

ORDINANCE 2009-30

AN ORDINANCE ESTABLISHING POLICY ON POLICIES, WAGES, AND BENEFITS FOR EMPLOYEES OF THE CITY OF SHOREACRES, TEXAS. WAGES AND BENEFITS DESCRIBED HEREIN APPLY TO ALL FULL-TIME EMPLOYEES, AND UNDER CERTAIN NOTED CIRCUMSTANCES, APPLY TO PART-TIME WORKERS. THIS ORDINANCE DOES NOT APPLY TO PERSONS WORKING FOR THE CITY ON A FEE OR RETAINER BASIS, (e.g. Building Inspector, City Attorney, or Municipal Court Judge).

1. ORDINANCE DECLARATION

The terms, conditions, and policies set forth in this ordinance are not intended to create a contract or be construed to constitute contractual obligations of any kind. This ordinance is provided to better acquaint employees with the personnel policies of the City of Shoreacres, hereinafter called City. The Police Department may establish within the Rules and Regulations of the Police Department additional personnel provisions provided that those provisions are not in conflict with or be more permissible than this ordinance.

2. ADMINISTRATION OF THIS POLICY

Department Heads are responsible for the proper and effective administration of this policy within their departments. Routine matters and duties may be assigned to a subordinate. Questions regarding this policy or employee benefits should be directed to the City Secretary or Mayor for clarification. A copy of this policy shall be kept by the City Secretary and be readily available for study by all City employees.

3. APPLICATION PROCESS

Applications for employment will only be accepted when there is an opening that has been approved by the Mayor or Council to be filled. Each position will be posted to ensure that the employment process does not discriminate against any protected class of persons. Applications for employment will be accepted by the Administration Department, which will be responsible for logging all applications in accordance with Equal Employment Opportunity Commission guidelines.

To fill a position, interviews will be scheduled from the pool of applicants only, referenced in the above paragraph. No one person will speak with an applicant alone to avoid any misunderstandings. If the vacant position is a full-time position, at least one interview will include the City Secretary who will inform the candidates of the City's employee benefits. A full-time employee is defined as any employee that works an average of 32 hours or more per week. All offers of employment are conditional offers based on the applicant's passing a medical examination and a substance abuse test.

Applications will be kept for a minimum of one year so applicants may be considered for the open position as well as any future positions that may become available within that year.

4. REAPPOINTMENT

A person who is reappointed as a regular city employee will retrieve previous years of service credit earned if the employee is reappointed within one (1) year.

5. HIRING OF RELATIVES (NEPOTISM)

Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring personnel is forbidden by the City. No person may be hired who is related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to the Mayor or a member of the City Council.

In addition, in the interest of effective management, no personnel action will be taken that would result in any employee supervising another employee who is related within the second degree of affinity or the third degree of consanguinity to the supervisory employee. Prohibited degree of relationships are defined in **ATTACHMENT "A" - NEPOTISM CHARTS.**

6. PHYSICAL TESTS

All job offers are contingent on pre-employment physical testing. All applicants will be required to pass physical tests relevant to perform the essential functions of the position.

7. SUBSTANCE ABUSE

As a public employer, the City is entrusted with protecting the health and safety of the citizens. In keeping this obligation, all employees of the City will be required to pass a substance abuse test prior to employment, after any work-related injury or accident, or if the Department Head has reasonable and probable cause. An employee may not report to work under the influence of alcohol or illegal drugs.

(a) Reasonable Suspicion- In establishing a basis for reasonable suspicion, the Department Head will interview the employee about possible causes for the observed behavior and will describe the incident in writing.

(b) Consent Form- Employees required to submit to a substance abuse test will be required to sign a consent form. Refusal to sign the consent form shall be considered a refusal to take the test and subject to discipline, including dismissal.

(c) Testing Facility- All substance abuse tests will be conducted under the supervision of the City's designated physician or testing facility. Testing will be conducted in accordance with relevant Mandatory Guidelines for Federal Work Place Drug Testing Programs (also known as the "NIDA" rules).

