Carl Smith – Representing Ellis County
Chief Deputy Brian Peterson – Representing Rural County

December 2019

Major Pam Palmisano - Representing Collin County
Captain Brett Latta - Representing Navarro County
Chief Michael Jennings – Representing Erath County
Judge Craig Johnson – Representing Wise County

Creation of a Regional Emergency Communications District

Frequently Asked Questions

What is a regional emergency communication district?

A regional emergency communication district is composed of counties and municipalities that operate a 9-1-1 system solely through a council of governments/regional planning commission.

What is required to start the process of creating a regional emergency communication district?

Each county and municipality currently provided 9-1-1 services by the North Central Texas Council of Governments (NCTCOG) must pass a resolution calling for the creation of a district.

How is a governing board formed?

Once all resolutions have been submitted, a meeting will be called and a representative from each county and municipality will be invited to attend for the purpose of determining the appropriate size of a governing board and the qualifications of its members. (At least 2/3 of these representatives must be elected officials.)

What are the responsibilities and powers of the governing board?

- To set policies for the district.
- Adopt an annual budget.
- Adopt bylaws, rules and procedures governing operation of the district.

How is the district staffed?

NCTCOG remains responsible for the day to day administration and operations of the district with services to be provided by its professional 9-1-1 staff.

Does the creation of a district create another level of government with taxing power?

- No, NCTCOG is already providing 9-1-1 support services to the same counties and municipalities that would be members of the district.
- No, the district by state law is prohibited from levying and collecting a tax.

How would the district be funded?

The district would be funded by a maximum fee of \$.50 on telephone bills. All revenue would be remitted to the district.

How does this differ from the current funding method?

- The \$.50 fee remains the same.
- The difference is all of the revenues would come directly to the district for 9-1-1 services.
- Currently, the revenues are sent to the State Comptroller and remain there until the Legislature appropriates them to the Commission on State Emergency Communications (CSEC) for disbursement to Councils of Governments across the state.
- The problem is the Legislature often does not appropriate all of the monies that have been collected from across the state, in fact, the state is holding approximately \$150 million dollars which could be used for 9-1-1 purposes as it is intended.

Creation of a Regional Emergency Communications District

Frequently Asked Questions

What are the benefits of being a district?

- Local elected officials would have the authority and responsibility of determining the highest and best use of the revenue to best serve 9-1-1 needs.
- Local elected officials would establish the policies and rules for delivery of 9-1-1 services in the region rather than a state commission, CSEC.
- Better predictability of the amount of funds that will be available in future years, enables local officials to develop a longer range financial plan for capital expenditures which will bring about greater efficiency in the use of the revenue.
- Ability to enter into cooperative agreement with other 9-1-1 entities.

Are there any negative impacts that a district would have on public safety providers as a result of not being state controlled?

No, the same services will continue as they have in the past. Call routing will remain the same as it now exists. After hours support and maintenance will continue to be provided by the highly trained and dedicated technical professionals on a 24 x 7 x 365 basis.

Are there any limitations on the ability for a district to be created?

- The combined population of the entities to be served cannot exceed 1.5 million as of September 2015.
- The Texas State Demographer's population estimates, which are the official numbers used by CSEC, were presented to the Legislature at the time the enabling legislation was passed and confirmed that the 1.5 million population provision was met by NCTCOG.

THE STATE OF TEXAS

INTERLOCAL AGREEMENT

COUNTY OF PARKER

BACKGROUND

This Interlocal Agreement is between County of PARKER (“COUNTY”), and the City of Willow Park (“CITY”);

Sections 791.001 – 791.032 of the Texas Government Code provide legal authority for this Agreement;

During the performance of the governmental functions and the payment for the performance of those governmental functions, the parties will make the performance and payment from current revenues legally available to that party; and

The Commissioners Court of the COUNTY and the City Council of the CITY each find:

- a. This Agreement serves the common interest of both parties;
- b. This Agreement will benefit the public;
- c. The division of costs fairly compensates both parties to this Agreement; and
- d. The CITY and COUNTY have authorized their representative to sign this Agreement.
- e. This agreement does not limit the City’s authority to repair or maintain any part of its streets or roads without use of County assistance.

The Parties therefore agree as follows:

TERMS AND CONDITIONS

1. COUNTY RESPONSIBILITY

1.1 The County agrees to perform road repair, maintenance and construction. The roads and streets to be repaired, maintained, or constructed and work to be performed, shall be specifically described by an **Addendum** to this Agreement, which shall be signed and dated by the Mayor upon approval of the City Council of the municipality in which the work is to be performed and signed and dated by the County Judge upon approval of the Commissioner’s Court. A copy of said **Addendum** shall be filed with the City Secretary and Commissioner’s Court.

- 1.2 County agrees to perform minor repairs without an addendum as long as cumulative actual costs for repairs, equipment, material and labor do not exceed \$1,000.00 for the total project. County will schedule and complete the work in a reasonable time upon receipt of the request.
- 1.3 The County agrees to use County equipment and labor to repair and maintain the aforementioned streets or public roads.
- 1.4 The County may provide materials for repair and maintenance of said roads, if not, then the City may obtain, haul and transport any materials needed for repair and maintenance.
- 1.5 The County agrees to keep accurate record of the equipment and labor, used in repair or maintenance of said roads and present same to City with monthly bills for the cost of use of equipment and labor. Copies of invoices or bills for materials and cost of transportation of same shall be presented monthly for reimbursement to the City Secretary.

2. CITY RESPONSIBILITY

- 2.1 CITY will furnish all materials for the project and pay trucking charges except as provided Section 1.4 above.
- 2.2 CITY will furnish a site for dumping waste materials generated during this project.
- 2.3 CITY will furnish all rights of way, plan specifications and engineering drawings.
- 2.4 CITY will furnish necessary traffic controls including Type A barricades to redirect traffic flow to alternate lanes during the construction phase of the project; and
- 2.5 CITY will provide temporary driving lane markings.
- 2.6 If a Storm Water Pollution Prevention Plan is required, the CITY will be responsible for the design and development of the Plan. CITY will pay for all cost (including subcontractor materials, labor and equipment) associated with the implementation and maintenance of the Plan.
- 2.7 CITY agrees to pay actual cost of equipment use and man-hours incurred, calculated using the current year FEMA rate schedule. Material cost will be calculated based on the purchase price. Upon completion of work performed by the County, the Department Head responsible for such work shall prepare and deliver an invoice to the County Treasurer who will send the City a bill. The County and the City Department Head responsible for supervising work under this Agreement shall complete and file such work orders on such form as prescribed by the City Secretary. In the event that repairs and maintenance is not done with such regularity as to make monthly

billing of the City practicable, then billing shall be done at the conclusion of each job. City shall pay costs of labor, use of equipment and materials and transportation within 45 days of receipt of said bills. The County Treasurer or if none the County Auditor shall be the agent for the County for receipt of said bills.

3. PROCEDURES DURING PROJECT

COUNTY retains the right to inspect and reject all materials provided for this project if provided by the CITY.

If the CITY has a complaint regarding the construction of the project, the CITY must complain in writing to the COUNTY within 30 days of project completion. Upon expiration of 30 days after project completion, the CITY becomes responsible for maintenance of the project.

4. NO WAIVER OF IMMUNITY

This agreement does not waive COUNTY rights under a legal theory of sovereign immunity. This agreement does not waive CITY rights under a legal theory of sovereign immunity.

5. OPTIONAL SERVICES

- 5.1 If requested by CITY, the COUNTY may apply permanent striping;
- 5.2 If necessary, COUNTY may furnish flag persons;
- 5.3 If required, the CITY will pay for engineering services, storm water run-off plans, and continuation of services and plan;
- 5.4 If a Storm Water Prevention Plan is provided by CITY, COUNTY will be responsible for the implementation and maintenance of the Plan during the duration of the project.

6. TIME PERIOD FOR COMPLETION

CITY will give the COUNTY notice to proceed at the appropriate time. However, COUNTY is under no duty to commence construction at any particular time. It is also understood that the County must give priority to its own network of public roads and that this contract does not require the County to divert its resources to maintenance of City streets or roads when such diversion would cause neglect of County road maintenance.

7. THIRD PARTY

The parties do not enter into this agreement to protect any specific third party. The intent of this agreement excludes the idea of a suit by a third party beneficiary.

The parties to this agreement do not consent to the waiver of sovereign immunity under Texas law to the extent any party may have immunity under Texas law.

8. JOINT VENTURE & AGENCY

The relationship between the parties to this agreement does not create a partnership or joint venture between the parties. This agreement does not appoint any party as agent for the other party.

9. EFFECTIVE DATE

This agreement becomes effective when signed by the last party whose signature makes the agreement fully executed. This contract shall be renewed annually; however, it may be terminated at any time by either party upon 10 days written notice to the other party. The Mayor and the County Judge shall be agents of the parties for the receipt of such notice.

COUNTY OF PARKER

CITY OF WILLOW PARK

COUNTY JUDGE
Date: _____

Authorized City Official
Date: _____

COMMISSIONER, PRECINCT FOUR

Attest:

Attest:

APPROVED AS TO FORM*

APPROVED AS TO FORM AND
LEGALITY

COUNTY ATTORNEY

CITY ATTORNEY

By law, the County Attorney's Office may only approve contracts for its clients. We reviewed this document from our client's legal perspective. Other parties may not rely on this approval. Instead those parties should seek contract review from independent counsel.

MEMO

To: Mayor and City Council
From: Bobby Rountree, Interim City Administrator
Subject: Permanent Wastewater Solution Recommendation
Date: August 5, 2016

At the June 14, 2016 City Council meeting I requested council to allow sixty days for the staff and I to explore the lease of a wastewater treatment package plant and to explore the options for a permanent wastewater solution. Council has taken action on the lease of a WWT package plant. I anticipate the WWT package plant to be in operation the first quarter of 2017.

I have had discussions with representatives of TRWD and understand their support of regionalization for wastewater treatment. I also understand that the regionalization study for wastewater treatment was done several years ago and most of the communities have gone their own way, for example Aledo and Annetta built or purchased their own plants and Hudson Oaks has joined with Weatherford.

I have explored the options for a permanent wastewater solution and have worked with the City Engineer to provide the cost estimates for these options.

I understand that WP held discussions with Weatherford for a couple of years regarding wastewater treatment. I personally visited with the Weatherford City Manager to determine the possibility of reopening those discussions and received a negative response.

I explored the possibilities of partnering with the cities of Aledo and/or Ft. Worth. The City of WP would spend millions of dollars (estimates of \$14M to \$15M) on land acquisition and infrastructure to pipe and pump the wastewater to these cities. If we partnered with either of these cities, the city of WP would lose local control of its future wastewater rates with no economically feasible way to get out of the agreement.

In my opinion, acquiring a permanent location and constructing a wastewater plant to be owned and operated by the city of WP is the most viable solution. It is the most cost effective (\$10M to \$12M) and WP maintains local control of its rates.

Attached is a "no objection" letter from TCEQ regarding the installation of the temporary package plant. Note the next to the last paragraph in the TCEQ letter, "This arrangement is temporary and upon construction and operation of the new facility, authorized under an amended permit, the package plant shall be decommissioned and removed from the site following the closure procedure stated in the permit."

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

July 27, 2016

Protecting Texas by Reducing and Preventing Pollution

Mr. Derek Turner, P.E.
Jacob & Martin, LLC
1508 Santa Fe Drive, Suite 203
Weatherford, Texas 76086

Re: City of Willow Park - TPDES Permit No. WQ0013834001, TX0099732
(CN600666374; RN101920585)

Dear Mr. Turner:

Thank you for your letter dated June 22, 2016 regarding the proposed City of Willow Park's plan to replace the existing and deteriorating City of Willow Park Wastewater Treatment Facility with a package wastewater treatment plant and operate this plant while the City is looking for a permanent solution. Our database search did not return a Permit No. WQ0013034001 for the City of Willow Park. Instead, the Texas Commission on Environmental Quality (TCEQ) Central Registry provided a TPDES Permit No. WQ0013834001 issued to the City of Willow Park that authorizes the City to treat and discharge wastes from the Willow Park Wastewater Treatment Facility. We are therefore responding to your letter based on the provisions of TPDES Permit No. WQ0013834001, expiring on September 1, 2016, and with an amendment application received on May 13, 2016.

It is our understanding that the proposal to replace the existing City of Willow Park Wastewater Treatment Facility with an activated sludge package plant will be in compliance with all of the requirements of 30 TAC Chapter 217. Based on the site plan for the replacement facility to the existing plant submitted, we are also made aware that the proposed installation does not affect the buffer zone requirement of the aforementioned TPDES permit. The package plant shall be specifically designed to meet the current permit effluent limitations including flow, while maintaining the same discharge point as in the existing permit. The installation and operation of the said plant shall meet all terms and conditions of a valid permit.

Mr. Derek Turner, P.E.
Page 2
July 27, 2016

Cognizant of these facts, TCEQ poses no objection to the proposed installation and operation of the package plant at this time. However, please note that prior to installation, the City of Willow Park is required to submit to the TCEQ Wastewater Permitting Section (MC 148) a summary transmittal letter in accordance with the requirements in 30 TAC Section 217.6(d) and receive an approval letter. If requested by the Wastewater Permitting Section, the permittee shall submit plans, specifications and a final engineering design report which comply with 30 TAC Chapter 217, Design Criteria for Wastewater Treatment Systems. Before operating the plant, the City shall also send notification of commencement of operation to the TCEQ Regional Office (MC Region 4).

This arrangement is temporary and upon construction and operation of the new facility, authorized under an amended permit, the package plant shall be decommissioned and removed from the site following the closure procedure stated in the permit.

If you have any comments or questions, please contact me at (512) 239-4540 or if by correspondence, include MC 148 in the letterhead address following my name.

Sincerely,



Firoj Vahora, Team Leader
Municipal Permits Team
Wastewater Permitting Section (MC 148)
Water Quality Division
Texas Commission on Environmental Quality

FV/JDC/sh

cc: City of Willow Park, 516 Ranch House Road, Willow Park, Texas 76087-7626

CITY OF WILLOW PARK

EMPLOYEE HANDBOOK

Approved September 2015



TABLE OF CONTENTS CITY OF WILLOW PARK EMPLOYEE HANDBOOK

| | |
|---|-----------|
| EMPLOYEE ACKNOWLEDGMENT FORM | 7 |
| A WARM WELCOME | 8 |
| SECTION 1 INTRODUCTION AND KEY POLICIES | 9 |
| 1.1 INTRODUCTION | 9 |
| 1.2 MANAGEMENT AUTHORITY | 9 |
| 1.3 EMPLOYMENT AT WILL | 9 |
| 1.4 EEO, SEXUAL AND OTHER UNLAWFUL HARASSMENT & COMPLAINT PROCEDURE | 10 |
| 1.5 REQUESTS FOR ACCOMMODATION | 12 |
| SECTION 2 ADMINISTRATION | 13 |
| 2.1 JOB DESCRIPTIONS AND APPLICATIONS | 13 |
| 2.2 EMPLOYMENT CATEGORIES | 13 |
| 2.3 IMMIGRATION LAW COMPLIANCE | 16 |
| 2.4 EMPLOYMENT OF RELATIVES/NEPOTISM | 16 |
| 2.5 PERSONNEL RECORDS | 17 |
| 2.6 OTHER EMPLOYMENT | 19 |
| 2.7 CONFLICTS OF INTEREST | 19 |
| 2.8 VISITORS IN THE WORKPLACE | 15 |
| 2.9 EMERGENCY CLOSING/INCLEMENT WEATHER POLICY | 15 |
| 2.10 TRAINING | 16 |
| 2.11 PURCHASING/PURCHASE ORDER SYSTEM | 16 |
| 2.12 TRAVEL AND REIMBURSEMENT | 16 |
| 2.13 PROFESSIONAL MEMBERSHIPS AND SUBSCRIPTIONS | 17 |

| | |
|--|-----------|
| 2.14 PROBATIONARY EMPLOYEES | 18 |
| 2.15 RECRUITMENT PROCESS | 19 |
| 2.16 BACKGROUND CHECKS | 20 |
| 2.17 MEDICAL EXAMINATIONS/FITNESS FOR DUTY | 22 |
| 2.18 CONFIDENTIALITY OF MEDICAL INFORMATION | 22 |
| 2.19 POLYGRAPH EXAMINATIONS | 22 |
| | |
| SECTION 3 WAGE AND SALARY POLICIES | 23 |
| | |
| 3.1 EMPLOYEE COMPENSATION PLAN | 23 |
| 3.2 PAY SCHEDULE | 23 |
| 3.3 BASIS FOR ANNUAL COMPENSATION | 23 |
| 3.4 GENERAL OVERTIME POLICY | 23 |
| 3.5 COMPENSATORY TIME FOR NONEXEMPT EMPLOYEES | 24 |
| 3.6 COMPENSATORY TIME FOR EXEMPT EMPLOYEES | 25 |
| 3.7 PAYROLL DEDUCTIONS | 25 |
| 3.8 AUTOMATIC BANK DEPOSITS | 25 |
| 3.9 TIMEKEEPING/TIME SHEETS | 26 |
| 3.10 ON-CALL & CALL BACK | 26 |
| | |
| SECTION 4 OPERATING HOURS AND ATTENDANCE | 28 |
| | |
| 4.1 REGULAR HOURS | 28 |
| 4.2 ADJUSTMENT TO WORK HOURS | 28 |
| 4.3 MEAL PERIODS AND BREAKS | 28 |
| 4.4 EMERGENCY SERVICES DEPARTMENT WORK HOURS | 28 |
| 4.5 ATTENDANCE RECORDS | 29 |
| 4.6 ATTENDANCE AND PUNCTUALITY | 29 |

| | | |
|---------------------|--|-----------|
| SECTION 5 | EMPLOYEE BENEFITS | 30 |
| 5.1 | EMPLOYEE BENEFITS - OVERVIEW | 30 |
| SECTION 5 A. | EMPLOYEE BENEFITS/TIME AWAY FROM WORK | 30 |
| 5.2 | PAID VACATION LEAVE | 30 |
| 5.3 | HOLIDAYS | 32 |
| 5.4 | SICK LEAVE | 34 |
| 5.5 | SICK LEAVE BANK | 36 |
| 5.6 | BEREAVEMENT LEAVE | 38 |
| 5.7 | JURY DUTY LEAVE | 39 |
| 5.8 | WITNESS DUTY LEAVE | 39 |
| 5.9 | MILITARY LEAVE | 39 |
| 5.10 | AUTHORIZED LEAVE WITHOUT PAY | 42 |
| 5.11 | ON-THE-JOB INJURY LEAVE | 43 |
| 5.12 | FAMILY AND MEDICAL LEAVE ACT LEAVE | 43 |
| 1. | FMLA Leave Runs Concurrently With Other Types of Leave | 43 |
| 2. | Employee Eligibility | 43 |
| 3. | Qualifying Reasons for Leave | 43 |
| 4. | Employee's Notification Responsibilities | 44 |
| 5. | City's Responsibilities. | 45 |
| 6. | Medical Certifications and Other Required Documentation. | 46 |
| 7. | Certifications for Qualified Exigency Leave. | 48 |
| 8. | Intermittent & Reduced Leave Schedule. | 48 |
| 9. | Benefits During FMLA Leave. | 49 |
| 10. | Job Restoration After FMLA Leave | 49 |
| 11. | Other Employment During FMLA Prohibited | 50 |
| 12. | Fraud | 50 |
| 13. | FMLA Statute and DOL Regulations | 50 |
| 14. | Mandatory Reporting of Improper Handling of FMLA | 50 |
| 15. | Definitions | 51 |
| 16. | Department Directors | 52 |
| SECTION 5 | B. EMPLOYEE BENEFITS/INSURANCE | 52 |

| | |
|--|-----------|
| 5.13 ON-THE-JOB INJURIES/WORKERS' COMPENSATION BENEFITS | 52 |
| 5.14 LIGHT DUTY | 53 |
| 5.15 GROUP INSURANCE BENEFITS | 54 |
| 5.16 UNEMPLOYMENT INSURANCE BENEFITS | 54 |
| SECTION 5 C. EMPLOYEE BENEFITS/RETIREMENT | 54 |
| 5.17 TEXAS MUNICIPAL RETIREMENT SYSTEM | 54 |
| 5.18 SOCIAL SECURITY | 55 |
| SECTION 6 PROMOTION, TRANSFER, DEMOTION AND REHIRING | 56 |
| 6.1 PROMOTION FROM WITHIN | 56 |
| 6.2 TRANSFERS | 56 |
| 6.3 DEMOTION | 56 |
| 6.4 REHIRES | 56 |
| 6.5 PROBATIONARY PERIOD | 56 |
| 6.6 NOTICE PERIOD | 56 |
| SECTION 7 EMPLOYER/EMPLOYEE COMMUNICATIONS | 57 |
| 7.1 EMPLOYEE RELATIONS | 57 |
| 7.2 PUBLIC RELATIONS | 57 |
| 7.3 BULLETIN BOARDS | 57 |
| 7.4 COMPUTER, INTERNET, E-MAIL, VOICE MAIL, FAX POLICY | 57 |
| 7.5 CONFIDENTIAL INFORMATION | 59 |
| 7.6 MAIL | 60 |
| 7.7 NOISE/RADIOS/MP3's | 60 |
| 7.8 SOLICITATION | 60 |

| | |
|--|-----------|
| 7.9 TELEPHONES | 60 |
| 7.10 CELL PHONES, PDA'S & CAMERAS IN THE WORKPLACE | 60 |
| 7.11 VOICE MAIL | 61 |
| 7.12 NEWS RELEASES | 61 |
| 7.13 PERFORMANCE APPRAISALS | 61 |
| 7.14 EMPLOYEE APPEALS/GRIEVANCE POLICY | 62 |
| 7.15 CITY'S WEB SITE LINKS POLICY | 64 |
| | |
| SECTION 8 EMPLOYEE CONDUCT AND WORK RULES | 65 |
| | |
| 8.1 EMPLOYEE CONDUCT AND WORK RULES/DISCIPLINARY ACTION | 65 |
| 8.2 PERSONAL APPEARANCE | 67 |
| 8.3 UNIFORMS | 68 |
| 8.4 UNAUTHORIZED OR IMPROPER USE OF OFFICIAL BADGE OR AUTHORITY | 68 |
| 8.5 HOUSEKEEPING DUTIES | 68 |
| 8.6 SAFETY | 68 |
| 8.7 SEARCHES | 69 |
| 8.8 TOBACCO | 69 |
| 8.9 USE OF CITY EQUIPMENT | 70 |
| 8.10 USE OF CITY VEHICLES | 71 |
| 8.11 SECURITY AND LOSS PREVENTION | 72 |
| 8.12 WEAPONS BAN AND VIOLENCE PREVENTION POLICY | 72 |
| 8.13 ENDORSEMENTS | 73 |
| 8.14 POLITICAL ACTIVITIES | 73 |
| 8.15 PROHIBITION OF TAPE, VIDEO & DIGITAL RECORDING | 74 |
| 8.16 BLOGGING & SOCIAL MEDIA | 74 |

| | |
|---|-----------|
| 8.17 MEDIA CONTACT/NEWS RELEASES | 75 |
| SECTION 9 DRUGS AND ALCOHOL | 76 |
| 9.1 DRUG AND ALCOHOL USE | 76 |
| 9.2 DRUG AND ALCOHOL TESTING | 78 |
| SECTION 10 RESIGNATION, TERMINATION AND RETIREMENT | 80 |
| 10.1 RESIGNATION | 80 |
| 10.2 RETURN OF CITY PROPERTY | 80 |
| 10.3 EXIT INTERVIEWS | 80 |
| 10.4 REFERENCES | 80 |
| 10.5 SEPARATION PAY | 80 |
| 10.6 DEATH OF EMPLOYEE | 80 |
| 10.7 TMRS | 81 |
| 10.8 PAYMENT OF SICK LEAVE UPON RETIREMENT | 81 |
| 10.9 LONG TERM ABSENCE/TERMINATION | 81 |
| 10.10 RETIREMENT SERVICE AWARD | 81 |
| 10.11 REDUCTION-IN-FORCE | 82 |
| 10.12 REHIRING FORMER EMPLOYEES | 82 |
| APPENDIX 1: GLOSSARY OF TERMS | 83 |

EMPLOYEE ACKNOWLEDGMENT FORM

The City of Willow Park (the “City”) Employee Handbook, revised September 2015, describes important information about the City’s personnel policies and procedures, and I understand that I should consult my supervisor and/or my Department Director regarding any questions not answered in the Employee Handbook. I have entered into my employment relationship with the City voluntarily and acknowledge that there is no specified length of employment. Accordingly, either the City or I can terminate the relationship at will, with or without cause, at any time.