(d) Prescription Medicine- In the event that a positive finding may have been caused by prescribed medication, the tested person will be given the opportunity to confer with the supervising physician and to present a current prescription for the medication that caused the positive test result. If the physician finds the prescribed medication to be legitimate cause of the test results, the overall results will be reported as "negative", and the person shall not be subject to any adverse action.

(e) Re-testing- An employee or applicant who tests positive may request a re-test at that person's own expense. A request for a re-test must be made in writing to the Department Head within three (3) working days of receipt of the test results.

(f) Security of Data- Test results will be held in strictest confidence. The personal identification of the person failing to pass the test will not be communicated to anyone other than the person tested, the City Secretary, the Department Head in which the employee or applicant works or applied, the Mayor, and the City Attorney.

(g) Self-Declaration as a Substance Abuser- Any employee may identify himself/herself at any time as an abuser of drugs or alcohol and voluntarily seek counseling and rehabilitation. Although the City's group health plan may provide benefits for substance abuse, the cost of treatment, counseling, or rehabilitation will be the responsibility of the employee. In these instances, an employee will be permitted to use available leave subject to leave provisions set forth herein. Employees undergoing treatment will be required to authorize disclosure of their progress to the City Secretary or Mayor. Employees who fail to actively participate in and comply with the rules of the rehabilitation program will be subject to immediate revocation of their leave and dismissal of employment. This section is not intended to provide a means for an employee to avoid any required substance abuse test. Once the process of establishing reasonable suspicion has been initiated or an accident or injury has occurred, an employee may not seek treatment in an effort to avoid testing and possible disciplinary action.

8. VERIFICATION OF ELIGIBILITY TO WORK

In order to comply with the Immigration Reform and Control Act of 1986, each new employee is required to complete and sign an INS Form I-9 within three days of his or her first day of employment to provide proof of his or her identity and employment eligibility.

9. PROBATIONARY PERIOD

Every new employee is on probation for the first six (6) months of employment. Upon completion of the first six (6) months, the employee's supervisor will perform a written evaluation of the employee's performance. This evaluation will be done in accordance with the procedures outlined in the merit pay ordinance. This probationary period may also be extended for an additional 90 days with specific measures of expected improvements by the employee as indicated to the employee in writing on the evaluation form. If, at the end of the 90-day extension, the supervisor is not satisfied with the employee's performance, the employee will be terminated. Although employees are ineligible for vacation leave benefits during their probationary period, they are eligible for benefits which are required by law, such as workman's compensation and social security. They may also be eligible for other benefits provided by the City as indicated by the terms and conditions of each benefit program in this ordinance.

10. WORKING HOURS

If necessary, work hours can be adjusted by the Mayor or Council. Since the City has a limited work force, careful consideration and coordination must be provided

when an employee may be ill or on vacation to ensure that coverage is provided in the City. When work schedules permit, employees are to be granted a rest period of 15 (fifteen) minutes, once during the first half of their shift and once during the second half of their shift. The Public Works Director and Chief of Police, or their designee, are on 24-hour call and are expected to work in an emergency. Normal duty hours for each department are as follows:

- (a) Public Works Employees- Normal duty hours are 7:00 AM to 3:30 PM with 1/2 hour for lunch.
- (b) Administrative Employees- Normal duty hours are 7:30 AM to 5:00 PM Monday through Thursday and 8:00 AM until 12:00 noon on Fridays with 1/2 hour lunch Monday through Thursday.
- (c) Police- Police Officers will work rotating and variable shifts as scheduled by the Police Chief or his/her designee. Police Officers are entitled to a lunch period of one half hour in the beginning half of their shifts and one half hour in the last half of their shifts. The schedule will be such that the general public is not able to establish the level and type of police coverage in the City at any given time.