With the exception of the City’s employment-at-will policy, all of the information, policies, and benefits described in the Employee Handbook are subject to change. I acknowledge that revisions to the Employee Handbook may occur, except to the policy of employment-at-will. I understand that revised information may supersede, modify, or eliminate existing policies. I also understand that only the City Council has the authority to enter into an employment agreement on behalf of the City for a specific period of time. Any such agreement must be an express written employment contract signed by the Mayor, City Administrator and the affected employee.

Furthermore, I acknowledge that this Employee Handbook is neither a contract of employment nor a legal document. I have received the Employee Handbook, and I understand that it is my responsibility to read and comply with the policies contained in it and any revisions made to it. I also understand that the policies in this Employee Handbook supersede all prior written and/or oral City policies.

EMPLOYEE'S SIGNATURE

DATE

EMPLOYEE'S NAME (PRINTED)

A WARM WELCOME

TO EXISTING AND NEW EMPLOYEES OF THE CITY OF WILLOW PARK

The City of Willow Park welcomes you as an employee. We hope your job with the City will live up to your expectations and that your tenure with us will be a rewarding one. If you are a current employee, we wish to express our sincere appreciation for your valued service. We are proud of our City and its greatest asset – our employees.

One of our objectives is to provide a work environment that is conducive to both personal and professional growth. We believe that each employee contributes directly to the long-term growth and success of the City, and we hope you will take pride in being a member of our team.

We are pleased to provide you with this Employee Handbook, which outlines the personnel policies and practices in effect at the City. The Handbook will be a helpful reference during your association with the City. Also, we encourage you to freely ask questions of your supervisor, manager and Department Director.

The City has set very high standards for you and expects you to conduct yourself in a way that reflects favorably on the City and its administration. At the same time, the City is committed to providing you with challenges, recognition, appropriate compensation and benefits to help you reach your goals and objectives.

By working together in this way, I am confident that the future will be both productive and prosperous for all of us.

Our best wishes for your success,

Richard Neverdousky
Mayor
City of Willow Park

Matt Shaffstall,
City Administrator
City of Willow Park

SECTION 1 INTRODUCTION AND KEY POLICIES

1.1 INTRODUCTION

This Employee Handbook is designed to acquaint you with the City of Willow Park (the “City”) and provide you with information about working conditions, employee benefits, and some of the other policies affecting your employment. You should read, understand, and comply with all provisions of the Employee Handbook. It describes many of your responsibilities as an employee and outlines many of the programs provided by the City to benefit employees. (Eligible employees will be given detailed information about the City’s various benefit programs.)

The policies set forth in this Employee Handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the City and any of its employees. The provisions of the Employee Handbook have been developed at the discretion of City officials and, except for its policy of employment-at-will, may be amended or canceled at any time, at the City Council’s sole discretion. The policies in this Employee Handbook supersede all prior written and/or oral City policies. If you have any questions about any of the City’s policies, please ask your supervisor, manager and/or your Department Director.

The policies in this Handbook apply to all employees unless specified otherwise by the policy itself or by State law, City Ordinance, a specific departmental policy approved by the Mayor and City Administrator, or other official City Council action.

1.2 MANAGEMENT AUTHORITY

It is the policy of the City, pursuant to City Ordinance, that the general ~~and final~~ authority for personnel administration rests with the City Administrator, with the exception of matters reserved to the City Council by this Handbook by State law or by City Ordinance. The City Administrator may, at his or her sole discretion, delegate authority to appropriate staff members to act on his or her behalf. The City Administrator remains responsible for the results of delegation of authority.

Department Directors are responsible for the proper and effective administration of these policies within their respective departments. Individual City departments may develop policies and procedures that are consistent with City policies and procedures, subject to review and approval by the Mayor and City Administrator. No such departmental rule or policy is effective until approved in writing by the Mayor. A copy of all departmental rules, regulations, procedures and policies will be filed with the City Secretary. In the event of any conflict between department rules and policies and this Employee Handbook, the policies in the Handbook will normally control. Nothing in this handbook is intended to violate any Federal or State law.

1.3 EMPLOYMENT AT WILL

Employees who do not have a written, individual employment contract, approved by the City Council signed by the Mayor and the affected employee, for a specific, fixed term of employment, are employed at will. This means that no individual supervisor has the authority to create an employment contract with an employee for any specified length of time. Either the employee or the City may terminate the employment relationship at any time, for any reason, without notice or cause.

1.4 EEO, SEXUAL AND OTHER UNLAWFUL HARASSMENT & COMPLAINT PROCEDURE

Equal Employment Opportunity. The City is an equal opportunity employer. In order to provide equal employment and advancement opportunities to all individuals, the City's employment decisions are based on merit, qualifications, and abilities. The City does not discriminate in employment opportunities or practices on the basis of race, religion, color, sex, national origin, age, disability, marital status, veteran status, citizenship, genetic information, or any other characteristic protected by law. All City employees are entitled to a workplace free of unlawful discrimination, harassment and retaliation by management, supervisors, co-workers, citizens, and vendors. City employees are also prohibited from discriminating or harassing co-workers, citizens, vendors, and all other third parties.

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

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

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

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

Mandatory Reporting. The City requires that employees report all perceived incidents of discrimination, harassment and retaliation, regardless of the offender's identity or position. While not all incidents of harassment violate the law, the City's policy is to prevent and correct harassment and other inappropriate conduct long before it gets to that point. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that he or she has been subjected to conduct prohibited by this policy must report it immediately to:

- The employee's Department Director;
- City Human Resources Manager;
- City Secretary;
- City Administrator; or
- Mayor

Any supervisor who becomes aware of possible conduct prohibited by this policy must immediately advise one of the individuals listed above. Any employee who reports a potential violation of this policy and who feels his/her report was not adequately or timely addressed, must then put his/her report in writing and submit the written complaint to the City Administrator, City Secretary or Mayor. Voice messages or e-mails may be left at any time.

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

Employee Dating. Supervisors and managers are prohibited from dating subordinate employees in their own department. Further, supervisors and managers are prohibited from dating peers and subordinate employees in other departments if the relationship (or dissolution of the relationship) might reasonably create a disruption to the work environment, create a conflict of interest or the appearance of a conflict of interest, or lead to charges of favoritism, discrimination, or sexual harassment. For purposes of this policy, "dating" includes both serious and casual dating and other conduct associated with romantic or sexual relationships. Anyone with questions as to whether an existing or contemplated relationship is one that may be prohibited by this policy are directed to discuss it with their Department Director, the Human Resources Manager/City Secretary and/or the City Administrator.

Investigation. All reports of prohibited conduct will be investigated promptly by management by at least two persons from the positions noted above under Mandatory reporting in as confidential a manner as possible. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation.

Any supervisor or manager who has a concern or complaint made to them must document the complaint. The Department Director, Human Resources Manager/City Secretary, and City Administration must keep a log of employee concerns and complaints. The concern log should include the employee's name, date of the complaint, a description of the concern, and what action(s) were taken to investigate and resolve the complaint.

Retaliation Prohibited. Retaliation against employees because they made a good faith charge or report of prohibited conduct or because they assisted in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.

Responsive Action. The City takes violations of this policy very seriously. Misconduct constituting discrimination, harassment, or retaliation will be dealt with appropriately. Discipline, up to and including dismissal will be imposed upon any employee upon a finding that such an employee has violated this policy. Likewise, disciplinary action will be imposed in situations upon a finding that claims of prohibited conduct were fabricated or exaggerated or where an employee does not cooperate in an investigation.

1.5 REQUESTS FOR ACCOMMODATION

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

Employees who have a complaint involving potential violations of the Americans with Disabilities Act, including, but not limited to, harassment, discrimination, or failure to provide reasonable accommodation, must immediately report such complaint as outlined in the City's Equal Employment Opportunity, Sexual and Other Unlawful Harassment Policy & Complaint Procedure.

Religion. The City will provide reasonable accommodation to the held religious beliefs of its employees provided it does not impose an undue hardship on the City. All requests for accommodation must be in writing and directed to the City Administrator.

SECTION 2 ADMINISTRATION

2.1 JOB DESCRIPTIONS AND APPLICATIONS

Each Department is responsible for creating and updating written job descriptions and applications questionnaire for each position within the Department. The City Administrator will review the duties and responsibilities of each position within the City and recommend pay levels to City Council commensurate with the duties and responsibilities, skill and educational requirements and experience level associated with each position.

Job Descriptions. All job descriptions will be kept on file as part of the City's Job Description Manual. A job description will be kept as part of the employee's personnel file. Changes to an employee's job description will be accompanied by a Statement of Voluntary Reassignment also to be kept in the employee's personnel file.

Job descriptions must include any physical requirements that require regular and sustained periods of physical effort, agility, and mobility, or regular and sustained operation of motor equipment or vehicles. The job description must include any pre-employment physical requirement tests that will be administered.

Applications. All applications for employment must be filed with the City Secretary/Human Resources Manager or designated employee. Application forms and questionnaires must be complete for the applicant to be considered for the position. An applicant or an employee who provides false information on the application form or who fails to disclose information that is pertinent to the appointment is subject to denial of employment, or disciplinary action up to and including termination. An employee is subject to disciplinary action up to and including termination upon a finding that such employee has submitted false information on his application or has otherwise failed to disclose information that is pertinent to the employee's position.

2.2 EMPLOYMENT CATEGORIES

It is the intent of the City to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. Each employee is designated as either nonexempt or exempt from federal and State wage and hour laws. Employees are informed of their status as exempt or nonexempt at the time of their initial employment, or subsequently, if their classification changes for any reason. An employee's exempt or nonexempt classification may be changed only upon written notification by the City Administrator, based upon City Council approval within scope of approved budget authorizations.

Nonexempt Employees. Nonexempt employees are entitled to overtime pay, and/or compensatory time for hours worked in excess of 40 in a work week, under the specific provisions of federal and State laws. Nonexempt police and fire personnel are entitled to overtime pay for hours worked in excess of their established work cycle.

Exempt Employees. Exempt employees are those who are not covered by applicable wage and hour laws. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek, or for police and fire department personnel, in their work cycle. Exempt employees are expected to put in the hours necessary to complete their assignments in a timely and

quality basis.

Public sector employers are permitted to make certain types of salary deductions pursuant to the notion that public employees should not be paid for time they do not work that is not otherwise guaranteed to them. Under the principles of public accountability, the City may make deductions from the salaries of exempt employees for partial day's absences under certain circumstances. Exempt employees are also subject to salary deductions for the following:

- Absences of one or more full days before eligibility under a City plan, policy, or practice or after paid leave accruals have been exhausted;
- Suspensions for violations of safety rules of major significance;
- Suspensions of one or more full days for violations of workplace conduct rules, such as rules against sexual harassment and workplace violence;
- Payment of actual time worked in the first and last weeks of employment, resulting in a proportional rate of an employee's full salary;
- Unpaid leave taken under the Family and Medical Leave Act, if applicable; or
- Negative paid-time-off balances, in whole-day increments only.

No deductions can be made from an exempt employee's salary without the City Administrator's prior written authorization. Currently no deductions will be made from an exempt employee's salary for absences, whether for a full or partial day, if the absence is caused by the City or by the operating requirements of the City, *e.g.*, if City Hall is closed due to bad weather, if City Hall is closed for Thanksgiving, Christmas, or other holiday recognized by the City, or if there is no work to be performed. Further, exempt employees are currently paid for absences caused by jury duty, attendance as a witness, or temporary military leave. The City may, however, offset an exempt employee's salary by the amount the employee receives injury or witness fees, or military pay.

This policy is subject to the general rule that, absent accrued paid leave time, an employee need not be paid for any workweek in which he or she performs no work.

An exempt employee who believes he/she has been, or likely will be, subject to an improper pay deduction, must immediately notify their Department Director and Payroll in writing. The City will promptly reimburse exempt employees for any improper deduction(s) and will make a good faith commitment to comply in the future.

In addition to the above categories, each employee will belong to one of the following employment categories:

Regular Full-Time Employees. Regular full-time employees are employees who are not in a temporary or part-time status and who are regularly scheduled to work 40 hours or more per week. Generally, regular full-time employees are eligible for all legally mandated benefit (such as workers' compensation insurance coverage), the City's benefit package including annual leave, sick leave and holiday pay, subject to the terms, conditions, limitations, and waiting periods of each benefit program. Regular full-time employees are required to participate in the Texas Municipal Retirement System (TMRS). Employees who are regularly scheduled to work 30 hours or more per week for be classified as full time for the purpose of being eligible for health insurance as defined in the Patient Protection and Affordable Care Act.

Regular Part-Time Employees. Regular part-time employees are employees who are not assigned to a temporary status and who are regularly scheduled to work less than 40 hours per week. While part-time employees are eligible for all legally mandated benefits (such as workers' compensation insurance coverage), they are generally ineligible for many of the City's other benefit programs.

Regular part-time employees who are normally scheduled to work 30 or more hours each work week do, however, accrue vacation and sick leave on a pro rata basis and, if they work at least 1000 hours in a year, are eligible to participate in TMRS. See Holidays Policy for holiday pay policy for part-time employees. Employees who are regularly scheduled to work 30 hours or more per week for be classified as full time for the purpose of being eligible for health insurance as defined in the Patient Protection and Affordable Care Act.

Temporary Employees. Temporary employees are employees hired as interim replacements, to temporarily supplement the work force for a period not longer than six months, or to assist in the completion of a specific project. 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 employees retain that status unless and until notified of a change in writing by the City Administrator. While temporary employees who work directly for the City (as opposed to a temporary staffing agency) receive all legally mandated benefits (such as workers' compensation insurance coverage and Social Security), they are generally ineligible for the City's other benefit programs. Temporary employees who are placed with the City but who are actually employed by a temporary staffing agency must look to the temporary staffing agency to determine what benefits they are provided. Such employees are not eligible for benefits from the City and are not eligible for participation in TMRS.

Volunteers. Volunteers are not employed by the City in any capacity. Volunteers voluntarily elect to donate their time and services as a volunteer for the City without any expectation of compensation. Volunteers are generally not paid and are generally not entitled to any benefits. Volunteers include reserve police officers and volunteer firefighters. Volunteers may not incur any financial liabilities for the city including, but not limited to giving direction to staff, use of legal services including the City Attorney, training, use of City services, equipment, or supplies. Resources for volunteer use must be specifically identified in departmental budgets and use of those resources is at the Department Director's discretion and in conjunction with the City's purchasing and expenditure policies.

2.3 IMMIGRATION LAW COMPLIANCE

The City is committed to employing only those individuals who are authorized to work in the United States and who comply with the requirements of the Immigration Reform and Control Act of 1986 (IRCA). Under IRCA, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form (I-9 Form) and present legally acceptable documentation establishing identity and employment eligibility. This must be done within 3 days of beginning employment. Failure to provide the necessary documentation within 3 days will result in termination of employment. Former employees who are rehired must also complete an I-9 Form if they have not completed an I-9 Form with the City within the past 3 years, or if their previous I-9 Form is no longer retained or valid.

2.4 EMPLOYMENT OF RELATIVES/NEPOTISM

No person related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to the Mayor, any member of the City Council, or the City Administrator may be appointed to any office, position, or other service of the City. This prohibition does not apply to officers or employees who have been employed by the City continuously for more than five years

prior to the election or appointment of such member of the Council, Mayor or City Administrator.

The City Administrator will not approve the appointment to any supervisor's work group any person who is related within the second degree by affinity or consanguinity to that supervisor.

In order to prevent accusations or perceptions of biased conduct arising from family relationships and to maintain the confidentiality of restricted information, the following restrictions on the employment of relatives will apply:

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

In the case of an engagement, marriage, reorganization, or other situation that will result in a violation of this policy, one or both of the individuals will be reassigned in order to satisfy the City's stated requirements. If that is not possible, one or both employees may be required to terminate employment.

Family relations of the employee include current or former spouse, significant other, natural, adopted or foster child, parent, sibling, cousin, grandparent, grandchild, aunt, uncle, niece, nephew, in-law, or roommate.

2.5 PERSONNEL RECORDS

Important events in each employee's history with the City will be recorded and kept in the employee's official personnel file, maintained at City Hall. At a minimum, the City's official personnel file will typically contain original signature copies of the following:

- Application for Employment with the City
- Job Description
- Payroll/personnel change of status records (including home address/phone number changes)
- Performance evaluations
- Disciplinary actions
- Tax withholding forms
- Beneficiary designations
- Emergency notification names/numbers

Copies of the following will be accepted for inclusion in the City's official personnel file:

- Commendations
- Educational and professional attainment records
- Relevant certifications/licenses

Departmental Files. Departments may choose to maintain copies of the above in their departmental/informational files for purposes of convenience. Departmental files shall only contain copies of documents maintained in the City's official personnel file and may be accessed and used by departmental management on a "need-to-know" basis only. Of course, Department Directors may be

required to provide City Hall with information kept in their department files. Medical records cannot be kept in departmental files.

In the event that the department policy requires the original documents be kept on site with the Emergency Services Departments a copy of the document will be kept at City Hall as part of the personnel file.

Medical Records. Medical records for all employees will be maintained in separate files by the Human Resources Manager/City Secretary and treated as confidential. Medical records are not to be maintained by individual departments unless authorized by the City Administrator in extraordinary circumstances.

Changes in Personnel Information. Employees must provide their Department Director and the Human Resources Manager/City Secretary with their current street address, home phone number, and cell number and immediately advise them both in writing of any change. Employees are also responsible for keeping their Department and the Human Resources Manager/City Secretary informed of any changes in name, family status (births, marriage, death, divorce, legal separation) and name and address of dependents (for benefits and tax withholding purposes only), beneficiary designations, persons to be notified in an emergency, educational accomplishments, and relevant certifications or licenses. This responsibility also applies to employees on leaves of absence.

Accuracy of Information. The City relies on the accuracy of information provided by individuals in their resume and employment application, as well as other data provided throughout the hiring process and during employment. Any misrepresentations, falsifications, or material and/or purposeful omissions in any of this information will likely result in the exclusion of the applicant from further consideration for employment or, if the person has been hired, disciplinary action up to and including termination from employment.

Access to Information in Personnel Files. Personnel files of employees are the property of the City and access to the information they contain is restricted. Information contained in personnel files may, however, be subject to disclosure in accordance with the Texas Public Information Act.

Personnel files are typically available for inspection subject to the following:

- An employee may normally examine the entire contents of his/her personnel file.
- Examination of an employee's personnel file by a potential employer will normally be permitted with a written release acceptable to the City.
- Upon written request, which complies with the provisions of the Public Information Act, anyone may examine information contained in any employee's personnel file, except for that information which is deemed confidential by law.
- A City employee who has supervisory authority over the employee, or an employee with a bona fide "need to know", may examine material in an employee's personnel file.
- By order of a court of competent jurisdiction, any person may examine such portion of any employee's personnel file as may be ordered by the Court.

Unauthorized access or removal or alteration of any documents from a personnel file will subject the employee responsible to appropriate discipline, up to and including termination.

No information from an employee's official or departmental personnel file will be released on an active or inactive employee, except with the prior authorization of the employee and either the City

Administrator or Mayor. Persons/entities outside the City requesting personnel information, including information on background checks, must contact the City Secretary rather than individual departments and file a public information request.

2.6 OTHER EMPLOYMENT

The City does not wish to control the personal affairs of its employees or regulate their personal time. However, because outside activities such as holding a second job may interfere with, or detract from, an employee's work on behalf of the City, work for other employers is strongly discouraged in most instances. Employees will not be permitted to hold another job (including self-employment and volunteer work) that might discredit the City, result in a conflict of interest (or potential conflict of interest) or result in anything less than a satisfactory performance of the employee's regular and normal duties on behalf of the City. Other outside activities that similarly distract from an employee's ability to satisfactorily perform his or her job with the City are also discouraged. Before engaging in self-employment or accepting employment (whether for pay or as a volunteer) with another employer, the employee must provide written notice of either their Department Director or the City Administrator. Notice of secondary employment included paid details for police department personnel shall be kept in the employee's personnel file.

Under no circumstances may an employee on FMLA leave, sick leave, disability leave, or workers' comp leave, work another job, whether for pay, as a volunteer or as self-employment, unless expressly authorized in writing by both the Department Director and the City Administrator.

2.7 CONFLICTS OF INTEREST

No employee of the City may derive a direct economic or financial benefit from the City other than their direct employment compensation. No employee of the City may have:

- Any financial interest, directly or indirectly, in a contract with the City;
- Any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or services; or
- Any discussions or participation in any decision of any City action if the employee has any personal economic interest or is employed, directly or indirectly, by the person or entity which is the subject of the discussion or decision.

Any employee, elected official, city official or agent of the city that has a known conflict of interest must file a conflict of interest form. Conflict of interest forms will be kept on file with the city. Any employee, elected official, city official, or agent of the city with a conflict of interest must abstain from any discussion, decision making, or action related to their stated conflicts of interest.

Upon a finding of a violation of this policy, any person involved will be subject to disciplinary action up to and including termination of employment. Any questions regarding the prohibitions imposed by this policy should be addressed to the appropriate Department Director or the City Administrator.

2.8 VISITORS IN THE WORKPLACE

To provide for the safety and security of City employees and property, only authorized visitors are allowed in the workplace. The City's prohibition against unauthorized visitors helps to maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances.

Absent extraordinary circumstances and/or the express approval of the City Administrator, children of employees are not permitted to accompany their parents to work. Such approval may be permitted in conjunction with "Career Day" or other similar special events.

This policy is not meant to prohibit children from, on occasion, visiting their parents at work. Such visits, however, must occur during the employee's scheduled break or lunch period, and may not negatively impact the work environment of the City or other employees.