Although all departments have core duty hours, an employee may be required to work other hours for regularly scheduled meetings, budget hearings, training, or to spray for mosquitoes. The Department Heads are responsible for arranging that employee's work week accordingly to avoid overtime unless the session is extremely lengthy and requires additional work hours beyond the following: to attend regularly scheduled council meetings, budget sessions, Board of Adjustments/Planning and Zoning Sessions, or to spray for mosquitoes, overtime will be allowed beyond 2.5 hours.

11. ATTENDANCE AND PUNCTUALITY

Employees are expected to be present and ready for work at the appointed starting time and not check out until the appointed ending time. Any employee unable to report to work as scheduled must contact the Department Head or other supervisor no later than one (1) hour after the employee was scheduled to report to work. Unauthorized absences from work for a period of three days will be considered abandonment of employment with the City. The termination date will be the last day the employee worked. Unless otherwise determined by the Mayor upon presentation of supporting documentation of extraordinary circumstances, the employee's abandonment in this situation is not considered to be departure in good standing, and the employee is not eligible for rehire. Poor attendance and excessive tardiness are unacceptable and is subject to disciplinary action, including termination of employment.

12. OVERTIME WORK

(a) All overtime work must be authorized in advance by the Mayor or appropriate supervisor. Overtime rate of pay for all employees is one and one-half times the employee's hourly rate. If compensatory time off is authorized, it can be taken or accumulated (subject to the limitations described herein) and shall be so scheduled to assure at least one employee from each department is at work during

all normal work hours. The use of equivalent time off or added overtime pay shall be at the discretion of the Mayor and not the employee, unless City Council directs otherwise.

(b) Overtime Authorizations and Records- Timecards shall cite reasons for any overtime work for which overtime pay is claimed, and such timecard shall be approved and initialed by the Mayor or appropriate Department Head before payment of the overtime pay. Compensatory time, accrued and taken, will be shown on the timecard.

(c) Compensatory Time Credit- An employee may request, with the approval of the Mayor or Department Head, to use overtime to build credit for compensatory time to use in the event of an emergency. However, before it may be used, compensatory time must be authorized in advance. Compensatory time so earned will be credited at the overtime rate of pay.

(d) Compensatory Time Limitations- The number of hours of compensatory time that any employee may accrue is limited to a maximum of 40 hours. Compensatory time in excess of 40 hours will be lost. There will be no carryover of compensatory time beyond the 40 hours.

13. PAY PERIODS

For the Administration and Public Works Departments, pay periods will be Saturday through Friday of each week. For the Police Department, the pay period for all Full-Time Officers will be a 14-day period also beginning on Saturday. Hourly employees will be paid every other Thursday following the end of the pay period. Part-Time Officers are on a month by month schedule and will be paid the first regular pay for Full-Time Employees of the preceding month in which they worked. When payday falls on a holiday, paychecks will be issued the workday preceding the holiday.

14. WAGES AND SALARIES

Each employee is designated as a non-exempt employee. Wage rates are established by the City Council and based on an hourly rate of pay. The rates will be reviewed at least once each year for merit and cost of living and adjusted when justified, budgeted, and approved by City Council. A separate ordinance covers the determination of Cost of Living and Merit Raises for all full-time City employees. All employees are subject to FICA-Medicare deductions in accordance with federal law.

Merit pay- A separate ordinance adopting procedures for merit raises to be implemented for all full-time Employees of the City provides merit raises for employees.

Cost of Living Adjustments (COLAs)- Cost of living adjustments may be granted by the Mayor and City Council at the beginning of each budget year (October 1). Guidance for a COLA amount should be derived from prevailing local industry and other local governments.

Incentive/Longevity Pay- On the first pay day in November of each year, all full-

time employees who have completed more than one year of service as of November 1st will receive incentive pay at a rate of \$8.00 for each month of prior continuous service.

Certificate Pay- A separate ordinance adopting procedures for certificate pay has been implemented for all full-time employees of the City and provides for certificate pay for full-time employees. All City employees are encouraged to improve their skills and capabilities.

All Department Heads will keep all of their staff advised of training courses available in their particular field. They will also make sure that their staff has proper certification to qualify them for their jobs. It shall be the responsibility of the Department Heads to make sure that money is provided in his/her budget for any projected costs in training courses or schools. The City will make every effort possible with funds available to assist employees in acquiring and maintaining his/her needed certifications.

15. PAY RECORDS

The law requires the City to maintain an accurate record of time on the job. Each employee must punch in and out each work day, no earlier than a few minutes before or after scheduled work hours. Also, the Administration and Public Works Departments must punch in and out for lunch breaks. The Police Department is paid for their lunch period. Therefore, Officers are not required to punch out during these breaks.

Each timecard will contain records of: Regular Time (RT), Compensatory Time Earned (CTE), Compensatory Time Taken (CTT), Vacation (V) Holiday (H), Sick Time (ST), Emergency Leave (EL), and Civil Leave (CL).

There will be two signature blocks on each timecard: (1) the signature of the individual punching the card verifying that all hours are correct as entered and (2) the signature of the Department Head or Mayor, certifying that the employee worked the hours stated. Timecards will be turned in to the City Secretary for payroll preparation on a schedule to be provided by the City Secretary. Any employee who fails to submit his/her timecard before the payroll process begins may cause a delay in the issuance of his/her paycheck.

It is a violation of City policy to falsify a timecard, fail to punch a timecard, to punch another person's timecard, or to influence anyone else to punch a timecard. Doing so may result in termination of employment. In case of an error on a timecard, a supervisor adjust your card accordingly.

If there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the City Secretary and once identified, the discrepancy will be corrected in the next regular paycheck.

The City Secretary will retain all payroll records, collective bargaining agreements, and employee contracts for at least the minimum required by the Fair Labor Standards Act.

16. VACATIONS

Vacation time for full-time employees is accrued per pay period from the date of employment. Vacation time must be taken within the calendar year in which it was earned or the following calendar year. Vacation benefits are not extended to part-time employees. Only in exceptional circumstances will vacation time be allowed to accrue beyond the specified period of time. If an employee of the City determines that he or she cannot use his or her vacation within the time allotted, he or she must notify their immediate supervisor in writing. The supervisor will determine the validity of the request and present it to the Mayor, who will make the decision whether to grant an extension or authorize unused vacation time to be paid in lieu of extension. The length of extension is at the discretion of the Mayor.

Full-time employees must have at least six (6) months of continuous service to be eligible to take vacation. Upon termination of employment, any unused vacation time will be paid as part of the final paycheck providing that the employee has no obligation of debt to the City. If such an obligation exists, the debt will be deducted from the final check for the employee.

Vacation is accrued on the basis of continuous years of service as follows:

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| (a) | Up to 5 years | 80 hours per year |
| (b) | 5 to 10 years | 120 hours per year |
| (c) | 10 years and over | 160 hours per year |

Vacation time must be scheduled in writing on a standard employee request form by the 10th of the month prior to the date of the intended vacation. This request must be given to the employee's immediate supervisor. Vacation time may be requested at any time but approval will depend upon the status of work in progress and the number of employees on duty, except in emergencies. Since the number of employees is limited and each serves in several capacities, vacations scheduled in advance may be subject to rescheduling, if necessary, to maintain city services. In general, only one full-time employee of any department may be gone at one time; thus, extended sickness of one employee may result in the delay of a scheduled vacation by another.

17. SICK LEAVE

(a) Policy. Full-time employees will be granted 8 hours paid sick leave per month, which accrues per pay period from the date of employment. In case of extended illness, employees may be allowed to use compensatory time, vacation time, and emergency leave time for coverage.