Employees are responsible for the conduct and safety of their visitors. If you see an unauthorized visitor on the premises, notify your supervisor or Department Director immediately.

2.9 EMERGENCY CLOSING/INCLEMENT WEATHER POLICY

Administrative Employees

If the City makes the decision to close, affected employees will have an excused absence with pay. If the employee's department is not officially closed, absences due to weather will not be excused and any employee who fails to report to work will be charged vacation time or compensatory time for days missed. If an exempt employee has no accrued vacation time, he or she will be required to make up the missed time at a later date. If a nonexempt employee has no accrued vacation or compensatory time available, he or she will not be paid for the time missed. In the event of inclement weather, employees are expected to use their good judgment and are not asked to take unnecessary risks. If an employee feels they are unable to drive due to weather conditions or are otherwise unable to get to work because of the weather, the employee must call their supervisor and report their situation similar to use of Sick Leave.

Emergency Services Employees

Emergency Services employees (Police & Fire Department) are required to report for duty as part of their regular scheduled shifts. Employees should plan for and allow enough time to safely travel to work for their regularly scheduled shifts. Non-exempt employees will be paid at the overtime rate of time and a half (1.5) for working their shifts while City Hall is closed for an emergency or inclement weather. Exempt employee will be given compensatory time for hours worked while City Hall is closed to due to an emergency or inclement weather.

Public Works Employees

Public Works employees may be required to report for duty outside of their regularly scheduled shifts. Employees should plan for and allow enough time to safely travel to work for their scheduled shifts.

Non-exempt employees will be paid at the overtime rate of time and a half (1.5) for working their shifts while City Hall is closed to an emergency or inclement weather. Exempt employee will be given compensatory time for hours worked while City Hall is closed to due to an emergency or inclement weather.

2.10 TRAINING

From time to time, the City offers training to its employees to enhance or acquire new skills for the performance of their jobs or future advancement. Training may include seminars, institutes, in-house training, and courses offered for credit at local colleges/universities. Department Directors or supervisors may require employees to participate in appropriate training from time to time. Employees may also request that they be allowed to participate in appropriate training. Work load, training topic and appropriateness to job duties, budget constraints, cost of training, location of the training, and other factors will be considered by the City in determining if requested training will be approved.

Time Spent in Training. Time spent by nonexempt employees in training will be considered time worked and employees will be compensated at their regular pay rate. The employee must obtain prior written permission of their Department Director and/or the City Administrator if time spent in training is to result in any overtime or compensatory time credited to the employee.

Prior Authorization. All requests for outside training must be approved in advance by Department Directors. Requests for outside training must be in writing, use a complete Travel and Training Request form, and be submitted as far in advance as possible.

2.11 PURCHASING/PURCHASE ORDER SYSTEM

Only designated employees may make purchases on behalf of the city. Employees who need to make purchases on behalf of the City must follow the procedures outlined in the City purchasing policy as approved by the City Council and comply with the City purchase order system.

Please consult the city and departmental purchasing policies before making purchases on behalf of the city.

2.12 TRAVEL AND REIMBURSEMENT

This policy applies to all employees.

Request to Travel. If it is necessary or requested that an employee travel for the City, the appropriate travel and training request form must be completed by the employee and submitted for approval to the Department Director; and the City Administrator. The travel request must be submitted as soon as the need to travel is known. All travel on behalf of the City must be approved prior to any expenses being incurred.

Request for Advance Funds. Any employee needing an advance of funds must, except for under extenuating circumstances, complete and submit a written request for an advance of funds at least ten business days before the advance is needed.

Travel Voucher/Post-Travel Reimbursement. Within three working days after completion of travel the employee must provide a post-travel or update travel & training request form that details any expenses the employee is seeking reimbursement for. Expenses must be substantiated with receipts and be submitted to the Department Director as part of a post-travel reimbursement form.

Automobile Transportation/Mileage Reimbursement. The City has the option of providing a city furnished, the City will reimburse the employee at the current allowable IRS reimbursement rate per mile, plus other stated costs (*i.e.* parking). Employees seeking reimbursement for use of their personal vehicle shall file a mileage reimbursement form for their Department Director's approval within three working days after the completion of travel.

Air Travel. For travel that requires air travel employees may request to make travel reservations with the city credit card. Employees are asked to make the most direct, cost effective travel arrangements. The city will reimburse the employee for other stated costs (*i.e.* parking at the airport, ground transportation at the destination).

Hotel/Motel Reimbursement.

The employee will be reimbursed for the actual cost of lodging in a hotel/motel that is appropriate for the particular meeting or purpose of the trip. Documentation will be a copy of the hotel bill or travel booking agency receipt.

Meals Per Diem/Reimbursement. The city will reimburse meals directly or pay a per diem based on the I.R.S. per diem rates for non-high cost locations. The FY 2013 I.R.S. non-high cost location per diem is \$52. A meal per diem may be reduced by 1/3 depending on time of day of actual travel.

For direct meal reimbursement receipts must be provided with as part of the post-travel reimbursement form. The City will not pay for alcoholic beverages.

A per diem will not be paid for trips unless overnight stay is involved. Overnight stays may be authorized only for travel to places further than 50 miles from the City, unless otherwise approved in writing by the Department Director.

Use of Travel Rewards/Frequent Flyer Miles. Employees may use their personal travel rewards systems such as frequent flyer miles, preference hotel stay memberships, rental car programs, etc. for approved city travel. However the city will not reimburse the employee for redeemed travel system perks such as free hotel night's stay, upgraded rental cars, etc.

Spouse/Family Travel. Employees may travel with their spouse or family members. Spouse and family travel must be paid for by the employee. No additional travel expense may be imposed on the city by the spouse or family travel such as additional room charges, additional meal charges, or additional conference attendance charges. Only the actual cost of reasonable and necessary business related expenses incurred by the employee on behalf of the City will be reimbursed.

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

2.13 PROFESSIONAL MEMBERSHIPS AND SUBSCRIPTIONS

The City may elect to pay for all or a portion of an employee's professional memberships and subscriptions. Requests for payment (or reimbursement) of such expenses must be submitted on forms provided by the City and approved by the City Administrator. Approval must be obtained in advance as part of the City's annual budget process and will be based on such factors as available funds, the relationship to the employee's job duties and the number and/or cost of other memberships and subscriptions paid by the City for the employee.

2.14 PROBATIONARY EMPLOYEES

It is the policy of the City that all new employees hired to fill regular full-time or part-time positions must satisfactorily complete a 6-month performance probationary period. 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 another performance probationary period of 6 months.

The performance probationary period for Emergency Services employees (Police Department and Fire Department) does not end until successful completion of all academy and department training periods and 6 months of active duty in the position for which they were hired.

The probationary period assists the City in maintaining an effective, productive, and efficient workforce to provide quality services to our citizens. Only those employees who meet acceptable performance and other standards during their probationary period will be retained as employees. An extended orientation and/or training time may be added to and/or serve to extend the probationary period. Employees are considered probationary employees until they have actually performed their regular job duties for at least 6 months to assure their ability to meet acceptable standards of work performance and behavior for the employee's position.

Probationary Employee Benefits. Employee benefits such as TMRS, and health insurance will be extended to the employee as soon as they are available from the benefit provider.

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

Leave Accrual During Probationary Period. Probationary employees accrue sick, vacation, and holiday leave as outlined in this handbook. Probationary employees are discouraged from using any leave during their probationary period. Use of excess leave during the probationary period may result in extension or failure of the probation.

Successful Completion of Probation/Regular Status Granted. An employee is granted regular status in his/her new position if the employee satisfactorily completes the performance probationary period. Regular employees are eligible to use the City's Employee Appeals/Grievance Policy.

Extensions to Probationary Period. The performance probationary period may be extended if 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. Such extension will be at the sole discretion of the Department Director and/or the City Administrator; the decision to extend or not extend may not be appealed.

Failure of Probation. An employee is considered to have failed probation 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 probation may occur at any time within the probationary period. An employee who fails probation 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 Administrator and the Department Supervisor. A transferred or promoted employee who fails probation may be reinstated to his/her former position provided there is a vacancy and if approved by the affected Department Director(s) and City Administrator. Department Directors are responsible for ensuring the thorough written documentation of all cases of failure of probation, including counseling, training, and other efforts to help employees during their probationary period. All such documentation must be reviewed by the Human Resources Manager/City Secretary and City Administrator before a probationary employee can be terminated.

Termination of Probationary Employment. New-hire probationary employees are not entitled to progressive levels of discipline and are not eligible to use the City's Employee Appeals/Grievance Policy. Probationary employees are otherwise subject to all policies and procedures of the City. Probationary employees are at-will employees and may be terminated at any time during the probationary period, with or without notice or cause. A new-hire probationary employee who is terminated has no right of appeal.

No Right of Appeal. During the initial new-hire probationary period, employees have no right of appeal. After successful completion of the initial new-hire performance probationary period, an employee attains "regular status". Regular employees are eligible to use the City's Employee Appeals/Grievance Policy. Employees who are transferred, demoted, promoted, or reclassified to supervisor status, do not lose their right of appeal under the City's Appeal/Grievance Policy. Part-time, seasonal, and temporary employees do not serve a performance probationary period and have no right of appeal.

Equal Employment Opportunity, Sexual and Other Unlawful Harassment Policy & Complaint Procedure. Probationary employees are subject in all respects to the City's EEO, Sexual and Other Unlawful Harassment Policy & Complaint Procedure. While new-hire probationary employees have no right of appeal, if they believe they have been subjected to unlawful harassment, discrimination, or retaliation, they must immediately report such conduct in accordance with that policy.

Disciplinary Probation. Employees may also be placed on disciplinary probation. Employees who receive a below standards annual performance evaluation will be automatically placed on disciplinary probation for 90 to 180 days. Employees on any kind of probation are ineligible for a pay increase.

2.15 RECRUITMENT PROCESS

Vacancy Identification. All recruitment activity will be initiated by the appropriate Department Director. Only those vacancies allocated in the annual budget or new positions created by the City Council may be filled. No applicant will be employed by the City unless the established recruitment process has been followed. Failure to follow this established recruitment process is a violation of City policy.

Announcement of Vacancies. Except for promotions from within, employment vacancies will be advertised when and where appropriate. Existing City employees will normally be given the first opportunity to apply for any job openings within the City; however the City reserves the right to

advertise internally and/or externally for open positions. The Texas Workforce Commission, as well as agencies for the disabled and minorities, may be utilized to increase the accessibility of City employment to these individuals. Eligible new applicants and those applicants listed on the department eligibility list will constitute the pool of applications considered for job vacancies.

Each announcement will specify the title, job description, salary range, the deadline for submitting applications, and the location for filing applications. Each announcement will also contain a statement stating that the City is an Equal Opportunity Employer. An adequate period of time, ~~as determined by the City~~, will be allowed in the selection process to ensure fair and open competition for the vacant position.

Applications. Anyone seeking employment, promotion, transfer, or reinstatement with the City must complete and submit an application for the position desired. All information set forth on an application is subject to verification. All applications received will be considered active for a period of thirty days, past the closing date for receiving applications.

Application may be retained as part of an eligibility list. The City will also receive job interest cards for various departments eligibility list. The city will keep applications and job request cards on file for job eligibility list for up to six months.

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

- Failure to meet the minimum publicized qualifications necessary for performance of the duties for the position;
- Conviction of a felony or a crime involving moral turpitude.
- False statements or material omissions on the application or during the selection process;
- Not legally permitted to work in the United States;
- If they are unable to perform the essential functions of the job applied for with reasonable accommodation;
- If they previously worked for the City and were terminated, or resigned in lieu of termination, due to unsatisfactory performance or conduct and/or violation of a City policy or procedure;
- Failing any of the City's background and employment requirements including, but not limited to, drug testing;
- If employment will violate the City's Nepotism policy;
- Applicant has served as Mayor or a member of the City Council within the past two years;

2.16 BACKGROUND CHECKS

The City performs background checks on applicants, employees, and volunteers to the extent necessary to determine their eligibility for employment, ongoing employment, or volunteer work, as the case may be. Background checks may include, but are not necessarily limited to, verification of education and prior employment, driver's license checks, outstanding warrant checks, criminal history and credit reports. The City may also conduct periodic background checks on existing employees and volunteers. Applicants, employees, and volunteers are required to give the City whatever authorization is necessary for the City to perform the above stated

background checks.

2.17 MEDICAL EXAMINATIONS/FITNESS FOR DUTY

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

Conditional Employment. In accordance with the Americans with Disabilities Act, the City may condition employment on an individual providing certain medical history and/or successful completion of a medical examination. The City Administrator, working with Department Directors, designates those positions requiring medical history and/or a physical examination.

Medical Exams for Current Employees. With the prior approval of the City Administrator, a Department Director may require a current employee to successfully undergo a medical and/or psychological examination to determine fitness for continued employment; for promotion or for other personnel action; as may be necessary in order for the City to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with the Americans with Disabilities Act.

Reasonable Accommodations. The City will provide reasonable accommodations to disabled applicants and employees as required by law.

Medical Records. Medical records and sensitive information regarding an employee's health will be kept confidential as required by law. Limited information may be provided to supervisors and managers, first aid and safety personnel, government officials, and as necessary for insurance purposes.

2.18 CONFIDENTIALITY OF MEDICAL INFORMATION

Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. It is important that employees understand that the records are confidential but that confidentiality may be waived if the employee provides medical information to coworkers. In any case, employees are expected to share the information with others only on an "as needed" basis. Employees are also 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.

2.19 POLYGRAPH EXAMINATIONS

Except for extraordinary circumstances, City of Willow Park employees (other than certain employees in the Police and Fire Departments) will not be subjected to polygraph examinations. Police and Fire Department employees will be required to submit to a polygraph test only in those situations permitted by law. Nothing in this policy prohibits an employee from volunteering to be polygraphed. No City employee, however, whether in Police, Fire or another City Department, may be polygraphed without the prior written authorization of the City Administrator.

SECTION 3 WAGE AND SALARY POLICIES

3.1 EMPLOYEE COMPENSATION PLAN

Subject to approval by the City Council, the City Administrator in conjunction with the Department Supervisors will prepare and administer a written compensation plan for all City employees. City employees will be paid salaries or wages in accordance with the compensation plan. In preparing the compensation plan, consideration will be given to prevailing rates of pay among public and private employers; the duties, responsibilities and qualifications required for the position; and other relevant factors. Criteria for salary increases are set out in the Position Classification and Salary Compensation Schedule and are subject to fund availability. Employees who have reached the maximum salary for their position class are ineligible for a salary increase other than cost of living adjustments (COLA) or market adjustments.

3.2 PAY SCHEDULE

Employees will normally be paid every other Thursday for each successive 14 day period from the preceding Saturday, ending at 7:00 A.M. Employees will normally be paid on the preceding workday if the current payday falls on a recognized holiday.

3.3 BASIS FOR ANNUAL COMPENSATION

In most instances, employee salaries (other than certain police officers and firefighters) are based on a forty-hour workweek for fifty-two weeks each year (2080 hours per year). Where regular employment is less than full time (less than 40 hours per week), the employee's salary will be based on the actual number of hours worked based on the hourly rate of pay established for that position.

3.4 GENERAL OVERTIME POLICY

When the City's operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime. Overtime compensation is paid to all nonexempt employees in accordance with Federal and State wage and hour requirements. In some cases, nonexempt employees may accrue compensatory time in lieu of being paid overtime compensation. (See Compensatory Time Policy below.) Exempt employees are not paid overtime compensation.

When possible, advance notification of mandatory overtime assignments will be provided. Overtime assignments will be distributed as equitably as practical to all nonexempt 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 overtime assignments must be authorized in advance by the Department Director.

Overtime Rate (except for certain emergency service personnel). Overtime pay for nonexempt employees (excluding emergency service personnel) is at the rate of 1-½ times the employee's regular hourly rate for hours worked in excess of 40 in a workweek. Time off for vacation leave, sick leave, compensatory leave, and paid holiday leave that was scheduled and approved in advance may be counted as "hours worked" for purposes of performing overtime calculations. Such paid leave time must have been scheduled and approved before the additional hours are worked. All other types of leave, whether paid or unpaid, including Family and Medical Act Leave, jury duty leave, witness duty leave, or bereavement leave, is not considered time worked for purposes of performing

overtime calculations.

Workweek. The workweek may vary from Department to Department, from division to division, or even within a division. The Department Director designates the specific workweek for nonexempt employees with the City Administrator's approval.

Work Hours and Reporting Time Worked. An employee's specific hours of work will vary depending on his or her position and department. Employees are expected to be at their workstations and ready to work at their scheduled start time. Occasionally, staffing needs and operational demands may necessitate variations in work schedules. Supervisor will provide employees with the starting and ending time for employee's specific schedule. Employees are expected to cooperate when asked to work overtime or a different schedule. It is the responsibility of each employee to sign his or her time card/sheet each pay period to certify the accuracy of all time recorded, including overtime. Supervisors will review and initial the time record before submitting it for processing. If corrections or modifications need to be made to a time sheet, both the employee and the supervisor must verify the accuracy of the changes and initial the time sheet. Altering, falsifying, tampering with time records, including recording time for another employee will likely result in immediate disciplinary action, up to and including termination of employment.

Prior Authorization Required Before Working Overtime. All nonexempt employees must receive their supervisor's and/or Department Director's prior authorization before performing any overtime work. This means employees may not begin work prior to the start of 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. In the case of emergency service employees (Police Department and Fire Department), only the Chief or his/her designee may authorize overtime work. On the employee's time sheet, the appropriate supervisor must also approve any overtime before the time sheet is submitted for processing and payment. Nonexempt employees who work overtime without receiving proper authorization will be subject to disciplinary action, up to and including possible termination of employment.

3.5 COMPENSATORY TIME FOR NONEXEMPT EMPLOYEES

Under certain circumstances, nonexempt employees earn compensatory time off ("comp time") in lieu of overtime compensation. Only those nonexempt employees who have signed the City's Compensatory Time Agreement are eligible for comp time. Exempt employees are not eligible for comp time under this policy.

Use of Accrued Compensatory Time. Employees requesting use of compensatory time will be allowed to take the comp time within a reasonable period after making the request. Use of accrued compensatory time should be schedule in the same fashion as vacation leave.

Maximum Accrual. Compensatory time accrues at the rate of 1 ½ hours for each hour of overtime worked. Employees must have appropriate supervisory approval before working any overtime. (See General Overtime Policy above). All employees may accrue up to a maximum of 120 hours of compensatory time that can be carried over from the end of the fiscal year dated September 30th.

Employees who consent to an excess leave action plan will be allowed to carry over compensatory time in excess of the 120 hour annual cap. Under an excess leave action plan the City may require

employees to take time off in order to reduce their accrued comp time. Excess leave action plans must be approved by the Department Director and City Administrator.

Payment of Accrued Compensatory Time. The City may, at any time, elect to pay an employee for any and all of the employee's accrued comp time. Payment of accrued compensatory time requires the Department Director and City Administrator's approval.

Upon separation from employment with the City, employees will be paid for unused accrued comp time. Payment will be calculated using the higher of: (1) the employee's average regular hourly rate during the three years prior to separation, or (2) the employee's hourly rate at the time of separation.

Use of Compensatory Time for Overtime Calculations. Use of comp time is considered paid time off under this policy may be counted as "hours worked" for purposes of performing overtime calculations if the comp time was scheduled and approved before the additional hours are worked.

3.6 COMPENSATORY TIME FOR EXEMPT EMPLOYEES

The City has no legal obligation to pay its exempt employees overtime or to provide them with "comp time." The City may, however, from time to time, give time off to exempt employees in recognition for a "job well done" that required the employee to put in a significant amount of time in excess of 40 hours in a workweek. Equivalent time off on a straight time basis may be permitted, but only if the work schedule permits and such time is approved in advance by the ~~City Administrator or the employee's~~ Department Director. Exempt employees who wish to be considered for comp time must account for all hours worked.

3.7 PAYROLL DEDUCTIONS

In addition to their paycheck, employees will receive a statement showing gross pay, deductions and net pay. Some payroll deductions are required by law, *e.g.*, federal income tax withholding and Social Security (FICA). Employees may elect to have certain other deductions made from their pay (*e.g.*, insurance premiums) if they authorize the deductions in writing.

In the unlikely event that there is an error in the amount of a deduction, or any other payroll error, each employee should let their supervisor or Payroll know as soon as possible. At the end of each calendar year, each employee will be given a Wage and Tax Statement Form (W-2). This statement summarizes the employee's income and deductions for the year.

3.8 AUTOMATIC BANK DEPOSITS

All regular and part-time employees are required to participate in the city's electronic payment ACH system. Regular paychecks will be automatically deposited into the employee's bank account.

The employee may make special arrangements with the Finance department to receive paper checks for up to two payroll cycles.

3.9 TIMEKEEPING/TIME SHEETS

Federal and State laws require the City to keep an accurate record of the time worked by all nonexempt employees. Accordingly, accurately recording time worked is the responsibility of every nonexempt employee. Time worked is all the time actually spent on the job performing assigned duties. Nonexempt employees must accurately record the time they begin and end their workday, as well as the beginning and ending time of each meal period. Nonexempt employees may not begin working prior to their scheduled start time without prior approval from their supervisor. They must also record the beginning and ending time of any split shift, break or departure from work for personal reasons. Overtime work must always be approved before it is performed.

It is the employee's responsibility to sign his or her time sheet each pay period to certify the accuracy of all time recorded. Supervisors will review and then initial the time sheet before submitting it for payroll processing. If corrections or modifications need to be made to the time record, both the employee and supervisor must verify the accuracy of the changes and initial the changes on the time sheet. Altering, falsifying, tampering with time records, or recording another employee in or out is a violation, and upon a finding of such, will result in immediate disciplinary action, up to and including termination of employment.

3.10 ON-CALL & CALL BACK

The City provides for after-hour service needs when required by allowing some departmental operations to designate nonexempt employees to be on-call. All exempt personnel are considered to be on-call at all times during their employment with the City. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by each Department where on-call personnel are utilized.

Return to work provisions. During all time after regularly scheduled working hours when an employee has been designated to be available for on-call and subject to call back, the employee is free to pursue personal activities but may be requested to respond to call back (via paging, phone, computer, or radio) within designated guidelines set by the Department. This on-call status is not considered time worked and is not compensable unless the employee responds to a call back. All employees designated to be on-call are expected to be fit (mentally and physically) to accomplish services needed within the time frame required. Each Department shall establish internal procedures for handling after hours and emergency services which could require call back of all employees necessary to provide the needed service, regardless of on-call status. Employees requested to report to work to provide after-hours or emergency service will be compensated in accordance with the City's call-back policy. An employee will be considered officially scheduled and designated as on-call only when approved by his/her supervisor in accordance with procedures established by his/her Department.

Nonexempt employees who are called back during their on-call status to the workplace will be paid at their regular rate of pay for actual hours worked and guaranteed a minimum of 2 hours of such pay for each call-back within the same 24 hours after their regularly scheduled working hours or on a regular day off. Time worked immediately after regularly scheduled working hours at the request or approval of the supervisor will not be considered call-back and will be paid at the regular rate of pay until overtime requirements are met. Continuing work on a call-back that extends beyond the 2-hour minimum and into a day off does not entitle the employee to additional premium pay.