(b) Reporting and Doctors Verification- For any type of sick leave or other leave used to cover sickness, the employee must notify the city office prior to 8:30 AM on the first day of such illness or if incapacitated, as soon as possible. And the employee must notify the city office prior to 8:30 AM every two days thereafter as to present status and anticipated date of return. When an employee is on sick leave more than five days, the person will be required upon his or her return to work to bring a doctor's certificate verifying the illness, verifying the employee's

physical ability to perform assigned duties, and a release to return to work. The doctor's certification shall be brought to the City Secretary when reporting back to work. Failure to bring the required medical certification is sufficient grounds to charge the employee leave without pay or to charge the absence to vacation or compensatory time. Abusing sick leave may be grounds for dismissal. Such determination will be made by the Mayor. A doctor's certificate may also be required if the employee's safety or ability to work is in question.

(c) Payment for Unused Sick Leave- Sick leave is a privilege granted by the City. When an employee is sick, the use of sick leave is encouraged since an employee who is sick should not be on the job. If sick leave is not used, it will accrue from year to year for the employee's benefit up a maximum of 520 hours. However, payment for no more than 160 hours for sick leave accrued with 2 years or more of continued employment with the City will be paid upon resignation, retirement, or in case of death, paid to the estate.

18. HOLIDAYS

The following days are the official paid holidays for the City. An employee wishing to observe a religious or cultural holiday not designated shall, at the employee's option, be given leave without pay or have the time charged to other appropriate leave. Police Officers normally will work on these days and will be paid time and one-half for any shift that commences on an official City holiday in lieu of paid time off.

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|---------------------------------------|-------------------------------|
| (a) New Years Day | (g) Friday after Thanksgiving |
| (b) Good Friday (Easter for Officers) | (h) Christmas Eve |
| (c) Memorial Day | (i) Christmas Day |
| (d) Independence Day | (j) New Years Eve |
| (e) Labor Day | (k) One Floating Holiday |
| (f) Thanksgiving Day | |

To receive pay for a holiday, an employee is required to work the day preceding and the day following such holiday unless those days were approved in advance for vacation, sick, or compensatory time. Normally, only one City employee in each department will be allowed off on the floating holiday according to a schedule approved in advance, except where the Mayor proclaims a holiday in advance to provide a long weekend for all, and the public is notified well in advance that City Hall will be closed on such day. Full-time employees with more than one month continuous service will be paid eight (8) hours pay for each of the above holidays excluding the floating holiday. An employee must have completed his/her probationary period to be eligible for the floating holiday. If a holiday falls on Saturday or Sunday, the holiday will be observed on the preceding Friday or the following Monday. If a holiday falls during an employee's paid emergency or sick leave, the holiday will be considered a part of such leave and will not be basis for extra pay or leave time.

19. EMERGENCY LEAVE

A permanent full-time employee may be granted three (3) days per occurrence of emergency leave with pay in the event of death or serious illness or injury in the

employee's or employee's spouse's immediate family (wife, husband, child, brother, sister, parents, or grandparents). Emergency leave may also be used for childbirth or adoption by an employee or an employee's wife. Such leave should be requested from the Department Head.

20. CIVIL LEAVE WITH PAY

(a) Jury Duty- Employees are entitled to civil leave with pay for jury duty or for serving as a subpoenaed witness in an official proceeding.

(b) Voting- An employee eligible to vote in a national, state, county, or municipal election shall be allowed sufficient leave with pay to exercise that right.

When an employee has fulfilled the reason for the civil leave, he or she must report to his/her supervisor for duty for the remainder of the workday. The supervisor must be notified in advance of any request for civil leave; such requests should be accompanied by any relevant summons or subpoena.

21. LEAVE OF ABSENCE (Leave without Pay)

Leave of absence without pay may be appropriate for the following reasons:

a) Military service

b) Recovery from extended illness or temporary disability

c) Educational purposes when successful completion will benefit the City

d) Personnel exchange programs that emphasize intergovernmental relations; or

e) Any other reason which, in the opinion of the Mayor, merits a leave of absence without pay.

Revocation of Leave Without Pay - A leave of absence without pay may be revoked upon receipt of evidence that the cause for granting the leave was misrepresented or has ceased to exist.