In certain departments, travel time to and from a call-back may be considered compensable within this policy, up to a maximum of one hour per call-back. On call employees who do not return to the

workplace but who handle a workplace issue by phone, email, text, etc., will be paid for actual time worked. In all cases, employees must report their actual time worked on their time record.

Employees exempt from overtime are not eligible for compensation under the provisions of this policy.

Departments may establish guidelines for varying levels of response to call-back situations depending upon the nature and importance of services to be completed.

SECTION 4 OPERATING HOURS AND ATTENDANCE

4.1 REGULAR HOURS

Employees of the City have a normal workweek of forty (40) hours, except those employees noted otherwise. The regular workday normally begins at 8:00 a.m. and ends at 5:00 p.m.

4.2 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. Your acceptance of work with the City is your agreement that this will not create an undue hardship on you or your family and that you will be available to do such work.

4.3 MEAL PERIODS AND BREAKS

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 between the hours of 11:00 a.m. and 2:00 p.m. in order to minimize departmental interruption. Supervisors may set the starting and ending time for a specific meal period. Employees will be relieved from work responsibilities during unpaid meal breaks. Nonexempt employees must record the beginning and ending times of their meal break. Employees may not extend meal breaks beyond their assigned period.

Full time employees may, depending on individual departmental work schedules and the discretion of their supervisor, take up to two short, paid work breaks each day, one during the first part of the work day and the other during the latter part of the work day. Each such break may not exceed fifteen minutes in length.

4.4 EMERGENCY SERVICES DEPARTMENT WORK HOURS

Emergency Services Departments (Police Department and Fire Department) operate with employees on two different sets of workweeks.

Administrative personnel will work a traditional 8 hour shift, 40 hour workweek, with 80 hours per pay period.

Police shift personnel will work a 12 hour shift, with 7 shifts per pay period for 84 hours per pay period in conformance with established department operating policies.

Fire shift personnel will work a 24-hour shift in conformance with established department operating policies. (Based on a 27 day, 216 hour cycle in accordance with FLSA).

4.5 ATTENDANCE RECORDS

Nonexempt employees are required to record the number of hours worked each day, taking into consideration the time they arrived to work, the time they left for and returned from lunch, the times they left for and returned from any unpaid break during the work day. The employees' bi-weekly timesheet will be used to keep attendance records.

4.6 ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Employees are expected to be at their work stations and ready to work at their scheduled start time. Absenteeism and tardiness are disruptive and place a burden on the City and on co-workers. A finding of unexcused absenteeism or tardiness may lead to disciplinary action, up to and including termination of employment.

In the rare instance when you cannot avoid being late to work or are unable to work as scheduled, you must personally notify your manager as soon as possible in advance of the anticipated tardiness or absence. You must disclose to your manager the reason for the absence or tardiness and the date/time of your anticipated arrival. For absences of a day or more you must personally notify your manager on each day of your absence unless your manager expressly waives this requirement. Police and Fire Department personnel must report their tardiness or absence in accordance with Departmental rules and regulations.

SECTION 5 EMPLOYEE BENEFITS

5.1 EMPLOYEE BENEFITS - OVERVIEW

Eligible City employees are provided a wide range of benefits. Benefit eligibility is dependent upon a variety of factors, including employee classification and length of service. (An employee’s anniversary date may, for purposes of benefit eligibility and accrual, be changed to account for any extended absence from work.) Generally, however, regular full-time employees are eligible for most benefits. Your supervisor or Department Director can tell you the benefits you are eligible for. Benefit programs available to eligible employees include but are not limited to:

- | | |
|-------------------------|--------------------------------|
| Paid Holidays | Sick Leave Bank |
| Paid Jury Duty Leave | Bereavement Leave |
| Paid Witness Duty Leave | Deferred Compensation |
| Paid Sick Leave | Paid Vacation Leave |
| Paid Training Leave | TMRs Contributions |
| Time Off to Vote | Military Leave |
| Group Life Insurance | Workers’ Compensation Benefits |
| Group Health Insurance | Dental Insurance |

While the City pays the full cost of most of these benefits, some of the benefit programs require contributions from participating employees.

Section 5 A. EMPLOYEE BENEFITS/TIME AWAY FROM WORK

5.2 PAID VACATION LEAVE

Accrual Rate (Regular Employees). New regular full- and part-time employees begin accruing vacation leave on the first day of their first full pay period. Accrual rates are as follows:

| Years Employed with the City | Rate of Accrual (Hours Per Year) | Hours Per Pay Period |
|-------------------------------------|---|-----------------------------|
| 0-4 | 80 | 3.08 |
| 5-9 | 120 | 4.62 |
| 10+ | 160 | 6.15 |

Regular part-time employees accrue vacation on a pro rata basis based on their scheduled hours. An employee's length of service may be adjusted for any significant leave of absence except military leave.

Maximum Vacation Accruals. Employees are encouraged to use their vacation leave each year; however, employees may carry a maximum of two hundred and forty (240) hours of vacation leave. In the event an employee exceeds the maximum vacation accrual they will be notified and given 90 days to come under the accrual limit. Employees who are not within the maximum vacation accrual within 90 days will stop accruing any new vacation time until they are under the maximum vacation accrual. In other words, employees must use their vacation in a timely manner or it will be lost to the extent that the carry-over from year to year exceeds the maximum vacation accrual. Employees will not be paid for vacation in excess of the maximum vacation accrual. In other words employee who resign or are terminated will not be paid for vacation time in excess the maximum vacation accrual. With approval of the Department Director and City Administrator, an employee will be permitted to carry over additional hours beyond a maximum accrual limit if they agree to an excess leave reduction action plan.

Scheduling Vacation Leave. Department Directors are responsible for scheduling annual vacation leave for employees under their authority. Whenever possible, vacation leave will be scheduled at the convenience of employees. However, 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. Vacation request forms should be filed with supervisors at least one week in advance. To ensure proper payment of vacation pay, employees must make sure they have an approved vacation request on file before leaving for vacation.

Unscheduled vacation leave must be authorized by the Department Director (in the case of Department Directors then by the City Administrator) or by the employee's immediate supervisor if the Department Director is unavailable. Leave is considered unscheduled vacation leave if the employee provides less than one week notice.

Compensation for Leave Time. Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation such as incentives or bonuses. Upon termination, employees having accrued but unused vacation leave will be paid for that vacation time at their hourly rate at the time of termination. New employees who do not successfully complete their initial probationary period will not be paid for accrued vacation.

Use of Leave Time. Vacation leave must be taken in minimum one-half hour increments. Paid vacation leave is not considered time worked for purposes of performing overtime calculations. Newly hired employees are not eligible to take vacation time until they have successfully completed their initial probationary period.

Vacation Leave Buy-Back. With the approval of the Department Supervisor and within limits established in the annual approved City budget, an employee may elect to sell his/her unused vacation time to the City. Vacation leave will be purchased for a cash payment at the employee's current hourly rate.

Overtime Calculations. Paid time off under this policy may be counted as "hours worked" for

purposes of performing overtime calculations if the vacation was scheduled and approved before the additional hours were worked.

5.3 HOLIDAYS

It is the City's policy to permit as many employees as possible to enjoy a day off with pay on holidays. However, any or all employees may be required to work on a holiday.

Official Holidays. The City observes the eleven nationally recognized holidays listed below. When a holiday falls on a Saturday or Sunday, the holiday will normally be observed by the City on the day designated by the federal government (i.e., the Friday before or the Monday following).

| Holiday | Date Observed |
|-----------------------------------|-----------------------------|
| New Year's Day | January 1 |
| Martin Luther King Jr.'s Birthday | Third Monday in January |
| President's Day | Third Monday in February |
| Personal Day/Good Friday | Friday before Easter Sunday |
| Memorial Day | Last Monday in May |
| Independence Day | July 4 |
| Labor Day | First Monday in September |
| Thanksgiving | Fourth Thursday in November |
| Day after Thanksgiving | Fourth Friday in November |
| Christmas Eve | December 24 |
| Christmas Day | December 25 |

Skeleton Crew Days. City Offices will be closed in observance of Columbus Day (Second Monday in October), Veterans Day (November 11), and New Year's Eve (December 31). On these "skeleton crew" days city offices will be closed to outside customers. Departments may schedule in-house work days, in-service days, and continuing education workshops. Departments may also choose to close on "skeleton crew" days to allow employees to use excess compensatory or vacation time.

Designation of the Personal Holiday as "September 11th" Holiday in the Fire Department. To comply with state law, the City shall designate the annual Personal Holiday given to Fire Department uniformed personnel as the "September 11th" holiday. The September 11th holiday will be recognized per the City Holiday policy the same as the personal holiday given to all other City employees.

Eligibility. Only regular full-time and part-time employees are eligible for paid holidays. To be eligible for holiday pay, nonexempt employees must work their regular schedule immediately before and after the holiday, unless otherwise approved by their Department Director.

Overtime Calculations. Paid time off for holidays may be counted as hours worked for purposes of determining overtime.

Holidays during Time Off. Employees taking vacation that includes an authorized holiday during their paid time off will be paid for the holiday without that day being charged against the employee's paid vacation time.

Rate of Pay. Nonexempt employees who are scheduled or called in to work on a holiday will be paid at the overtime rate of one and a half (1.5) times their regular hourly rate and receive Holiday Time at the rate of one (1) hour for each hour worked. If working on a holiday causes an employee to work overtime for that work week or work cycle, the employee will not be paid both the holiday rate and the overtime rate for the holiday. Exempt employees will receive a day off with pay at a later date. Regular full-time employees who do not work on a holiday are paid for the number of hours they normally work on the day of the week on which the holiday falls. Regular part-time employees who do not work on a holiday receive holiday pay equal to the number of hours they normally work each day if they are normally scheduled to work on the day of the week on which the holiday falls.

Holidays for Emergency Services Shift Employees. Emergency Services Department employees may be required to work on designated city holidays as part of their regular schedules or called in for special purposes. Employees who work shifts on scheduled holidays will be paid the overtime rate of one and a half (1.5) times their regularly hourly rate for the shift. Employees who are called in for additional staffing, on a day they would have regularly had scheduled off will be paid double timer (2.0) their regular hourly rate for the shift.

Maximum Holiday Time Accruals. Employees are encouraged to use their Holiday Time leave each year; however, employees may carry over a maximum of forty (40) hours of Holiday leave on October 1st of each year. Employees will not be paid for Holiday Time in excess of the maximum accrual. In other words, employees must use their Holiday Time in a timely manner or it will be lost to the extent that the carry-over from year to year exceeds the forty (40) hour maximum. With approval of the Department Director and City Administrator, an employee will be permitted to carry over additional hours beyond a maximum accrual limit if they agree to an excess leave reduction action plan.

Scheduling Holiday Leave. Holiday Time will be treated in the same manner as vacation leave. Department Directors are responsible for scheduling Holiday leave for employees under their authority. Whenever possible, Holiday Time leave will be scheduled at the convenience of employees. However, Department Directors must be certain that scheduled leave does not interfere with the normal functions and activities of department operations. Whenever possible, employees are encouraged to submit their preferred vacation/Holiday Time schedule to the appropriate supervisor as far in advance as possible to relieve any scheduling problems that may develop. Vacation request forms should be filed with supervisors at least one week in advance. To ensure proper payment of vacation pay, employees must make sure they have an approved Holiday Time leave request on file before leaving for vacation.

Non-Scheduled Religious Holidays. An employee may request an approved absence to celebrate a religious holiday that is not a scheduled City holiday. Time off for such absences may be taken as vacation, compensatory time, sick leave, holiday time or an excused absence without pay.

No Payment for Unused Holiday Time. Upon termination, resignation or other separation from employment, no payment will be made for unused Holiday time. If, however, an employee dies while employed by the City, payment may be made for unused Holiday time. If such payment is made, it will be to either the employee's estate or the beneficiary of the employee's Holiday Time benefit, as designated by the employee. The amount of payment will be calculated using the employee's rate of pay at the time of death.

5.4 SICK LEAVE

Sick leave is paid time away from work due to an employee's illness or injury, for visits to the doctor or dentist, and to care for certain family members who are ill or injured. Employees who are unable to work due to illness or injury must immediately notify the appropriate supervisor in accordance with the procedures adopted by their Department.

Eligibility. All regular full- and part-time employees begin accruing paid sick leave during their first full pay period of employment. Temporary and seasonal employees do not accrue sick leave. Employees who are in their initial probationary status are generally ineligible to use accrued sick leave.

Accrual Rate. Sick leave typically accrues based on an 8-hour day, at the rate of 4 hours per pay period, up to a maximum of one hundred and four (104) hours per calendar year. Sick leave does not accrue when an employee is in a leave without pay status or when an employee receives workers' compensation pay benefits for the full pay period. Regular part-time employees accrue sick leave on a pro rata basis.

Maximum Sick Leave Accruals. Employees are encouraged to use their sick leave each year as needed; however, employees may carry over a maximum of three hundred and sixty (360) hours of sick leave on October 1st of each year. In other words, employees must use their sick leave in a timely manner or it will be lost to the extent that the carry-over from year to year exceeds the maximum sick leave accrual..

Authorized Use of Sick Leave. Accrued sick leave may be used for absences due to the employee's personal illness, accident, or injury, or absences when the employee is needed to care for a member of his or her immediate family who is ill. For purposes of this policy, "immediate family" is defined as: current spouse, children, or parent. Use of sick leave by employees to care for a family member is limited to one hundred and four (104) hours. Sick leave may also be used by employees for doctor and dentist appointments. Sick leave must be taken in minimum one-hour increments. Use of sick leave is subject to the City's Long Term Absence/Termination Policy which provides that any employee who is absent from work for more than six consecutive months will be subject to termination. Employees are not permitted to use sick leave in their final two weeks of employment.

Failure to Report Absence/Abuse of Sick Leave. Supervisors closely monitor use of sick leave. It is anticipated that employees using paid sick time for their own illness/injury or that of a family member will use the time off to recuperate or care for their family member. Brief limited errands, trips to the doctor, hospital stays/visits, or similar activities in keeping with the reason for the absence are acceptable, but other personal pursuits during paid sick leave will generally be considered an abuse of this policy.

Upon a finding of abuse of sick leave, including use of sick leave for anything other than as provided for in this policy, an employee will be subject to immediate disciplinary action, up to and including termination of employment, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness due to illness or injury may be disqualified from using sick leave for their absence.

Unless the absences are FMLA qualifying, it is considered an abuse of sick leave if an employee, in a calendar month, takes four or more one-hour increments at the beginning or ending of a work day; this policy does not include sick leave taken for an eight-hour period.

Other Employment during Sick Leave. Employees on sick leave, whether paid or unpaid, may not work a second job (including self-employment, police detail, volunteer activities) during the period of sick leave, even if they have a previous written authorization to work a second job. The only exceptions to this policy must be obtained in writing from their Department Director and the City Administrator.

Use of Other Leave. If approved by the Department Director (and in the case of Department Directors, by the City Administrator), accrued vacation leave, compensatory time off, other accrued paid leave, or leave of absence without pay may be used 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 holiday under the City's Holiday Policy.

An employee who qualifies for use of sick leave during a scheduled vacation leave may be permitted to use sick leave instead of vacation leave for a qualifying absence. In such an instance, the employee must notify his or her supervisor immediately rather than waiting until the employee returns to work. Supporting documentation will likely be required in such cases.

Documentation. Supervisors closely monitor use of sick leave. An employee may be required to present satisfactory proof of illness/injury whenever he/she uses sick leave for three or more consecutive work days, and at any other time he/she requests use of paid sick leave 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 if the employee wishes to use accrued sick leave to care for a sick 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. Upon a finding of abuse of sick leave will likely result in disciplinary action up to and including termination of employment and may also render the employee ineligible for paid sick leave benefits. Before returning to work following use of sick leave, the City may require an employee to provide the City with a "fitness-for-duty" certification stating that the employee is able to resume his or her normal job duties before the employee can return to work.

Overtime Calculations. Paid time off for sick leave may be counted as hours worked for purposes of performing overtime calculations if the time off on sick leave was scheduled and approved before the additional hours are worked.

Family and Medical Leave Act Leave. Any absence which qualifies as both Family and Medical Leave Act leave and sick leave will be counted as both.

No Payment for Unused Sick Leave. Upon termination, resignation or other separation from employment, no payment will be made for unused sick leave. If, however, an employee dies while employed by the City, payment may be made for unused sick leave. If such payment is made, it will be to either the employee's estate or the beneficiary of the employee's sick leave benefit, as designated by the employee. The amount of payment will be calculated using the employee's rate of pay at the time of death.

All regular full-time employees who have an accrual balance of 240 hours as of December 1 of each year, and who have not taken more than 40 hours of sick leave in the previous twelve months, are eligible to surrender 40 hours of sick leave for cash payment at their current hourly rate.

5.5 SICK LEAVE BANK

The purpose of this policy is to preserve an employee's economic viability, which would otherwise be endangered because of the employee's non-job related catastrophic illness or injury.

Contributions to the Pool. Contributions to the pool come from excess sick leave that is donated by the employee, and time that would be lost due to maximum carry-over limits and termination of employment. The sick leave pool will carry over no more than 1,040 hours of accruals from one calendar year to the next. If an employee does not use all of the time contributed for his/her use, the unused time will revert back to the pool at the end of the calendar year in which he/she returns to work. Throughout the remainder of the calendar year, the employee can only use the remaining pool time for absences due to the catastrophic illness or injury for which the pool time was originally donated. A licensed physician must provide a statement indicating the date(s) and duration of these absences and the illness/condition for which the absence is necessary.

Eligibility. Regular full-time and regular part-time, non-probationary employees who meet the following criteria are eligible to apply for pool time.

- The employee enrolled in the sick leave bank by contributing eight (8) hours of sick leave to the sick leave pool.
- The employee enrolls in the sick leave bank during the annual open enrollment period of September 1st through September 30th.
- The employee must be initially unable to work for at least two consecutive calendar weeks after all paid leave, is exhausted due to his/her own non-job related catastrophic injury or illness.
- The employee must have exhausted all other forms of paid leave including sick leave, vacation, compensatory time, and holiday time.
- The employee must provide certification from a licensed physician, in a form acceptable to the City, that the illness or injury will require the employee to remain away from work for at least two consecutive calendar weeks following the exhaustion of all other forms of paid leave.
- The employee must not have utilized the sick leave pool during the last five years.
- The employee must not have been disciplined during the last five years for abuse of sick leave.

Where an employee's absence qualifies for FMLA and he/she has exhausted all accruals, the employee can apply to use paid time from the sick leave pool for his/her own illness/injury. Use of paid sick leave pool time for the employee's own FMLA qualifying event will count against the 12-week FMLA entitlement. All provisions of the City's FMLA policy will apply. If there are any conflicts between the Sick Leave Pool policy and the FMLA policy, the City's FMLA policy will govern.

Request for Sick Leave. A request for sick leave pool time must be submitted, along with a signed Certification of Physician, to the employee's Department Director. The physician's statement must be signed by a physician licensed by the State of Texas. The physician's statement must include the date the medical condition began, the probable duration, and an estimate of time that the employee will be unable to perform work of any kind and/or the employee's own job duties. If applicable, the physician's statement must also declare if it is necessary for the employee to work a reduced schedule, the duration of the reduced schedule, and any work restrictions.

A renewal application form and physician certification form must be filled out and signed by the

physician every thirty-calendar days that the employee remains out on pool leave.

If the employee is incapacitated so that he/she cannot provide the application and/or physician's certification, an employee spokesperson (family member or physician) may provide this to the City.

Catastrophic Illness/Injury Defined. For purposes of this policy, a catastrophic illness or injury is one that:

- Affects the mental or physical health of an employee to the extent that he/she is unable to perform his/her job;
- Is not caused by willful misconduct; is not purposely self-inflicted; does not occur while on leave without pay or absence without leave; and is not acquired as a result of another job (whether for pay or self-employed);
- Poses a threat to life; requires in-patient or hospice care or extensive outpatient treatment or care; and/or requires the services of a licensed physician for an extended period of time; and
- Causes the employee to be unable to work two consecutive calendar weeks or longer after exhaustion of all forms of paid leave.

Examples of illnesses or injuries generally considered severe enough to be considered catastrophic include, but are not limited to:

- Stroke with residual paralysis or weakness
- Incapacitating heart attack
- Major surgery
- Cancer
- Other severe illnesses or injuries which cause the employee to meet the criteria listed above.

Examples of illnesses or injuries NOT categorized as catastrophic include but are not limited to:

- Broken limb
- Cold/Allergy
- Certain types of surgery with no complications (e.g., appendectomy with no or minor complications)
- Pregnancy with minor or no complications

Approval Process. Application for pool leave is on a first-come first-served basis and is contingent upon the available balance in the pool at the time of application as well as the employee's ability to meet the criteria listed in this policy. No more than 20 calendar days of pool time will be granted at one time. The employee must reapply and resubmit appropriate forms every 30-calendar days after the initial two-week period.

The maximum pool time that can be awarded per qualifying event is one-third of the available pool up to three hundred and forty four (344) hours. This policy is subject to the City's Long Term Absence/Termination Policy, which provides that any employee who is absent from work for more than six consecutive months, may be terminated.

Normally, a written decision will be made and given to the employee within five working days from

the date of the employee's submission of the appropriate application and documentation to the Department Director. The Human Resources Manager/City Secretary will review all applications and certifications for use of sick leave pool time and his/her decision is final.

Use of Sick Leave Pool Days.

- In accordance with the City's vacation and sick leave policies, while out on sick leave pool time, employees will continue to accrue sick and vacation time. However, as soon as it is accrued, this earned paid time will be used in lieu of the contributed time.
- Employee and City contributions to insurance, retirement, etc. will continue while the employee is on sick leave pool time.
- While out on pool time, any across the board salary increases, COLA's, market adjustments, etc., which are independent of performance, will be awarded to the employee.
- While out on pool time, employees may not work at another job (including self-employment, police detail and volunteer activities). Employees who perform outside work for compensation within 24 hours of using sick leave pool time may be required to pay back used pool time, will lose all remaining sick leave pool time, and will be subject to appropriate disciplinary action up to and including termination of employment.
- Employees seeking to return to work after more than 10 consecutive days/shifts' absence (or the equivalent) must provide a doctor's certification indicating that the employee is able to return to work. The certification will specify work restrictions if necessary.
- The City may impose other return to work requirements pursuant to its Medical Examinations/Fitness for Duty Policy.
- If the employee's physician releases the employee to return to work before the end of the approved sick leave pool period (whether for the initial two-week period or the twenty calendar day period) the employee must notify his/her supervisor and make arrangements to return to work as soon as possible.
- When possible, employees will be returned to their former positions or offered the first available comparable position for which they qualify.

Property Rights. No property rights or entitlements exist to sick leave contributions provided by this policy or any previous individual donations of sick leave. The City reserves the right to change, modify, amend, revoke or rescind all or part of this policy at the sole discretion of the City Council.

5.6 BEREAVEMENT LEAVE

Up to three days of paid leave (two, 12-hour shifts for police, and one 24-hour shift for firefighters) may be provided to regular full and part-time employees to allow the employee to attend the funeral and make any necessary arrangements associated with the death of an immediate family member. For purposes of this policy, the City defines "immediate family" as the employee's current spouse, parent, child, child's spouse, sibling, grandparents, grandchildren, or anyone with the same relationship to the employee's current spouse.

An employee who wishes to take bereavement leave must notify his or her supervisor immediately. Employees may, with their supervisor's approval, use any available paid vacation leave and/or compensatory time for additional time off as necessary; exempt employees who do not have any available vacation or compensatory leave time will not be "docked" for any partial days' absence under this policy, but may be required to make up the missed time at a later date.

The City may require proof of death/funeral 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 such as incentives, commissions, or bonuses. Paid time off for bereavement leave is not counted as hours worked for purposes of determining overtime.

5.7 JURY DUTY LEAVE

The City encourages employees to fulfill their civic responsibilities by serving on jury duty when required. Accordingly, regular full-time and part-time employees will be paid their normal earnings for time spent serving on a jury. Jury duty pay is paid at the employee's base pay rate at the time of jury duty and does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials. Paid time off for jury duty is not counted as hours worked for purposes of determining overtime. Employees should attempt to keep up with their job responsibilities during jury duty. Employees must show their jury duty summons to their supervisor as soon as possible so that arrangements can be made to accommodate their absence. Employees are expected to report to work whenever the court's schedule permits.

5.8 WITNESS DUTY LEAVE

The City encourages employees to appear in court for witness duty when subpoenaed to do so. If employees have been subpoenaed or otherwise requested to testify as witnesses by the City, they will receive paid time off for the entire period of witness duty. (Note: This policy does not apply to testimony by police officers, code officials and firefighters who are required to testify in court as part of their job duties.)

Nonexempt employees will be granted unpaid time off to appear in court as a witness when requested by a party other than the City. Nonexempt employees may use any available paid vacation or compensatory leave for this absence; if the nonexempt employee has no available vacation or compensatory time, any time off for witness duty will be unpaid. An exempt employee who misses time away from work to appear as a witness for someone other than the City must use vacation or compensatory time during the absence. If an exempt employee has no accrued vacation or compensatory leave time, he or she will be required to make up the missed time at a later date.

A subpoena for witness duty must be shown to the employee's supervisor immediately after it is received so that employee staffing can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court's schedule permits.

5.9 MILITARY LEAVE

The City complies with all state and national laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. The City supports its employees and their service in state and national military units and provides them with a number of military leave benefits. However, 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 reemployment rights 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). To be eligible for paid military leave, employees must complete and submit the necessary documentation, including the official documents setting forth the purpose of the leave and, if known, its duration. This documentation must be turned into the employee's supervisor as far in advance of the leave as possible.

Paid Leave for Training and Duty.

Full Pay For Up to 15 Days. Regular full-time and part-time employees will be paid for military absences of up to 15 workdays per fiscal year (October 1 through September 30). This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserves training or duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year.

Other Paid Leave. Employees who are not eligible for paid military leave or 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 comp 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 up to 5 years.

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 the regular contribution 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 their reemployment rights expire, whichever event occurs first, for him/her and eligible dependents. Employees must pay 100% of the applicable premium to cover the cost of elective continuation coverage under the City's group health plan.

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

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

TMRS. Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active

duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must return to work for the City within 90 days after discharge; receive an honorable discharge; and timely complete the necessary application. In order to receive monetary credit, an employee has the lesser of 5 years or 3 times the length of the military service to make up any TMRS contributions that were missed while on military leave.

Returning from Leave.¹

Reemployment Rights. In most cases, employees who complete their military service will be re-employed in their previous position or a similar position with the City. Federal law requires that employees returning from military leave be rehired in the position they would have had if they had been continuously employed. Since most jobs and promotions in the City are not awarded based on seniority, it is impossible to know what job an employee might have had if he/she had been continuously employed. This means most employees returning from military leave will typically be restored to the job they had at the time they left on leave.

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

- For service of **less than 31 days**, employees have 8 hours following their return home from service to report for their next scheduled work period.
- For service **between 31 days and 180 days**, employees have 14 days following their release from service to apply for reemployment.
- 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 prevents him/her from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

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

Rights to Continued Employment. Employees who serve in the military for more than 6 months will not be discharged by the City without cause for 1 year following the date of their reemployment. Employees who serve for between 1 and 6 months will not be discharged without cause for 6 months following the date of their reemployment. Employees who serve for 30 days or less are given no protection under federal law from discharge without cause.

Changed Circumstances. If the City's circumstances have changed to such an extent that it would be impossible or unreasonable to reemploy an employee, the City has no legal obligation to reemploy an employee following his/her return from military leave. For example, a reduction-in-force that eliminates the position held by an employee returning from leave excuses the City from its obligation to reemploy the employee. In addition, the City is not required to make efforts to qualify returning

¹ There are no provisions under the heading "Returning From Leave".

employees for particular positions or to make accommodations for employees who suffered service-related disabilities when such efforts or accommodations would impose an undue hardship on the City.

Compliance with State and National Laws. This policy will be administered in accordance with applicable law. If the law changes or this policy is otherwise in conflict with applicable law, the City will comply with current law.

5.10 AUTHORIZED LEAVE WITHOUT PAY

Employees may request leave without pay. Request must be in writing and approved by the Department Director and City Administrator. Requests for a leave without pay should be made as far in advance as possible prior to the requested leave date. Factors considered by the City in granting leave include the reason for the leave, departmental work requirements, the employee's length of service and performance and disciplinary history, and other factors. A leave of absence will not be granted unless there is a reasonable expectation that the employee can and will return to work at the end of the approved leave period. Such leave will normally be granted for a minimum period of one workday with a maximum period of 30 days. Requests for an extension of leave must also be in writing and submitted to the Department Director (in the case of a Department Director then to the City Administrator). A leave of absence is a formal process. Nothing in this policy permits an employee to unilaterally take time off from work without pay.

The need for a medical leave of absence must be supported by documentation acceptable to the City. Before returning to work from a medical leave of absence, the employee may be required to submit a letter from his or her doctor stating that the employee is able to resume his or her normal job duties.

Under no circumstances may an employee on an authorized leave without pay work another job, whether for pay, as a volunteer or as self-employment, unless expressly authorized by the Department Director and the City Administrator.

An employee's anniversary date may, for purposes of annual performance evaluations and benefit eligibility and accrual, be changed to account for an extended absence from work.

Employees returning from a leave of absence 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 be impossible or unreasonable 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. Employees are expected to provide the City with at least one week's notice prior to their return to work.

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 leave of absence. The City will continue to pay its portion, if any, of group health insurance premiums for any Family and Medical Leave Act qualifying leave. 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 leave of absence. An employee's failure to pay either his or her or the City's portion of insurance premiums during a leave of absence may result in cancellation of coverage.

All leaves of absence are unpaid, and vacation, sick leave, holiday pay and other benefits do not accrue during an unpaid leave of absence. Usually, an employee who fails to return to work at the conclusion of an approved leave of absence will be considered to have voluntarily resigned his or her

employment with the City. This policy will be administered consistently with the City's obligations under the FMLA and ADA, including considering extending leave as a reasonable accommodation.

Long Term Absence/Termination. This policy will be administered in accordance with the City's long-term absence/termination policy.

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

5.11 ON-THE-JOB INJURY LEAVE

Most on-the-job injuries are covered by the City's workers' compensation insurance. Please see the City's Workers' Compensation Policy. Employees may supplement any workers' compensation wage benefits with any accrued vacation, sick or compensatory leave. However, in no event will an employee be paid more than 100% of his or her regular pay.

5.12 FAMILY AND MEDICAL LEAVE ACT LEAVE

The City provides leave to eligible employees in accordance with the Family and Medical Leave Act (FMLA). Under the FMLA, eligible employees may take up to 12 weeks of job-protected leave each year for specified family and medical reasons or 26 weeks of leave to care for an injured or ill service member or veteran.

1. FMLA Leave Runs Concurrently With Other Types of Leave. FMLA leave is typically unpaid unless the absence also qualifies for paid leave under another City policy.

1.1 Sick Leave. If an employee has any available accrued sick leave, it must be used concurrently with any available FMLA leave, provided the employee's absence is covered by the City's sick leave policy and the employee satisfies that policy's procedural requirements.

1.2 Holiday, Comp Time & Vacation Leave. If an FMLA-qualifying absence is not covered by the City's sick leave policy, the following leave time will be applied and will run concurrently with any remaining FMLA leave: compensatory time, then vacation leave, and then holiday time.

1.3 Disability & Workers' Comp Leave. If the employee is approved for workers' comp or short-term or long-term disability, the employee's absence from work is automatically approved for FMLA, provided he/she has met the FMLA's eligibility requirements. This means that workers' comp and short- and long-term disability absences will run concurrently with FMLA leave. Employees being paid either workers' comp salary benefits or short- or long-term disability benefits while on leave are not required to use accrued sick, holiday, comp time or vacation leave while collecting workers' comp or disability benefits.

2. Employee Eligibility. To be eligible for FMLA leave, an employee must have worked for the City for at least 12 months (need not necessarily be consecutive 12 months); or have worked for the City at least 1,250 hours during the 12 months before the start of the leave.

3. Qualifying Reasons for Leave. FMLA leave may only be taken for qualifying events and is limited to the time periods set out below.

3.1 Twelve Weeks of Leave. Eligible employees may take up to twelve (12) weeks of FMLA leave in a single 12-month period (the City uses the fiscal calendar of October 1st to September 30th to determine eligibility for leave) for one or more of the following reasons:

- When the employee is unable to perform the functions of his/her job because of his/her own serious health condition;
- For the birth or placement of a child for adoption or foster care. FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, if an employee and the employee's spouse are both employed by the City, both are jointly entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care, or to care for a parent (but not a parent-in-law) who has a serious health condition;
- To care for a spouse, child, or parent with a serious health condition; or
- A qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on active duty (or has been notified of an impending call or order to active duty) as a member of the National Guard or Reserves in support of a contingency operation or who is serving on active duty in any regular component of the Armed Forces who is deployed in a foreign country.

3.2 Twenty-Six Weeks of Military Caregiver Leave. Eligible employees may take up to 26 weeks of FMLA leave in a single 12-month period to care for a covered service member (*i.e.*, the employee's spouse, child, parent, or next of kin) with a serious injury or illness incurred in the line of duty while on active duty in the Armed Forces. This leave is also available to care for any former member of the Armed Forces, National Guard or Reserves during the first five years following discharge from military service if the veteran is undergoing treatment for, or recuperating from, a serious illness or injury incurred in the line of duty while on active duty. If an employee and the employee's spouse are both employed by the City, both are jointly entitled to a combined total of 26 work weeks of leave during a single 12-month period.

3.3 Maximum Amount of Leave. The maximum amount of FMLA leave available is 12 weeks during a 12-month period or 26 weeks in a single 12-month period to care for an injured or ill service member even if there are multiple FMLA qualifying events.

4. Employee's Notification Responsibilities. Employees must give the City sufficient information so that it can make a determination as to whether the employee's absence is FMLA-qualifying. If an employee fails to explain the reasons, leave may be denied. Employees must also indicate on their time records when an absence or tardy is or may be covered by FMLA. Any absence or illness that results in more than three days' absence must be reported to the Human Resources Manager/City Secretary.

4.1 At Least 30 Days' Notice Required for Foreseeable Leave. Employees must provide both their Department Director and the Human Resources Manager/City Secretary with at least 30 days' advance notice when the need for FMLA leave is foreseeable.

4.2 Notice as Soon as Practicable for Unforeseeable or Emergency Leave. If the need for FMLA leave is not foreseeable, employees must provide both their Department Director and the Human Resources Manager/City Secretary with as much advance notice as practicable, in accordance with their Department's normal call-in procedures. The employee must also provide an explanation as to why he/she was unable to provide at least 30 days' advance notice of the need for leave.

4.3 Content of Notice. Employees must provide the City with at least verbal notice and explain the reasons for the needed leave sufficient to allow the City to determine if the absence is FMLA-qualifying, and the anticipated timing and duration of the leave, if known. If the employee has previously taken FMLA leave for the same reason, he/she must specifically reference the qualifying reason for leave or the need for FMLA leave. The City may seek additional information from the employee, and the employee is obligated to respond to the City's questions so the City can determine if an absence is potentially FMLA-qualifying. The employee must notify the City as soon as practicable if the dates of his/her scheduled leave change or are extended, or where initially unknown.

4.4 Compliance with City's Call-In Procedures. Employees must comply with their Department's normal call-in procedures for reporting absences, tardiness and requesting leave, *e.g.*, contacting a specific supervisor by a certain time. Notice may be given by the employee's spokesperson only if the employee is physically unable to do so personally. Where an employee does not comply with the City's and Department's normal call-in procedures and no unusual circumstances justify the failure to comply, FMLA-protected leave may be delayed or denied.

4.5 Consequences for Failing to Provide Required Notice. If the employee fails to timely explain the reasons for his/her need for leave, FMLA leave may be denied or delayed for up to 30 days. The employee may also be subject to disciplinary action in accordance with City policy. Likewise, if an employee fails to respond to the City's reasonable inquiries regarding a leave request, the employee may not be granted FMLA leave protection.

4.6 Scheduling Planned Medical Treatment. When an employee intends to take leave for planned medical treatment for him/herself or for his/her spouse, child or parent, the employee is ordinarily expected to consult with his/her supervisor and try to schedule the treatment so as not to disrupt unduly the City's operations, subject to the approval of the treating health care provider. This should be done prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of the both the employee and the City.

4.7 Periodic Check-In While on FMLA. Employees must check in periodically with their Department Director (or designee) regarding their status and intent to return to work. If the employee discovers that the amount of leave originally anticipated is no longer necessary, the employee must provide the City with reasonable notice (*i.e.*, within two business days) of the changed circumstances if foreseeable.

5. City's Responsibilities.

5.1 Department Directors. Department Directors are responsible for the verification, approval and notification of FMLA leave. Upon notice from the Human Resources Director a Department Director may place an employee on FMLA leave if it is determined that a qualifying event has occurred.

a. Eligibility Notice. Department Directors will notify an employee of his/her eligibility to take FMLA within five business days of his/her receipt of the employee's request for FMLA leave or from when the City otherwise determines that an employee's absence may be FMLA-qualifying. Once Employee eligibility is determined the employee will receive notice at the commencement of the first instance of leave for each FMLA-qualifying reason in the applicable 12-month period. Notification will normally be in writing. If an employee's eligibility status changes, the Department Director will so notify the employee within five

business days.

b. Rights & Responsibilities Notice. Department Directors will provide employees with a notice detailing the City's specific expectations, the employee's obligations, and consequences to the employee of not meeting his/her obligations. The required certification form will accompany this notice. If any of the specific information in the Rights & Responsibilities Notice changes, the City will notify the employee within five business days of its receipt of the employee's first notice of need for leave subsequent to any change.

c. Designation Notice. When the City has enough information to determine if an absence is FMLA-qualifying (*e.g.*, after receiving the employee's fully completed Certification), the Department Director will notify the employee in writing as to whether the leave will or will not be designated as FMLA. This Designation Notice will be given to the employee within five business days, absent extenuating circumstances.

d. Certification Forms & Other Required Documentation. The Department Director is responsible for determining the completeness and authenticity of certification forms, fitness-for-duty/return to work certifications, and for review and coordination of all other FMLA documentation required by this policy.

5.2 Supervisors. So that the Department Director can meet the notice deadlines required by the FMLA, supervisors must immediately notify their Department Director if they have reason to believe an employee's absence is due to an FMLA-covered reason. Supervisors must make this report even if the employee is using paid time off to cover the absence, *e.g.*, sick leave, comp time, vacation, holiday, workers' comp, short- or long-term disability, or a trade with another employee.

Supervisors must report to their Department Director any time an employee misses work for more than three days because of his/her own illness or injury or that of a spouse, child or parent. Supervisors, it is important to remember that under the FMLA, an employee requesting paid or unpaid leave for an absence covered by the FMLA is not required to expressly mention FMLA. If the employee states a reason that qualifies for FMLA leave, the employee will likely have met the FMLA's notice requirements. When an employee submits a leave/absence form indicating an FMLA absence, the form must be sent to the Department Director immediately.

6. Medical Certifications and Other Required Documentation. In all instances in which the City requests a certification from an employee, it is the employee's responsibility to provide his/her Department Director with a complete and sufficient certification; failure to do so may result in the denial or delay of FMLA leave.

6.1 Certification. An employee must provide the City with a complete and sufficient medical certification supporting the need for FMLA leave due to a serious health condition affecting the employee, his/her spouse, child or parent, or due to the serious injury or illness of a covered service member. The required medical certification forms are available from Department Directors or the Finance/Accounting Manager. The certification must set forth the beginning and expected ending dates of the leave. In the case of intermittent leave, the certification must also provide the dates and duration of the treatments necessitating the intermittent leave. The employee is responsible for any expenses associated with providing the City with a required certification. The employee must turn in the required certification to their Department Director within 15 days after it is requested, unless not practicable under the circumstances.

6.2 Second & Third Opinions. In some cases, the City may require a second or third medical opinion (at the City's expense). The City will not require second or third opinions in the case of leave to care for a covered service member.

6.3 Recertification. Employees may be asked to periodically recertify the need for FMLA. The City will not, however, require recertification in the case of leave to care for a covered service member. The recertification must be provided within 15 days or as soon as practicable under the particular facts and circumstances. The employee is responsible for any expenses associated with providing the City with any required recertification.

1. 30-day rule. The City will request recertification no more than every 30 days and only in connection with an absence by the employee unless paragraphs b or c below applies.

2. More than 30 days. If the certification indicates that the minimum duration of the condition is more than 30 days, the City will wait until that minimum duration expires before requiring a recertification, unless paragraph c below applies. If the minimum duration of a serious health condition extends beyond six months, the City may nevertheless request a recertification every six months in connection with an employee's absence.

3. Less than 30 days. The City may request recertification in less than 30 days if the employee requests an extension of leave, circumstances described by the previous certification have changed significantly (*e.g.*, the duration or frequency of the absence, the nature or severity of the illness, complications, a pattern of unscheduled absences), or the City receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.

4. Annual Medical Certifications. If a serious health condition lasts beyond a single leave year, the City may require the employee to provide a new medical certification in each subsequent leave year.

6.4 Fitness-for-Duty/Return to Work Certification. Employees must submit a "fitness-for-duty" certification before they can return to work if FMLA leave is a result of the employee's own serious health condition. (The City may provide an FMLA form for this purpose.) The fitness for duty/return to work certification must specifically address the employee's ability to perform his/her essential job functions set out in the City's Designation Notice, but is limited to the particular health condition that caused the employee's need for FMLA leave. The employee is responsible for any expenses associated with providing the City with a required fitness for duty/return to work certification and is not entitled to be paid for the time or travel costs spent in acquiring the certification. The Finance/Accounting Manager (or other DOL authorized person) may contact the employee's health care provider for purposes of clarifying and authenticating the fitness-for-duty/return to work certification; the City will not delay the employee's return to work while such contact with the health care provider is being made. The City will not require second or third opinions of fitness-for-duty certifications. An employee who fails to timely provide the City with this certification will not be allowed to return to work; an employee who does not provide the required fitness-for-duty certification or request additional FMLA leave is no longer entitled to reinstatement and may be terminated.

While the City will not require a fitness-for-duty certification to return to duty for each absence taken on intermittent or reduced leave schedule, it will require such a certification up to once every 30 days if reasonable safety concerns (*i.e.*, a reasonable belief of significant risk of harm to the employee or others) exist as to the employee's ability to perform his/her duties, based on the serious health

condition for which the employee took leave.

6.5 Failure to Provide Certifications & Deficient Certifications. If an employee fails to provide a required certification within 15 days after the City requests it, the City may deny leave until the certification is provided. If the employee never produces the certification or recertification, the employee is not eligible for FMLA protections. If the certification is incomplete or insufficient, the City will notify the employee, in writing, and advise the employee what additional information is required. The City will provide the employee with seven additional days to cure any deficiency. If the deficiencies are not cured with the seven-day deadline, the City may deny the taking of FMLA leave. The Finance/Accounting Manager (or other DOL authorized person) may contact the health care provider for purposes of clarification and authentication after giving the employee the opportunity to cure any deficiencies.

6.6 Documenting Family Relationships. If an employee elects to take FMLA leave in order to care for a qualifying family member or to care for a covered service member or veteran, the employee may be required to provide reasonable documentation confirming the family relationship.

7. Certifications for Qualified Exigency Leave.

7.1 Active Duty Orders. The first time an employee requests leave because of a qualifying exigency the employee must provide a copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the active duty service.

7.2 Certification Form. The employee must complete and submit to his/her Department Director the appropriate certification form in support of his/her need for leave. This form must usually be turned in within 15 days after the City requests it.

7.3 Verification. If the qualifying exigency involves meeting with a third party, the Finance/Accounting Manager (or other DOL authorized person) may contact the individual or entity with whom the employee is meeting for purposes of verifying a meeting or appointment, and the nature of the meeting. The City may also contact an appropriate unit of the Department of Defense to request verification of active duty, call to active duty status, and/or deployment in a foreign country.

7.4 Denial or Delay of Leave. Exigency leave may be delayed or denied if the employee fails to turn in the required certification within 15 days. If the certification is incomplete or insufficient, the City will notify the employee, in writing, and advise the employee what additional information is required. The City will provide the employee with seven additional days to cure any deficiency. If deficiencies are not cured with the seven-day deadline, the City may deny the taking of FMLA leave.

8. Intermittent & Reduced Leave Schedule. An eligible employee may take FMLA leave on an intermittent or reduced schedule basis only if medically necessary, because of a qualifying exigency, for planned medical treatment, or as otherwise approved by the Department Director.

8.1 Notice. The employee must inform the City of the reasons why the intermittent or reduced leave schedule is necessary and of the schedule for treatment if necessary.

8.2 Scheduling Planned Medical Treatment. When an employee intends to take leave for planned medical treatment for him/herself or for his/her spouse, child or parent, the employee is ordinarily expected to consult with his/her supervisor and try to schedule the treatment so as not to disrupt unduly the City's operations, subject to the approval of the treating health care provider. This should be done prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of the both the employee and the City.

8.3 Temporary Transfer. The City may temporarily transfer the employee to an alternative position (with equivalent pay and benefits, but not necessarily equivalent duties) in order to better accommodate an employee's intermittent or reduced leave schedule.

8.4 Minimum Increments. Intermittent leave will be counted in increments no greater than the shortest period of time used by the City to account for use of other types of leave, up to a maximum increment of one hour.

8.5 Exempt Employees. Exempt employees using unpaid intermittent or reduced schedule FMLA leave may be docked for absences of less than a day without jeopardizing their exempt status under the Fair Labor Standards Act (FLSA). This special exception to the "salary basis" requirement for the FLSA's exemptions extends only to an eligible employee's use of leave required by the FMLA.

9. Benefits During FMLA Leave.

9.1 Group Health Insurance. During any period of FMLA leave, the City will continue to pay its portion, if any, of any group health insurance coverage for the employee on the same terms as if the employee had continued to work. Where applicable, the employee must timely pay his or her share of health insurance premiums while on FMLA leave. The City will advise the employee of the terms and conditions for making such payments. Failure to pay premiums in a timely manner will result in cancellation of group health coverage. The City may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave, unless the employee is unable to return due to a serious health condition, the serious injury or illness of a covered service member, or another reason beyond the employee's control. Medical certification is required under such circumstances.

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

9.3 Holidays. When an employee takes a full work week of FMLA leave and a holiday occurs within the week, the week is counted as a full week of FMLA leave. If, however, an employee uses FMLA in increments of less than a week, the intervening holiday does not count against the employee's FMLA entitlement unless the employee was otherwise scheduled and expected to work on the holiday. Employees on FMLA leave are not normally paid for holidays.

9.4 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 Finance/Accounting Manager and completing the necessary paperwork.

10. Job Restoration after FMLA Leave. Upon return from FMLA leave, an employee will normally be restored to his/her original job or to an equivalent job with equivalent pay, benefits, and

other terms and conditions. An employee, however, has no greater right to reinstatement than if he/she had been continuously employed during the period of FMLA leave. Further, the City may delay restoration to employees who fail to timely provide a fitness-for-duty certification to return to work.

10.1 Key Employees. Under certain circumstances the City is not required to reinstate "key" employees. Certain highly compensated key employees may be denied reinstatement when necessary to prevent "substantial and grievous economic injury" to the City's operations. A "key" employee is a salaried eligible employee who is among the highest paid 10 percent of employees within 75 miles of the worksite. An employee will be notified of his/her status as a key employee, when applicable, after requesting FMLA leave.

11. Other Employment During FMLA Prohibited. Under no circumstances may an employee on FMLA leave, sick leave, disability leave, or workers' compensation leave engage in outside employment as defined in the City's Other Employment Policy (No. 2.6) unless expressly authorized in writing in advance by the Department Director and City Administrator.

12. Fraud. An employee who fraudulently obtains FMLA leave is not protected by the FMLA's job restoration or maintenance of health benefits provisions. Further, an employee who commits fraud will likely be terminated from City employment.

13. FMLA Statute and DOL Regulations. More detailed provisions and definitions of some of the terms used in this policy are set out in the Act and in the DOL's regulations. This policy is intended to explain benefits available to eligible employees under the FMLA. It is not intended to create any rights to leave beyond those created by the FMLA. Department Directors or the Finance/Accounting Manager can provide additional information as needed on the FMLA. The City will refer to the Act and the applicable DOL regulations in carrying out this policy, as well as any relevant court interpretations and decisions. This policy does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement, which provides greater family or medical leave rights. When an employee gives notice of the need for FMLA leave, the employee will be given additional information as to his or her rights and responsibilities under the FMLA. In addition, employees may contact the nearest office of the U.S. Department of Labor's Wage & Hour Division or the Department of Labor's website for more information.

14. Mandatory Reporting of Improper Handling of FMLA. Employees must immediately report, in writing, to the Finance/Accounting Manager and/or the City Administrator, the following so that the City can investigate and respond appropriately:

- Any interference with, restraint or denial of the employee's right to take FMLA or any rights protected by the FMLA or this policy.
- Any discrimination or perceived acts of discrimination against the employee for any right protected by the FMLA or this policy.
- Any refusal by a supervisor to authorize FMLA leave or attempt to discourage an employee from taking FMLA leave.
- Any attempt to avoid the City's FMLA responsibilities.
- Discrimination or retaliation against an employee for exercising or attempting to exercise FMLA rights.
- Discrimination or retaliation against an employee for opposing or complaining about any unlawful practice under the Act or this policy.

15. Definitions. More detailed definitions of some of the terms used in this policy are set out in the Act and in the DOL's regulations.

15.1 12-Month Period for Covered Service Members - The 12-month leave period for calculating leave to care for a covered service member with a serious injury or illness is the 12-month period measured forward from the date an employee's first FMLA leave to care for the covered service member begins. During this 12-month period, the maximum FMLA leave an employee may take for any qualifying reason is limited to a combined total of 26 weeks.

15.2 12-Month Period for All Other FMLA Leave - To determine eligibility for all other leave, the City uses the employee's anniversary date.

15.3 Health Care Provider (HCP) – Means 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.

15.4 Next of Kin of a Covered Service Member – Means the nearest blood relative other than the covered service member's spouse, parent, or child in the priority established by the DOL.

15.5 Incapacity – Means the inability to work, attend school or perform other regular daily activities.

15.6 Serious Health Condition - For purposes of this policy, a "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

15.6.1. Inpatient care – an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or

15.6.2. Continuing treatment by a health care provider (HCP) - includes one or more of the following:

a) Incapacity & Treatment - a period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves treatment: (i) two or more times (within 30 days of the first day of incapacity, unless extenuating circumstances exist), by a HCP or under direct supervision of, under orders of, or on referral by, a HCP, or (ii) by a HCP on at least one occasion which results in a regimen of continuing treatment under supervision of the HCP. The first (or only) in-person treatment visit must take place within 7 days of the first day of incapacity.

b) Pregnancy & Prenatal care - any period of incapacity due to pregnancy, or for prenatal care;

c) Chronic Conditions - any period of incapacity or treatment for such incapacity due to a chronic serious health condition which (i) requires periodic visits (at least twice a year) for treatment by, or under the direct supervision of a HCP, or (ii) continues over an extended period of time (including recurring episodes of a single underlying condition); and (iii) may cause episodic rather than a continuing period of incapacity (*e.g.*, asthma, diabetes, epilepsy, etc.);

d) Permanent or Long-Term Conditions - a period of incapacity which is permanent or long-term

due to a condition for which treatment may not be effective (*e.g.*, Alzheimer's, a severe stroke, or the terminal stages of a disease);

e) Conditions Requiring Multiple Treatments - any period of absence to receive multiple treatments (including any period of recovery therefrom) by, or under the supervision of, under orders of, or on referral by, a HCP either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment (*e.g.*, chemo or radiation for cancer, physical therapy for severe arthritis, or dialysis for kidney disease).

Unless complications arise, the common cold, the flu, earaches, upset stomach, minor ulcers, headaches (other than migraines), routine dental or orthodontia problems, and periodontal disease are not serious health conditions. In addition, routine physicals, eye examinations, and dental examinations are not considered treatment.

15.7 Qualifying Exigency – this term includes issues arising from short-term deployments of seven or less calendar days prior to the date of the deployment; military events and related activities such as official ceremonies and programs sponsored by the military and to attend family support or assistance programs and informational briefings; childcare and school activities; financial and legal arrangements; counseling; rest and recuperations; post-deployment activities; and additional activities arising out of the covered military member's active duty or call to active duty status if the employee and the City agree that such leave qualifies as an exigency, and agree to both the timing and duration of the leave.

16. Department Directors. In the case of Department Directors who wish to take and/or are eligible for FMLA, all notice and other obligations under this policy must be directed to the City Administrator.

SECTION 5 B. EMPLOYEE BENEFITS/INSURANCE

5.13 ON-THE-JOB INJURIES/WORKERS' COMPENSATION BENEFITS

Coverage. The City provides workers' compensation coverage for all employees through the Workers' Compensation Joint Insurance Fund established by the Texas Municipal League. The Fund provides for medical expenses and partial compensation to employees injured on the job. The cost of such coverage is paid by the City and covers most injuries sustained on the job. Neither the City nor its workers' compensation insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City. Such injuries, however, may be covered under your personal medical insurance plan.

Report of Accidents and Injuries. All employees must comply with the reporting requirements set forth in the City's Safety Policy. All accidents and injuries that occur on the job must be reported to the employee's immediate supervisor.

Filing Claims. All workers' compensation claims must be filed with the Human Resources Manager through appropriate supervisory channels.

TMRS. Employee contributions to TMRS made on the basis of temporary income benefits received

through workers' compensation may be made on a voluntary basis through a special arrangement with the City. It is the employee's responsibility to initiate such an arrangement by timely contacting the City's Human Resources Director and completing the necessary paperwork.

Extended Absence. An employee's anniversary date may, for purposes of annual performance evaluations and benefit eligibility and accrual, be charged to account for any extended absence from work.

Use of Accrued Leave to Supplement Workers' Comp Benefits. Employees on workers' compensation leave may use any available paid leave time for which they are eligible to supplement their workers' compensation salary benefits. Paid accrued leave time will be applied in the following order: sick leave, comp time, holiday, and vacation leave, as applicable. However, under no circumstances will an employee on workers' compensation leave receive more paid benefits (e.g., workers comp, disability insurance, paid leave time) than the amount the employee would receive in base salary/wages if the employee was not injured and able to return to work.

Long Term Absence/Termination. This policy will be administered in accordance with the City's long-term absence/ termination policy.

Abuse of Workers' Comp Leave. It is anticipated that an employee receiving workers' compensation benefits will remain at home during his/her absence to recuperate. Brief limited errands, trips to the doctor, or hospital stays or similar necessities which take the employee away from home are acceptable, but other personal pursuits during a workers' comp absence may be considered an abuse of this policy. Exceptions to this policy must be approved in advance by the employee's Department Director and the City Administrator.

5.14 LIGHT DUTY

Light duty assignments for employees with a disability, illness or medical condition which makes them unable to perform their regular job duties are made at the sole discretion of the City, for up to a maximum of three months. While a genuine effort will be made to locate light duty assignments for employees, the City reserves the right to require an employee to be medically released (i.e., able to perform his/her essential job functions with or without a reasonable accommodation) before returning to active duty. Light duty assignments are coordinated by the employee's Department Director and approved by the City Administrator. Light duty assignments may be in the employee's own department, or in another department, depending upon the employee's circumstances and needs of 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 light duty; the risk that a light duty assignment may result in aggravation of the employee's injury or illness; the type of light duty work available; the length of the employee's employment with the City; the employee's performance and disciplinary history; and whether the illness or injury occurred on or off duty.

Employees with an on-the-job injury or illness will normally be given priority over other employees in the assignment of light duty jobs. Employees on FMLA leave may have the option, but will not be required, to perform a light duty assignment. If the employee refuses a light duty assignment, it will not affect the employee's entitlement to FMLA leave, but will render the employee ineligible for workers' compensation salary continuation benefits. An employee who is released for and offered light duty by the City, but who elects not to accept such an assignment, will generally be ineligible for paid sick leave benefits under the City's Sick Leave policy.

During a light duty assignment, employees will typically work an 8-hour workday, Monday through Friday. This means that 12-hour and 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 light duty assignment.

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

5.15 GROUP INSURANCE BENEFITS

Life Insurance. The City presently provides life insurance coverage for all full-time employees at some or no cost to the employee. Part-time and temporary employees are not eligible for participation, unless specifically authorized by the Department Director and City Administrator. Life insurance coverage begins immediately upon employment. The principle amount of coverage is equal to value of previous year's salary for the employee up to \$50,000. Employee dependents are not eligible for participation under the City's life insurance plan.

Health Insurance. Regular full-time employees presently are provided group health insurance at no cost to the employee immediately upon employment or after a short probationary period (if required by the insurance carrier). Employees may elect to cover their current spouse and/or dependent children under the City's health plan; the monthly premiums for dependent coverage will be made by way of payroll deduction. Group Health Insurance premium costs for dependent will be eligible as a payroll deduction and with the employee paying 100 percent of the cost of such coverage.

Dental Insurance. Regular full-time employees presently are provided access to purchase dental insurance for themselves and their dependents immediately upon employment or after a short probationary period (if required by the insurance carrier). Employees may elect to cover their current spouse and/or dependent children under the City's dental plan; the monthly premiums for dependent coverage will be made by way of payroll deduction. Dental insurance premium costs shall be eligible as a payroll deduction and with the employee paying 100 percent of the cost of such coverage.

Additional Information. This is only a general description of available group insurance coverage. For additional information regarding the City's group insurance policies, employees should review the appropriate summary Plan Description and/or contact the City Secretary/Human Resources Manager.

5.16 UNEMPLOYMENT INSURANCE BENEFITS

The program provides weekly benefits if an employee becomes unemployed through no fault of that employee or due to circumstances described in the law. Eligibility for unemployment compensation is determined solely by the Texas Workforce Commission. The City can make no commitment to an employee regarding eligibility for unemployment compensation.

SECTION 5 C. EMPLOYEE BENEFITS/RETIREMENT

5.17 TEXAS MUNICIPAL RETIREMENT SYSTEM

The City participates in the Texas Municipal Retirement System (TMRS) to provide retirement benefits for employees. Full-time employees are eligible for participation immediately upon employment. Regular part-time employees who work at least 1,000 hours or more per year are also

eligible for participation immediately upon employment. Temporary employees are not eligible for participation in TMRS.

Employees who terminate employment or retire from the City prior to establishing the mandatory number of contributing years to TMRS may be refunded their contributions to date, plus any accrued interest subject to TMRS' policies and regulations. If an employee transfers to another city with TMRS benefits, he or she is eligible to have his or her contribution transferred to that city subject to TMRS' policies and regulations.

Appropriate forms must be filed with TMRS before contributions can be refunded. Employees terminating employment after the mandatory contribution time have the choice of remaining in TMRS or receiving a refund of their contributions to date, subject to TMRS' regulations.

5.18 SOCIAL SECURITY

The City of Willow Park does not participate in Social Security.

SECTION 6 PROMOTION, TRANSFER, DEMOTION AND REHIRING

6.1 PROMOTION FROM WITHIN

It is the City's policy to promote from within whenever management believes a current employee has the requisite skill and ability to perform effectively in a vacant position. The City may, however, in its sole discretion, elect to look outside the City to fill a particular position without considering current employees. An employee desiring a change of within the City should discuss the matter with their Department Director.

6.2 TRANSFERS

Under certain circumstances, non-promotional reassignments may be approved if determined by management to be in the best interests of the City and/or the employee. Transfers may be initiated by either the employee or the City and normally occur in response to the business needs of the City and/or other extenuating circumstances. Transfers are usually reassignments from one position to another of comparable duties and salary.

6.3 DEMOTION

An employee may be demoted from a position in one classification range to a position of another classification range. A demotion may result from an unfavorable performance evaluation, a transfer, or as a result of a disciplinary action. All demotions must be approved in advance by the City Administrator.

6.4 REHIRES

Employees who leave the City's employment but are rehired within six months will not have a break in service for purposes of vacation leave accrual.

6.5 PROBATIONARY PERIOD

All promoted, transferred, demoted and rehired employees are placed on six months' probation beginning the effective date of the reassignment. (See Section 2.14 Probationary Employees for more detail.)

6.6 NOTICE PERIOD

Before any reassignment is effective, the reassigned employee will normally be required to give from two to four weeks' notice, as required by the Department Director in the employee's old department.

SECTION 7 EMPLOYER/EMPLOYEE COMMUNICATIONS

7.1 EMPLOYEE RELATIONS

The City believes that the work conditions, wages, and benefits it offers to employees are competitive. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisor. Experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that the City amply demonstrates its commitment to employees by responding effectively to employee concerns.

7.2 PUBLIC RELATIONS

Providing high quality customer service to the public in a timely, accurate, efficient and courteous manner is our primary objective. Each employee represents the City when in contact with citizens and non-citizens alike, and employees must constantly strive to be good-will ambassadors for the City. Each employee is responsible for maintaining the good reputation of the City at all times. Employees must also promote the good will and favorable attitude of the public toward City administration. Any employee who fails to demonstrate the proper level of courtesy and professionalism will be subject to disciplinary action, up to and including termination of employment.

7.3 BULLETIN BOARDS

City bulletin boards are restricted to use by the City for the posting of official City matters, *e.g.*, announcements, internal memos, job openings, and changes in City policies. All employees are responsible for City information posted on the bulletin boards located in their work and break areas. New policies and changes to existing policies, as well as other official City information, will be posted on these bulletin boards from time to time. Employees must obtain specific managerial approval before posting any notice or other information on any City bulletin board.

7.4 COMPUTER, INTERNET, E-MAIL, VOICE MAIL, FAX POLICY

The City provides computer networks, Internet access, Instant Messaging, email, telephones, pagers, digital cameras, voice mail, fax, and other communication systems for use by City employees in the performance of their job duties. These communication systems and 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.

Internet, Instant Message and Email Access. All regular full-time and part-time employees will be assigned a city email address and provide internet and email access. Users acknowledge 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 will likely 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.

Unacceptable Uses of Electronic Communications Systems include:

- Using profanity, obscenity, or other language that may be offensive or harassing to citizens, coworkers or third parties.
- Copying or downloading commercial software in violation of copyright law.
- Using the systems for financial gain or for any commercial activity unrelated to the City's business.
- Using the systems in such a manner as to create a security breach of the City's network.
- Looking or applying for work or business opportunities other than for internal City postings.
- Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, color, sex, national origin, age, disability, physical attributes, sexual orientation or preferences.
- Transmitting or sharing information regarding a coworker's health status without his/her permission.
- Expressing opinions or personal views that could be misconstrued as being those of the City.
- Using the electronic communication systems for any illegal purpose or in any way that violates City policy or is contrary to its best interest.
- Accessing, displaying, downloading, or distributing sexually explicit material.
- Accessing, displaying, downloading or distributing profane, obscene, harassing, offensive or unprofessional messages or content.
- Playing games
- Gambling

Filtering. The City uses software to filter Internet and Instant Message content for all employees. These filters are designed to prevent the viewing, sending, or any of the following types of content: violence/profanity, full or partial nudity, sexual or deviant acts, satanic/cult, militant/extremist, illegal activities, non-work related site and high bandwidth activities. The City will review its filtering on a periodic basis and may modify this list of prohibited content without notification to City employees, contractors, volunteers or other affiliates. The City Administrator (or designee) may grant exceptions and exemptions to Internet and Instant Messaging filtering only after a review of the requested information has been conducted and a determination that the City's current filtering practice impedes the requestor's ability to perform his/her job duties.

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

No Right of Privacy/City Will Monitor. Users of the City's 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. The City's management has the ability and will, with or without advance notice, monitor and view usage, including but not limited to: employee email, texts, voice mail, instant messages and blogs; information and material transmitted, received or stored using the City's systems; and user Internet access and usage patterns, including social media. Monitoring is necessary to assure that the City's resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this and other City policies.

Copyright Restriction. 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. Prior written authorization from their Department Director is required before introducing any software into the City's computer system. Employees may not download music, entertainment software, games or any other software unrelated to their work.

7.5 CONFIDENTIAL INFORMATION

Safeguarding confidential information is essential. Caution and discretion are absolutely essential in the use and disclosure of any and all confidential and proprietary information. Employees who are privy to such information may share it only with those having a legitimate business need to know. This means that employees may not disclose to or discuss confidential City, vendor, citizen, or employee information with another City employee unless the other employee has a legitimate business need to know the information. Likewise, employees may not disclose such confidential information with other vendors, citizens or other third parties unless there is a legitimate and necessary business reason for doing so. Employees with questions as to what is confidential, what is a legitimate and necessary business reason, who is an appropriate person to discuss confidential information with, or who is an appropriate person to disclose confidential information to, must talk to their Department Director or the City Administrator.

Confidential and proprietary information may not be used for personal gain or in any way that is adverse to the City's interests. Using confidential information for the purpose of making personal investments or business decisions is also prohibited.

The inappropriate use or disclosure of confidential information may result in civil and criminal penalties. In the event that an employee is required to give testimony or depositions regarding the City, the employee must notify the Mayor and City Administrator immediately.

Any employee who is aware of, or suspects, that an employee is or is about to violate this policy must immediately tell their Department Director or the City Administrator. Any employee who improperly uses or discloses confidential information, or who fails to report a suspected or actual violation of this policy, will be subject to disciplinary action, up to and including termination of employment.

7.6 MAIL

Employees may not use City postage, stationery, stamps, supplies, etc. for personal business. Personal mail may be placed in the City's outgoing mail, but City postage may not be used for such mail. Employees must not direct personal mail to be delivered to them at the City.

7.7 NOISE/RADIOS/MP3's

All employees must be considerate of their fellow employees with respect to their conversations, telephone usage, etc. Please make every effort to keep voices low and to refrain from group conversations in areas where other employees are working. Employees with private offices should conduct business in their offices, to the extent possible, rather than in common areas where others are working. Employees may only play radios, CDS, MP3s, etc. at their work station if not objectionable to any co-workers and with the approval of their supervisor. Any music or other similar noise must be kept at a low volume.

7.8 SOLICITATION

Persons who are not employees of the City may not solicit funds or distribute literature in the workplace at any time for any purpose. Employees may not solicit, distribute, or post literature concerning events and associations unrelated to the City's business during work time or in work areas. For purposes of this policy, work time does not include lunch breaks or any other period during which employees are not on duty.

City Sponsored Events. Employees may solicit funds or distribute literature for City approved events related to Willow Park Parkfest, Willow Park Parks Fund, Willow Park Court Community Outreach Fund, Willow Park Fire Department Volunteer and Donation Fund, Willow Park Police Department Reserve and Donation Fund, and Willow Park employee appreciation events. All literature, including donation and sponsorship letters for these events must be approved by the City Administrator.

City Approved Events. Literature for community events such as Chamber of Commerce, area schools, area tourism events, and community base organizations must be approved by Department Directors. Literature may include fliers and booklets left in city offices to web links and calendar notices on the city website. All literature to be distributed must be approved by the City Administrator.

7.9 TELEPHONES

City telephones are to be used for City-business purposes. Answer all calls promptly and courteously. Employees must ask family and friends not to call during business hours except in cases of emergency. Employee's personal calls should be made during breaks. Long distance calls may only be made on City phones for City business. Employees are directed not to make personal long distance calls on City telephones. Any finding that an employee has violated this directive will require the employee to reimburse the City for any charge resulting from personal use of the phone. Excessive personal use of City telephones, or other violation of this policy, will result in disciplinary action up to and including termination of employment.

7.10 CELL PHONES, PDA's & CAMERAS IN THE WORKPLACE

Personal wireless devices including but not limited to cell phones, pagers, smart phones, tablets, laptops, MP3 players and other similar communications devices (referred to in this policy collectively as "cell phones") must be turned off, placed in the silent, vibrate, or low volume ring

mode while at work. Employees should be aware that their personal usage of a city issued cell phone or the use of a personal cell phone while at work shall not in any way violate another's privacy or be in violation of the City's EEO, Sexual and Other Unlawful Harassment Policy or any other City policy; or be used in any other way that is found to be inappropriate by the City. Employees should not make or receive excessive personal calls, text messages or other forms of wireless communications on their cell phones during work time or during non-work time in areas where other employees or citizens may be disturbed. Employees should also ensure that friends and family members are aware of the City's policy restricting the receipt of cell phone calls, except for emergencies. The use of cell phones at work, including those with a camera, must not interfere with an employee's job duties or performance. Employees who violate this policy will likely be disciplined.

Cameras. Employees who have cameras or camera cell phones may not use the camera or audio or video function in any way that constitutes an invasion of another's privacy; to photograph or duplicate confidential records or other information; in violation of the City's EEO, Sexual and Other Unlawful Harassment Policy or any other City policy; or in any other way that is found to be inappropriate by the City. Photographs or video of city properties, buildings, equipment, furnishings, employees, citizens, etc., taken within the course of job duties will not be sent or posted to personal web pages, blogs, social websites or any other graphical publication without the prior written authorization of the City Administrator. This policy applies to City provided cameras and cell phones, as well as personal cameras and cell phones used by employees in connection with work. Employees who violate this policy will likely be disciplined.

Driving with Cell Phone. Employees are responsible for putting safety first whenever driving. While driving on City business, employees should not make and/or receive cell phone calls or text messages while driving unless using a hands free device. While driving a city owned/ leased vehicle or on behalf of the City, employees are prohibited from using other cell phone features including text messaging, browsing the Internet, reading or sending emails, downloading MP3 files, and playing games. While driving a city owned/leased vehicle or on behalf of the City, employees are also prohibited from utilizing hand held computers, video games, televisions receivers, video monitors, and items of a similar nature that will likely pose a distraction while driving. This policy shall exclude public safety personnel in so far as any equipment outlined above is used within the course of completing their job duties. Safety must always be the employee's first priority while driving and his/her attention should always be on the road.

7.11 VOICE MAIL

The City has invested in a Voice Mail System for efficiency and to better serve our citizens. Those employees with a voice mailbox may learn how to use this system by reading the voice mail instructions or asking the phone system administrator. Employees should have no expectation of privacy in connection with any message left on the City's voice mail system.

7.12 NEWS RELEASES

No employee may give a news or press release on behalf of the City without the prior authorization of the City Administrator or his/her designee.

7.13 PERFORMANCE APPRAISALS

Timing. Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance appraisals are normally conducted once annually, around the employee's anniversary date. (An employee's anniversary date may be

changed to account for an extended absence from work.) New employees normally receive a formal evaluation prior to the completion of their probationary period.

Purpose. Performance appraisals are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weakness, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

Factors Considered. Performance appraisals are based on such factors as:

| | |
|--|--|
| Job Knowledge | Technical knowledge required to perform the job; skill in using established techniques, procedures, and equipment; ability to perform assigned tasks; and successful initiation on the part of the employee to enhance methods of operation. |
| Quality of Work | Quality, accuracy, neatness, thoroughness, timeliness and adherence to standards. |
| Quantity of Work | Volume of work. |
| Planning/Organizing Abilities and Independence | Following through on assignments and promptness in completing tasks. Consideration is given to the amount of supervision required, decisiveness, and follow-through. |
| Conduct | Compliance with established work rules, policies, and procedures. |
| Attendance | Extent to which an employee can be counted on |
| Communication | Ability to communicate with citizens, coworkers and supervisors. |
| Interpersonal Relations | Ability to work well with others; helpfulness to citizens, coworkers and third parties; relationship with superiors. |

Termination of Employment. Employees who receive an overall rating of “below standards” or “unsatisfactory” on their performance evaluation must improve their performance to at least an overall “standard” within 90 days (or within a lesser period of time if so indicated on the evaluation) or their employment will likely be terminated.

7.14 EMPLOYEE APPEALS/GRIEVANCE POLICY

The City provides employees with a process for appealing certain matters to their Department Director and/or the City Administrator. Matters not specifically mentioned in this policy are not appealable. The City provides most employees with two levels of appeals. The first level appeal is to the employee’s Department Director and is conducted informally in a meeting format. The second level appeal is to the City Administrator and, at the employee’s option, can be formal or informal. Because employment decisions regarding Department Directors are made directly by the City Administrator, Department Directors and other direct reports to the City Administrator must make their appeals directly to the City Administrator.

Appealable Actions. Employees may appeal the following:

- Unlawful treatment;
- Termination;
- Demotion;
- Reduction in rate of pay;
- Any unpaid suspension;
- Disciplinary action involving a suspension greater than 1 day or 1 shift.

These are the only issues that can be appealed. Any other matters or disputes must be resolved informally at the department level.

How to Make an Appeal. All appeals must be written, signed and submitted to the employee's Department Director or Human Resources Manager. Any documentation which helps to explain the appeal must be attached to the appeal form, including: copies of relevant policies, rules or regulations; who was involved in the action and when it occurred; the adverse disciplinary action taken; the alleged unlawful treatment complained of; the remedy sought; and any other information or documentation relevant to the appeal.

Time Limits for Filing Appeal. An employee wishing to make an appeal must submit a fully completed appeal form to his or her Department Director or Human Resources Manager within five business days (for purposes of this policy "business days" means Monday through Friday) of the act giving rise to the appeal. If the employee wishes to pursue the second level of appeal, the employee must so indicate on the appeal form and submit it to the Human Resources Manager or City Administrator's office within five business days after receiving the Department Director's determination at the first appeal level.

The five-day time limit for filing the appeal may be extended by the City under extenuating conditions. If an employee fails to file his or her appeal by the deadline, the employee waives his or her right to appeal, or further appeal, as the case may be.

First Level of Appeal. All appeals are initially made to the employee's Department Director. First level appeals to the Department Director are informal and are conducted in a meeting format with the employee and his or her supervisor(s) normally in attendance. If, during the meeting the Department Director finds that he or she needs additional information in order to make a determination, the Director may suspend the meeting for up to five business days. The Director will then reschedule the appeal meeting at a time mutually agreeable to both the employee and the City. The Department Director will attempt to provide the employee with a written decision within five business days of the conclusion of the appeal meeting.

If the action appealed by the employee was taken by a Department Director (as opposed to merely being authorized or approved by the Department Director), then the first level appeal is made directly to the City Administrator. If the first level appeal is directly to the City Administrator, the employee may elect to have his or her appeal heard informally in a meeting, or alternatively, may elect to have a formal appeal hearing (see below). If the employee elects an informal appeal, the City Administrator will follow the protocol of first level appeals. If the appeal is directly to the City Administrator, whether conducted formally or informally, his or her decision is final; there is no further level of appeal.

Second Level of Appeal. All appealable actions may be further appealed if the employee is not satisfied with the results of the first level of appeal. If, however, the employee's first level appeal was directly to the City Administrator, there is no second level of appeal. The decision of the City

Administrator, whether at the first or second level of appeal, is final and may not be further appealed. If a second level of appeal is available, the employee must file the appeal with the Human Resources Manager or City Administrator's office within five business days of the employee's receipt of the Department Director's first level appeal decision. The second level of appeal must be made in writing and signed by the employee. The City Administrator's office will attempt to schedule the appeal hearing within five business days of receiving notice of the employee's appeal. The employee may choose to have the second level appeal heard informally in a meeting, or alternatively, may elect to have a formal appeal hearing (see below). If the employee elects an informal appeal, the City Administrator will follow the protocol of first level appeals.

Formal Appeal Hearing. A formal appeal hearing is a proceeding convened by the City Administrator for the purpose of considering documentary evidence as well as testimony from the employee and other involved parties (*e.g.*, the Department Director, supervisor(s), other employees, and/or other relevant witnesses) relative to the employee's appeal. Both the City and the employee will be permitted to call witnesses and present documentary evidence. The formal rules of evidence do not apply to appeal hearings. The employee and the City may be represented by an attorney or other advisor during the proceeding. The appealing employee must submit a written statement of relevant issues along with a list of witnesses and any supporting documentation five business days prior to the scheduled hearing. Formal hearings will normally be scheduled to convene and end within one day.

Formal appeal hearings are not available for first level appeals to Department Directors. Formal appeal hearings are only available when the appeal is to the City Administrator (whether a first or second level appeal). Appeal hearings will normally be conducted on City time without loss of pay to the appealing employee.

Witnesses. Requests for other employees to participate in a formal appeal hearing must be made in writing to the City Administrator's office at least five business days prior to the scheduled hearing. The City Administrator's office will coordinate attendance by witnesses who are employees of the City. Employee witnesses who participate in an appeal hearing will not lose any pay if their participation takes place during their regular work schedule. Except under unusual circumstances, employees who are not scheduled to work at the time of the hearing will not be required to participate in the hearing.

Written Decision. The Department Director or City Administrator, as the case may be, will attempt to provide the appealing employee with a written decision within five business days of the conclusion of the appeal meeting or hearing.

7.15 CITY'S WEB SITE LINKS POLICY

Employees involved in updating and maintaining the City's official web site must comply with the City's Technology and Web Site Policy. Literature including web links and calendar notices to outside organizations must be approved by the City Administrator prior to posting.

SECTION 8 EMPLOYEE CONDUCT AND WORK RULES

8.1 EMPLOYEE CONDUCT AND WORK RULES/DISCIPLINARY ACTION

To ensure orderly and productive operations and provide the best possible work environment, the City requires employees to follow rules of conduct that will protect the interests of the City and the safety of all employees and citizens.

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

- Documented verbal reprimand/counseling session
- Written reprimand
- Suspension (with or without pay)
- Decision making leave (with pay)
- Reduction in rate of pay
- Demotion
- Discharge or Termination of Employment

Documentation. Verbal reprimands will normally be documented and placed in the supervisor's personnel log. All other forms of discipline must be documented and will be placed in the employee's personnel file.

Disciplinary Conference. A disciplinary conference will normally be scheduled prior to the imposition of a disciplinary suspension of 1 day or 1 shift, demotion or termination. The Department Director, the affected employee, and anyone else deemed necessary by the Department Director typically attend the disciplinary conference. During the conference, the affected employee will be given an opportunity to present an explanation of the conduct leading up to the proposed disciplinary action. Employees may, in the City's sole discretion, be placed on administrative leave prior to, during, or after the disciplinary conference. The employee will be notified of the City's determination following the conference and the recorded added to their personnel file.

Disciplinary Probation. Employees who are suspended or demoted, or whose pay rate is reduced, will automatically be placed on disciplinary probation for up to six months. During any disciplinary probation period, the employee is not eligible for any merit increases.

Decision-Making Leave. Decision-making leave with pay is a positive form of discipline that may be appropriate in some situations. It may be used alone, as an alternative to other types of discipline, or in combination with other forms of discipline. The purpose of decision-making leave with pay is to give employees time to decide if they wish to remain employed by the City, and if so, if they can and will correct their behavior. Decision-making leave with pay may only be used one time for the same employee and cannot exceed one day or one shift, as appropriate.

Appeal Rights. Where disciplinary action includes suspension with pay of more than one day or more than one shift, any suspension without pay, a reduction of an employee's rate of pay, demotion and/or termination, the employee will be given an opportunity to respond to the allegations prior to disciplinary action being taken. (See Employee Appeals/Grievances Policy) Department Directors are employed at the will and pleasure of the City Administrator and have no right of appeal for any type of disciplinary action, including termination. Newly hired employees who are still in their probationary period likewise have no right of appeal for disciplinary action taken against them.

Review by Department Director/City Administrator. Any proposed disciplinary action in excess of an oral warning must be reviewed by the employee's Department Director prior to being given to the employee. This applies to both probationary and non-probationary employees. Proposed suspensions longer than one day or shift, demotions, reduction in rate of pay and terminations must be reviewed by the City Administrator before they can take place.

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

- Theft or inappropriate removal or use of property not your own
- Falsification of timekeeping or other records, including employment application
- Working under the influence of alcohol or illegal drugs or abuse of legal drugs
- Sexual or other unlawful harassment
- Excessive and/or unauthorized absenteeism and tardiness or absence without proper notice
- Breaks in excess of the allotted time allowed
- Violation of smoking policy
- Repeated use of profanity or abusive language
- Violation of safety or health rules and failure to immediately report an on-the-job injury
- Coercion, intimidation, or threats against citizens, supervisors, coworkers, City officials, or others
- Making or publishing false, vicious, or malicious statements about the City, a coworker, a supervisor, or others
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City-owned equipment
- Interfering with work schedules or another employee's ability to work
- Misuse of City telephones, computers, mail systems, etc.
- Unauthorized disclosure of confidential information
- Violation of City or Departmental policies, codes of conduct, rules and procedures
- Failure to be considerate of coworkers
- Unsatisfactory performance or conduct
- Disruptive activity in the workplace
- Fighting, provoking or instigating a fight, or threatening violence in the workplace
- Conduct which results in waste or damage of property
- Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension
- Outside employment that conflicts with, or potentially conflicts with, City interests

- Insubordination or other disrespectful conduct
- Violation of local, state or federal law
- Lying or willful omission of fact
- Failure or refusal to follow lawful orders
- Sleeping on the job
- Dishonesty, including misrepresentation during hiring process
- Violating the City's Social Media Policy
- Not reporting arrests, charges, convictions and other criminal matters

Mandatory Reporting of Felonies and Misdemeanors. All employees must notify their supervisor and/or their Department Director (Department Directors must notify the City Administrator) if they are arrested, and charged, with any felony. Employees must notify their supervisor and/or their Department Director within one business day after the arrest.

All employees must notify their supervisor and/or Department Director if they are indicted, convicted, receives deferred adjudication, or pleads nolo contendere to any misdemeanor or felony. Employees must notify their supervisor and/or Department Director within one business day after the indictment or conviction and before they report for their next scheduled shift.

All emergency services employees (Police Department and Fire Department) must notify their supervisor and the Department Director if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead nolo contendere to any misdemeanor or felony. Emergency Service personnel must contact their supervisor and/or Department Director within twenty-four hours of the event and before they report for their next scheduled shift.

Employees who do not drive as part of their job duties with the City are not required to report minor traffic violations.

Administrative Leave. During an investigation into alleged offenses or violations of City policies, the City may, at its sole discretion, place the employee on administrative leave. The leave may be with or without pay and may be charged to vacation leave, sick leave or compensatory leave if authorized by the City Administrator.

8.2 PERSONAL APPEARANCE

Dress, grooming, and personal cleanliness are vital to the City's image as well as the morale of its employees. All employees are expected to present a clean and neat appearance and to dress in an inoffensive and appropriate manner while on City premises and while off premises on City business. Reporting to work in a clean and neat manner shows that an employee cares about their appearance and their job.

Employees who work at City Hall, as well as other City employees who have citizen and other third party contact, must abide by the following:

- No visible tattoos. Employees who have tattoos must keep them covered with a shirt, pants, skirt, socks, hosiery, jewelry or other clothing.
- No nose rings/studs, eyebrow rings, tongue studs or similar type facial jewelry.
- No gauge or large hoop earrings. No overly-large or otherwise unprofessional in appearance.

- Hairstyles and hair colors must be professional and inoffensive. By way of example, green hair, mohawk style haircuts, un-kept long hair and severe spiked hair are not permissible.

Certain employees who have no contact with citizens or other third parties may have a somewhat more relaxed dress code. Such employees must, however, dress in a manner that does not compromise safety and which promotes the City's good image and reputation. For example, while small stud earrings are permitted for both men and women, hoop earrings and larger earrings are not allowed for men, and are not allowed for women if they present a safety hazard. Similarly, long hair on men must be tied back or tucked inside a cap. Excessive tattoos and tattoos with controversial and/or offensive pictures or messages are not permitted.

In all cases, the City will make the determination as to what is acceptable dress and grooming. Any questions about what is appropriate to wear should be addressed to a supervisor or Department Director.

Anyone who is not appropriately groomed or who dresses in violation of the policy will 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 and/or personal appearance violates this policy may be disciplined, up to and including termination of employment.

8.3 UNIFORMS

The City supplies most Fire, Police, Code Enforcement, Parks, and Public Works personnel with appropriate uniforms. If your job requires that you wear a uniform, you will be told how and where they can be obtained. Replacement uniforms will be provided by the City as necessary. Uniforms must be clean and neat when worn. The use of City-owned or authorized uniforms may not be used by City employees outside of work, for personal use or by any third party. City uniforms may be used by City employees in connection with their outside employment only if their Department Director has given prior written authorization.

8.4 UNAUTHORIZED OR IMPROPER USE OF OFFICIAL BADGE OR AUTHORITY

Employees whose duties involve the use of a badge, card, uniform or insignia as evidence of authority or for identification purposes may not permit such badge, card, uniform or insignia to be used or worn by another person who is not authorized to use or wear same, nor permit same to be out of his or her possession without prior approval of his or her Department Director or other authorized supervisor. Badges, identification cards, uniforms and insignia may only be used in the performance of the official duties of the position to which they relate.

8.5 HOUSEKEEPING DUTIES

Each employee is responsible for maintaining a neat, sanitary and orderly work area, including, if applicable, office spaces, vehicles and equipment.

8.6 SAFETY

The City strives to conduct its operations with the utmost regard for the health and safety of its employees and citizens. Each and every employee is required at all times to obey safety rules, to follow appropriate safety procedures, and to exercise caution and good judgment in all work activities. Some employees may be required to wear protective clothes and/or use certain equipment in order to safely carry out their duties. Employees who violate safety standards, who cause or

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

Reporting Requirements. Employees must immediately report any unsafe condition, equipment or practices to the appropriate supervisor and/or Department Director. In addition, all accidents and injuries, however slight or seemingly inconsequential, must immediately be reported to the appropriate supervisor and/or the Department Director. If needed, first aid or medical treatment should be requested. An employee report of accident form must be completed by each employee involved in an accident or injury and turned into the employee's supervisor. Such reports are necessary so that the City can remain in compliance with applicable laws and begin workers' compensation benefit procedures where appropriate. Failure to complete and turn in the employee report of accident form and/or failure to report any accident or injury within twenty-four hours of its occurrence will likely result in disciplinary action, up to and including termination of employment.

8.7 SEARCHES

If reasonable suspicion exists, the City may conduct unannounced searches or inspections of the worksite, including, but not limited to, all city owned property, private employee's personal effects such as purses, lunch boxes, brief cases, and private vehicles located on City property or used to conduct City business. In addition, the City may, at any time, search or inspect City property used by employees, including, for example, lockers, file cabinets, desks, computers, communication devices and offices, whether secured, unsecured or secured by a lock provided by the employee.

Video Surveillance. The City uses a variety of different video surveillance measures to ensure the health, safety, and welfare of its employees and citizens. The City will decide the appropriate locations for surveillance devices. Employees understand that their action in the work place may be recorded as part of the City's surveillance system.

No Expectation of Privacy. Employees are not entitled to any expectation of privacy with respect to city owned property. All searches must be authorized in advance by the City Administrator and conducted under the direction of the Department Director and/or City Administrator. Employees who refuse to cooperate with a search will likely be subject to disciplinary action, up to and including termination.

8.8 TOBACCO

Smoking. In keeping with the City's desire to provide a professional, safe and healthful work environment, smoking is prohibited throughout the workplace, including in City vehicles. Smoking is only permitted outside, in areas specifically designated for smoking and tobacco use by the City Administrator. Smoking is not permitted during an employee's work time -- it is only permitted during meal breaks, designated rest periods, before and after regular business hours. When conducting City business in the offices or other premises of a third party, employees must follow their smoking policies.

This policy applies equally to all employees, citizens, and other visitors. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

Smokeless Tobacco. Use of smokeless tobacco is prohibited in the workplace for positions at City Hall or that have regular public contact. Use of smokeless tobacco is prohibited for all employees while in direct contact with members of the community. Employees using smokeless tobacco must provide and discretely use a re-sealable receptacle.

Individual departments may establish departmental rules and procedures regulating the use of tobacco products.

8.9 USE OF CITY EQUIPMENT

From time to time, the City may issue various types of equipment or other property to employees, *e.g.*, credit cards, keys, tools, security passes, manuals, written materials, uniforms, mobile telephones, postage meters, stationary, 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.

Equipment essential in accomplishing job duties is often expensive and may be difficult to replace. When using equipment owned or leased by the City, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. The City's equipment and other property may not be removed from the premises or used for personal business without prior written authorization from the City Administrator or delegated authority. Under no circumstances may City property be loaned or rented without the City Administrator's prior approval.

You must notify your supervisor immediately if any equipment, machines, or tools appear to be damaged or defective, or are in need of repair. Your supervisor can answer any questions about your responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, or unsafe use or operation of equipment will likely result in disciplinary action, up to and including termination of employment.

City Owned Computers Used Primarily At Home. City-owned computers may be issued to certain employees for use at their home or other locations for City business. The City Administrator must approve in advance, in writing, such use. Employees who are issued a City computer agree to the following:

- Prior to being issued a City computer and related items for home use, the employee must acknowledge, in writing, that this policy has been read, understood, and will be followed;
- The employee will not use the City computer and/or related items for any purpose other than City of Willow Park's business;

- The employee may not allow anyone else to use the computer and/or related items assigned to him/her;
- The employee will maintain the computer and related items in good working order;
- The employee will immediately (within 24 hours or sooner) return the City computer and related items if requested by the City Administrator for any reason;
- The employee will return the City computer and related items upon termination of employment; and
- A payroll deduction will be made 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.

8.10 USE OF CITY VEHICLES

City-owned or leased vehicles may only be used for official City business. City-owned or leased vehicles may only be driven by authorized City employees. If you drive your own, or a City-owned, rented or leased vehicle on your job or while carrying out City-related business, you must comply with the following:

- At no time may an employee under the influence of alcohol or drugs drive a city vehicle or personal vehicle while conducting city business.
- At no time may alcohol be transported in a city owned vehicle (except in the act of conducting a police investigation).
- The City's Cell Phone, PDA's & Cameras in the Workplace Policy
- Always wear seat belts when the vehicle is in operation.
- No passengers other than other City employees or others on City business may ride with you unless otherwise approved in advance by management.
- No personal use of City-provided vehicles is allowed without the prior, specific approval of your Department Director (in the case of Department Directors, then by the City Administrator).
- All maintenance and use records must be complete as directed by your supervisor.
- Report any broken, missing, or worn parts, tires, etc., or any needed maintenance, to your supervisor immediately.
- All drivers must be eligible for coverage under the City's insurance policy.
- Drivers covered by Department of Transportation regulations must comply with them at all times.
- Any city employee involved in an accident or moving violation must file the appropriate report with their Department Director.

The above is not a complete and exhaustive list of vehicle use policies. Each department may establish additional rules for use and operation of city vehicles. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, or unsafe use or operation of a vehicle, may result in disciplinary action, up to and including termination of employment.

Driver's License/Driving Record. The City requires that all employees who operate a City-owned or leased vehicle or who drive their own vehicle while carrying out their job duties maintain a current valid Texas driver's license and have an acceptable driving record as determined by the City. Driving records will be checked prior to employment and may be checked during the course of employment. Employees must provide the City with any authorization necessary for the City to perform such checks. More than three moving traffic violations in a twelve-month period will normally be considered excessive and result in an applicant not being hired in the case of prospective

employees, and disciplinary action up to and including termination for active employees. In certain instances, three or fewer moving traffic violations in a twelve-month period may be considered excessive.

Accident Reporting. Any employee involved in an accident while operating a city vehicle or operating a personal vehicle on city business must immediately notify the proper law enforcement agency to receive an accident report. The employee must immediately contact their supervisor and/or Department Director.

Before returning to regular duty the employee must file a copy of the accident report with their supervisor and provide a written account of what occurred to cause the accident.

Employees involved in an accident may be subject to drug and alcohol screening(s).

Command Vehicles. City owned command vehicles such as emergency services chief vehicles will be governed under departmental procedures.

8.11 SECURITY AND LOSS PREVENTION

It is everyone's responsibility to help the City in loss prevention. If you become aware of losses or damage due to negligence, theft, willful destruction or abuse, or for any other reason, it is your responsibility to report it to your supervisor, your Department Director and/or the City Administrator's office immediately. You must notify management immediately of any incident that results in loss or damage to the City, its employees, or the general public. You should notify management of any situation which may result in such a loss. Investigation of theft or other criminal behavior may require that you cooperate with law enforcement officials. Failure to cooperate may result in disciplinary action, up to and including termination of employment.

Managers and supervisors are responsible for locking and securing all doors, gates, chains, locks, setting alarms, etc., and for key removal from vehicles and equipment. Other security measures may also be required from time to time. Failing to comply with security precautions is a serious violation of City policy.

Any employee who becomes aware of or witnesses an incident of a nature described above – and who fails to report it in a timely manner – may be considered a party to any loss that occurs. In such cases, disciplinary action may be taken against the primary offender and the employee who failed to report it or concealed knowledge of the incident.

8.12 WEAPONS BAN AND VIOLENCE PREVENTION POLICY

Zero Tolerance. The City strives to provide its employees with a safe and productive work environment. Accordingly, harassment, intimidation, threats, threatening behavior, violent behavior or acts of violence that arise from or ~~is~~ **are** in any manner connected to the employee's employment with the City, whether the conduct occurs on duty or off duty, will not be tolerated. Violations of this policy will lead to disciplinary action which may include dismissal, arrest, and prosecution.

Any person who threatens force, violence or an unlawful act, exhibits threatening behavior, or engages in violent acts on City property will be removed from the premises pending the outcome of an investigation. The City will initiate an appropriate response. This response may include, but is not limited to, suspension and/or termination of the employment relationship, reassignment of job duties, mandatory counseling with psychologist or other mental health care provider of the City's choosing, and/or criminal prosecution of the person or persons involved.

All Weapons Banned. Unless specifically authorized by the City Administrator, no employee, other than a City licensed peace officer shall carry or possess a firearm or other weapon on City property, including, without limitation, buildings, entrances, exits, break areas, and city vehicles. The City's policy prohibits employees from carrying or using any weapons, concealed or otherwise, on the City's premises without prior permission from the City Administrator. This ban includes keeping or transporting a weapon in any City-owned or leased vehicle. This ban includes displaying any weapons on City owned property, including parking lots. Employees transporting firearms in their personal vehicles are required to keep all weapons secure, out of sight, and in a locked vehicle. 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., as defined by Texas Penal Code.

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

Mandatory Reporting. Employees must immediately notify a member of management of any threat or potential threat involving a City employee. Such conduct must be reported regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the focus of the threatening behavior. All individuals who apply for or obtain a protective or restraining order which lists City locations as being protected areas, must provide to management 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. Likewise, any city employee must immediately advise their Department Director or the City Administrator's Office if any protective or restraining order is issued against them.

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.

8.13 ENDORSEMENTS

City employees may not use their municipal title, position or uniform in any advertisement or endorsement of products unless specifically authorized, in advance, by the City Administrator.

8.14 POLITICAL ACTIVITIES

City employees will not be appointed or retained on the basis of their political support or activities. Employees may not campaign in any manner for any person seeking a City of Willow Park public office. Employees may not use their position or office to coerce political support from other employees. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. A City employee may not:

- Use his/her official authority or influence to interfere with or affect the result of an election or nomination for public office;
- Make, solicit or receive any contribution to the campaign funds of any candidate for the City Council; or take any part in the management, affairs or political campaign of any such candidate; provided nothing herein shall infringe the constitutional rights of such office or employee to 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 or to circulate petitions or campaign literature on behalf of candidates for public office in any jurisdiction;
- Contribute money, labor, time or other valuable thing to any person for City election purposes; and
- Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, e.g. City Council. Upon becoming a candidate for such an office, an employee must immediately resign or will be dismissed upon failure to do so.

8.15 PROHIBITION OF TAPE, VIDEO & DIGITAL RECORDING

The City seeks to operate in an atmosphere of trust and confidence among employees. This trust and confidence can be destroyed, however, if employees make tape, video, digital or other recordings of conversations with other employees, particularly if the other employees are not aware that they are being recorded. Moreover, recording conversations in such a manner may constitute a crime in certain circumstances. Therefore, with the exception of messages left on voice mail or recordings made on behalf of the City during the course of City business such as City Council meetings and training classes, it is the City's policy to prohibit employees from making tape, digital or other recordings of conversations in the workplace. Emergency Services employees may also make recordings as appropriate when conducting criminal investigations.

Any exceptions to this policy must be authorized in advance by the City Administrator. Exceptions to this policy will be made only in exceptional circumstances or when taping or digitally recording witness statements will assist the City in an internal investigation. If an exception to this policy is authorized and a recording is to be made, the employee who is being recorded will usually be informed of the recording. Employees who violate this policy will be subject to disciplinary action, up to and including termination.

8.16 BLOGGING & SOCIAL MEDIA

Access to the Internet through the City of a personal nature is a privilege and carries responsibilities reflecting responsible and ethical use. Employee should not access social networking sites from city computers. The City may monitor access, use, and postings to the internet to ensure compliance with internal policies, support the performance of internal investigations, assist management of information systems, and so on. Further, the City expects all employees to use their good judgment and follow the guidelines set out in this policy when posting information to social networking sites, regardless if done during or after work hours. This policy encompasses blogs, wikis; tweets and twittering; Facebook; YouTube; Flickr; LinkedIn; and other social networking sites.

This policy should be read and interpreted in conjunction with other City policies, including but not limited to, those prohibiting harassment, discrimination, offensive conduct, and inappropriate behavior. Violations of the City's Blogging and Social Networking Policy could lead to disciplinary action, up to and including termination of employment.

User Guidelines

- Blogging, or posting information of a personal nature on the Internet, is not allowed during work hours.
- Any blogging or posting information on the Internet, whether done during or after work hours, must comply with the City's ethical guidelines.
- Never disclose any confidential information concerning another employee of the City in a blog or other posting to the Internet, regardless if done during or after work hours. Posting of confidential information may violate state law and subject the user to criminal penalty.
- Employees must abide by all federal and state laws with regard to information sent through the Internet.
- Do not identify yourself as a City employee.
- No viewing or posting to social media sites during work time, unless related to City business and properly authorized.
- Do not use a City email address when registering for social sites.
- Do not post any false or misleading information about the City.
- Respect coworkers and the City. Do not put anything on your blog or post any information and/or pictures that may defame, insult, demean or damage the reputation of the City or any of its employees.
- Do not post any pornographic pictures of any type that could identify you as an employee of the City, or any particular City Department.
- Do not post pictures of yourself or others containing images of City uniforms or insignia, City equipment or City work sites, unless posting on the City official website.
- Under federal law, bloggers must disclose any material connection with any product or service described in a posting. Since City employees are not to identify themselves on social media as City employees, this means they are prohibited from blogging about City products or services.
- The City prohibits the unauthorized release or disclosure of any employee information through the Internet or through other means that may be considered private and/or confidential by law.
- The City prohibits the unauthorized posting of information on the Internet that could adversely impact the City and/or an employee of the City.
- Employees are encouraged to set their personal social media setting to private and limit the general public's ability to view their social media profile and content.

8.17 MEDIA CONTACT/NEWS RELEASES

No employee may give a news or press release on behalf of the City without the prior authorization from the City Administrator. Media inquiries should be directed to the City Administrator or designated Public Information Officer.

SECTION 9 DRUGS AND ALCOHOL

9.1 DRUG AND ALCOHOL USE

It is the City's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory 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 or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.

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

Permissive Use of Prescribed and Over-the-Counter Drugs. The legal use of prescribed and over-the-counter drugs is permitted under this policy only if it does not impair an employee's ability to perform the essential functions of this/her job (or operate a vehicle, property or other equipment if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

Permissive Use of Alcohol. The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. At no time may an employee under the influence of alcohol drive a City-owned or leased vehicle or operate or use other City-owned or leased property or equipment. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. Reasonable alcohol consumption is not objectionable at certain City-sponsored social events, certain City parties, business entertainment if appropriate (but not during business lunches) and as may otherwise be specifically approved in advance by the City Administrator. However, no employee in his or her work-related capacity should ever be impaired because of the excessive use of alcohol. Absent specific approval by the City Administrator, City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.

Fire and Police Department Employees. Certain City Fire and Police Department employees are required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy under certain limited conditions; these

employees will be advised in writing of the specific exemptions applicable to them. Additional guidelines will be established by Police and Fire Department operating procedures.

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

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

Mandatory Reporting of Convictions. Employees must notify their Department Director (Department Directors must notify the City Administrator), in writing, of any criminal drug conviction (including a plea of *nolo contendere*) for a violation occurring in the workplace no later than five calendar days after the conviction.

Off-Duty Conduct. The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use 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.

Searches. The City may, at any time, conduct unannounced searches or inspections of the worksite, including, but not limited to, City property used by employees such as lockers, file cabinets, desks, and offices, whether secured, unsecured or secured by a lock provided by the employee. If reasonable suspicion exists, the City may also conduct unannounced searches or inspection of the employee's personal property located on City premises, including purses, lunch boxes, brief cases and private vehicles or vehicles used to conduct City business located on City property. Employees are not entitled to any expectation of privacy with respect to such items.

All searches must be authorized in advance by the City Administrator and conducted under the direction of the Department Director and/or Police Chief. Employees who refuse to cooperate with a search will likely be subject to disciplinary action, up to and including termination.

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

Policy Violations. Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment. The City may have additional obligations in addressing controlled substances and alcohol abuse for those employees regulated by the U.S. Department of Transportation. The City will ensure that the controlled substance and alcohol testing conforms to US DOT workplace testing requirements.

9.2 DRUG AND ALCOHOL TESTING

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

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

Testing of Employees.

1. Employees may be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or accident or “near miss,” when reasonable suspicion exists, or in connection with any required treatment or rehabilitation.
2. For purposes of this policy, reasonable suspicion is a belief based on articulable observations (*e.g.*, observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs, or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors must document the specific, observable facts in support of reasonable suspicion testing (*e.g.*, the who, what, when, where of the employee’s behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).
3. Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee’s normal work time.
4. 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.
5. A positive test result is a violation of the City’s Drug and Alcohol Use Policy and will likely result in disciplinary action, up to and including termination of employment.
6. Police and Fire Department employees are also subject to departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing, including provisions for random testing.
7. The City may have additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation.

Testing Procedures.

1. All testing must be authorized in advance by the City Administrator. For reasonable suspicion testing, testing may not be authorized without the supervisor’s documentation of the articulable observations which led him or her to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor’s

articulable observations.

2. If an employee's conduct resulted in a work place accident, injury or "near miss," or reasonable suspicion otherwise 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, at its discretion, reassign the employee or put him/her on paid administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing.

3. All substance abuse testing will be performed by a laboratory or health-care provider chosen by the City.

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 only accessible by designated City representatives on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

Positive Test. A positive drug and/or alcohol test will likely result in termination.

SECTION 10 RESIGNATION, TERMINATION AND RETIREMENT

10.1 RESIGNATION

The City requests that employees give written notice of their resignation. The City request employees give at least two weeks' advance notice (four weeks for Department Directors) before resigning their employment so that an orderly transition can be made. This includes turning in City property and completing required forms. Employees who resign are asked to furnish written notice to their supervisor and the City Administrator's office giving the reasons for and the effective date of their resignation. Employees who fail to give a two-week notice are not usually eligible for rehire.

10.2 RETURN OF CITY PROPERTY

If an employee fails to return City property upon resignation, termination or retirement, the City may withhold the employee's final paycheck(s) and take other action as appropriate.

10.3 EXIT INTERVIEWS

In most cases, when you leave the City, you will have an exit interview with your supervisor or another City representative on or before your last day of work. The purpose of the exit interview is to go over the reason you are leaving and to solicit constructive feedback to improve the City.

10.4 REFERENCES

All requests for information regarding current and former City employees, including requests for verification of employment and requests for employment references must be directed to City Hall (City Secretary/Human Resources Manager). Unless specifically authorized in advance by the City Administrator, only the Human Resources Manager and the City Administrator are authorized to provide information of any kind regarding current or former employees whether in person, by phone, by letter, on FaceBook, LinkedIn or other social media, or any other method of communication. Inquiring parties should be informed that all requests need to be made in writing.

Typically, the City will only release only dates of employment, job title, pay rate, and eligibility for rehire to third parties unless the employee or former employee has signed a written authorization to disclose further information about his or her employment. The City may also be required to release information in accordance with an open records request or as needed to carry out City business as determined by the City Administrator

All employees are expected to strictly abide by the terms and procedures of this policy. An employee who receives a request for information should never make any "off-the-record" statements regarding a current or former employee. Employees who violate this policy will likely be subject to discipline, up to and including termination.

10.5 SEPARATION PAY

Employees who leave the City's employment will receive all pay to which they are legally entitled, including any unused compensatory time. Employees will pay for any unused vacation time up to the maximum accrual limit in exchange for the employee signing an indemnification agreement towards the city and its officers. Any debt owed to the City by the employee will be deducted from the employee's final paycheck(s). Employees are not paid for unused sick leave, Holiday leave, or

vacation leave in excess of the maximum accrual limit.

10.6 DEATH OF EMPLOYEE

Any unpaid compensation, including unused vacation and comp time, of an employee who dies while employed by the City will be paid to his/her designated beneficiary. Sick leave may, in the discretion of the City Administrator, be paid on behalf of an employee who dies while employed by the City.

10.7 TMRS

Employees who leave the City's employment prior to retirement may request a refund of their portion of their TMRS retirement account, plus earned interest on their contribution. If an employee begins employment with a participating employer without a break in service, a refund will not be made. Instead, the employee's account balance will be transferred to the new City.

10.8 PAYMENT OF SICK LEAVE UPON RETIREMENT

Employees who retire from City employment after twenty years or more of continuous service, or who retire in accordance with TMRS rules and regulations, may request to be paid for a portion of their accumulated sick leave. Eligible retiring employees may be paid one day for every two days of accrued and unused sick leave up to a maximum of 220 hours at their current hourly rate.

10.9 LONG TERM ABSENCE/TERMINATION

Any employee who is absent from work for more than 180 calendar days, for whatever reason, will be terminated, except as provided below. Brief appearances at work during an overall absence of 180 days will not prevent the City from terminating an employee if determined to be in the City's best interest. Likewise, any employee who reports to work (e.g., in a light duty capacity) but is unable to perform the duties of his or her actual position for a period of 180 days will be terminated.

Nothing in this policy guarantees an employee ongoing employment for 180 days (or for any other period of time). All employees are employed at-will, meaning the City may terminate an employee's employment for any reason at any time. Violation of City policy, pending disciplinary action, is an example of conduct that may result in termination. Additionally, if medical or other reasons will likely prevent an employee from returning to full-time active duty within 180 days the employee will likely be terminated before the expiration of 180 days. An employee who has a paid leave balance remaining at the end of 180 days may, at the City's option, extend his/her leave using any available paid leave balance up to a maximum paid absence of one year, or be terminated and paid for accrued leave balances.

The maximum absence allowed for under this policy covers all absences, including those covered by paid sick leave, vacation, workers' compensation, FMLA, unpaid leave of absence, administrative leave and all other kinds of leave (except for military leave). This policy will be administered consistently with the City's obligations under the FMLA, the Americans with Disabilities Act, and other applicable law, including considering extending leave as a reasonable accommodation.

10.10 RETIREMENT SERVICE AWARD

Retiring employees will be eligible for retirement service awards. Services awards may include plaques, awards, gifts, meals, and a party or reception. Service awards will be given to retiring employees in an amount not to exceed \$100 per year of service.

10.11 REDUCTION-IN-FORCE

The City Administrator may implement a reduction-in-force at any time because of budget reductions, curtailment of work, or other business reasons. A reduction-in-force may require the separation, demotion, reassignment or reduction in work hours of certain employees. A reduction-in-force may impact an entire department, a division within a department or a functional area within a department. Factors that will be considered in determining which employees will be adversely affected by the reduction-in-force may include employees' unique qualifications, knowledge, and skill; performance evaluations; disciplinary history; and length of service. In all cases, the needs of the City will be paramount.

10.12 REHIRING FORMER EMPLOYEES

The City will not rehire any former employee who was terminated, or resigned in lieu of termination, due to unsatisfactory performance or conduct and/or violation of a City policy or procedure, or who left the City without giving two weeks prior notice.

APPENDIX 1: GLOSSARY OF TERMS

AFFINITY WITHIN THE SECOND DEGREE includes an employee's spouse, step-parent, father-in-law, mother-in-law, spouse's grandparents, spouse's grandchildren, brother-in-law, sister-in-law, son-in-law and daughter-in-law.

ALCOHOLIC BEVERAGES means alcohol, or any liquid containing more than one-half of one percent of alcohol-by-volume that is capable of use for beverage purposes alone or when diluted.

AMERICANS WITH DISABILITIES ACT OF 1990 means Title 42 U.S.C. §121.01, et seq., as amended.

APPLICANT means a person who has completed a written application form and provided any clarification information requested.

APPOINTMENT means initial employment by the city.

AT-WILL EMPLOYEE means that an employee can be terminated at-will by an employer in the State of Texas. Contract employees are excluded.

BENEFIT means an employer-sponsored program that includes, but is not limited to, holidays, vacation leave, sick leave, and health and life insurance, but does not include salary, service credit, or seniority.

CALL BACK means the unscheduled return to work outside of normal hours on a holiday or day off at the request of a supervisor. It does not include overtime or holiday work scheduled in advance.

CHILD means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:

- (A) Under 18 years of age; or
- (B) 18 years of age or older and incapable of self-care because of a mental or physical disability

CITY means the City of Willow Park, Texas.

CITY ADMINISTRATOR means an individual designated by the Willow Park City Council as the Chief Administrative and Executive Officer of the City who is responsible to the City Council for the administration of the affairs of the City, including the appointment, and when necessary for the welfare of the City, removal of any employee.

CITY PHYSICIAN means a licensed physician contracted to, or working for a medical facility which is contracted to perform medical examinations for the City.

CONSANGUINITY WITHIN THE THIRD DEGREE includes an employee's great grandparents, grandparents, parents, children, grandchildren, great-grandchildren, brother, sister, nieces, nephews, and half-nieces and nephews.

DEMOTION means the movement of an employee to a different classification having a lower maximum rate of pay, but not including a reclassification.

DISMISSAL means involuntary termination of employment with the city.

DEPARTMENT DIRECTOR means a person appointed by the City Administrator who is responsible for the administration of a department.

DRUG PARAPHERNALIA means equipment, products, or materials, as defined in Chapters 481, 484 or 485 of the Texas Health and Safety Code that may be used to facilitate the use of controlled substances or inhalants.

DRUG AND ALCOHOL TEST means the entire process of testing an individual for the presence of illegal drugs or alcoholic beverages, beginning with the collection of a specimen of bodily fluids, and continuing through the conclusion of laboratory testing of a specimen.

EMPLOYEE means a person employed and paid a salary by the city and includes the following categories, but does not include an independent contractor or City Council member:

FULL-TIME EMPLOYEE means a person employed by the City to work at least 40 hours a week.

PART-TIME EMPLOYEE means a person who works fewer than 35 hours a week and is in a position that by City policy and practice is designated as "part-time," and who is not a temporary employee.

REGULAR EMPLOYEE means a full-time employee who has completed the probationary period and who is not a temporary employee.

TEMPORARY EMPLOYEE means an employee:

- (A) Whose employment is scheduled to last less than six months;
- (B) Who holds a seasonal position, even though the employment may last more than six; or
- (C) In a position which, by City policy and practice, is intended to give introductory work experience to a person preparing for entry into the work force.

EMPLOYEE PERSONNEL FILE is a collection of documents maintained by the City Secretary regarding an employee's work history with the City.

EXEMPT EMPLOYEE means an employee who performs an executive, administrative, or professional function as defined in the Fair Labor Standards Act.

FAIR LABOR STANDARDS ACT means Title 29 U.S.C. §201, et seq., as amended.

GRIEVANCE means an issue raised by an employee relating to the employee's benefits or conditions of employment.

ILLEGAL DRUGS means controlled substances, as defined in Chapter 481 of the Texas Health and Safety Code, and inhalants, as defined in Chapters 484 and 485 of the Texas Health and Safety Code.

IMMEDIATE FAMILY means the employee's brother, sister, mother, father, grandchildren, grandparents, child, step parents, spouse and the spouse's immediate family. A legal guardian may be considered as immediate family if approved by the City Administrator.

IMPAIRED or IMPAIRMENT means the inability of an employee to perform duties safely and competently due to use of alcohol, illegal drugs, prescription drugs or over-the-counter drugs.

INDEPENDENT CONTRACTOR means an individual engaged to independently perform a specific task or service for a stated rate or total fee. The individual is solely responsible for determining the manner and details of performance and may elect to perform the required activities on or off-site, as appropriate. The City will define the final result or end products only. All the individual's activities are done at his or her own risk, and the City will require proof of minimum insurance prior to performance.

LEGAL GUARDIAN means a person appointed by a court to guard the interests of a child who is a ward.

PARENT means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.

PATIENT PROTECTION AND AFFORDABLE CARE ACT means public law 111-148, statute 1025.

PROBATIONARY PERIOD is a period of six (6) months, beginning on the hiring date for all employees. A probationary employee may not file grievances. A probationary employee is not eligible to appeal disciplinary action, and may only participate in the benefits as outlined in this manual. A new probationary period begins with each position change or promotion.

PROMOTION means the change of an employee from a lower classification to a higher classification with a resulting increase in salary.

REAPPOINTMENT means employment of a person who has previously been employed by the City.

REASONABLE SUSPICION means a belief based on objective, articulable facts sufficient to lead a reasonably prudent person to suspect that an employee may be under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job may be impaired or so the employee's ability to perform the job safely may be reduced.

REINSTATEMENT means the reappointment of an employee who was demoted or separated from employment as a result of a position being vacated or abolished by the City Council.

REINSTATEMENT LIST means a list of persons who have been demoted or separated from employment as a result of positions being vacated or abolished by the City Council, ranked in the order of seniority.

REPRIMAND means a statement to an employee by a supervisor describing deficiencies in the employee's performance or acts of the employee that are in violation of the standards of conduct and describes corrective measures which the employee should take. A reprimand is formal if it is in writing.

SEPARATION means any termination of employment with the City.

SPOUSE means a husband or wife as defined or recognized under state law for purposes of marriage, including common law marriage.

SUPERVISOR is an employee having direct authority over other employees; such authority can include assignment of job duties, performance counseling and evaluation and disciplinary action.

SUSPENSION means an involuntary absence without pay imposed by an appointing authority for disciplinary purposes.

TERMINATION means cessation of employment with the City.

TRANSFER means a change from one position to another, but which does not result in either promotion or demotion.

UNDULY DISRUPTIVE means that to grant an employee leave would impose an unreasonable burden on the City's ability to provide services of acceptable quality and quantity for the public during the time requested. Inconvenience is insufficient as a basis for determining that leave would be unduly disruptive.

WORK DAY means one shift during which a department is open for business or for which an employee is scheduled to work.

WORKING HOURS means the time during which an employee is on duty, including regular time, overtime, and emergency duty.

WORK PERIOD means a regularly recurring designated period of work which is used in accordance with the Fair Labor Standards Act to determine when a nonexempt employee is entitled to overtime compensation.

WORK WEEK means the number of hours an employee is regularly scheduled to work during a seven day work period.