Conditions- An employee requesting an unpaid leave of absence must provide the Mayor with a statement from an appropriate third party as to the date upon which the employee is no longer able to perform his or her duties and the expected length of time needed, as well as a written statement from the employee concerning his or her intentions about returning to work at the City. In determining whether or not to approve the request for leave without pay, the Mayor will consider the employee's length of service and performance, the department's needs, and the prospect for temporary replacement of the employee or reassignment of the employee's duties.

Reporting Requirements- An employee on leave without pay must contact the City Secretary at least once a week to report on his or her status unless otherwise noted in writing. Failure to provide the required status reports or to contact the office on the schedule required by the Mayor or City Secretary is grounds for revoking the leave and for taking disciplinary action.

Documentation- A summary of the basis for the decision to grant or deny an unpaid leave of absence and the terms of the leave must be prepared by the

employee's supervisor, signed by the Mayor, and placed in the employee's personnel file.

Return to Work After Leave Without Pay- Upon returning to work after an authorized leave, an employee's employment date will be adjusted to reflect the period of time that the employee used for the leave of absence. Personnel records will reflect this adjusted date that will be used for the purpose of calculating vacation leave accrual and any other benefits that may be based on longevity.

Expiration of Leave of Absence Without Pay- At the expiration of a leave of absence without pay, every effort will be made to reinstate the employee in the same or a comparable position. If no vacancy exists and a reasonable effort to place the employee in another position has been unsuccessful, the employee will be terminated and paid accrued benefits. The employee will be required to sign a statement that he or she acknowledges that all reasonable efforts were made to place him/her.

22. ADMINISTRATIVE LEAVE

The Mayor, with a majority vote of council, may authorize administrative leave, with or without pay, when warranted by unforeseen circumstances not otherwise provided for in these policies.

23. MEDICAL INSURANCE

Full-time employees must subscribe to the City's group medical insurance program, with the premium paid for by the City. This program is sponsored by the City and is effective from the date of hire or upon completion of all necessary paperwork. An eligible employee may add medical coverage for dependants at the employee's expense unless otherwise partially provided by the City.

Employees or their family members may be eligible to continue health insurance coverage upon termination of employment as provided under COBRA legislation.

24. RETIREMENT

Full-time employees of the City are covered by The Texas Municipal Retirement System (TMRS) from the employee's date of hire. Therefore, the City Secretary is required to withhold a percentage of each paycheck in accordance with the agreement between the City of Shoreacres and TMRS. Both the employee and the City contribute to the employee's retirement account. An employee who leaves City employment prior to retirement may, upon request, be refunded his/her contribution to the retirement account plus interest earned on his/her contribution.

25. EMPLOYEE ANNIVERSARIES

All full-time employees of the City will be eligible for awards due to length of service every five years. The Department Heads will be responsible for identifying eligible employees and informing the Mayor 30 days prior. The award will be determined by the Mayor.

26. PERSONNEL RECORDS

The City Secretary will maintain a personnel file on each employee. The file will contain details and dates of employment, home address, telephone number, name and address of next of kin, dates and amounts of changes in wage rates, date and circumstances of absence without leave, and running records of accrued and used vacation time, sick leave, emergency leave, civil leave, and compensatory time. Evaluation or reprimands will be included, as well as commendations. A training record will show type and date of any training. Accident and injury records will also be included. An employee shall have the right to review his personnel record with his/her supervisor or other appropriate official but the employee may not remove any item from his/her file. Employees are responsible for advising the City of changes in their status. **Personnel records are privileged and will not be divulged to anyone but the City Secretary, Mayor, City Attorney, the employee, and the employee(s) immediate supervisor. Medical records are viewable only by the City Secretary and the employee. Personnel records will be maintained under lock and key with accessibility only by the City Secretary and Mayor.** Records maintained by individual persons employed by the city are not considered official records unless otherwise required by the Open Records Act of the State of Texas.

27. EXPENSES

Use of Personal Vehicle- If use of a personal automobile by an employee is authorized by the Mayor or Department Head for use in conducting city business, reimbursement will be on a per mile basis. The rate of reimbursement per mile will be the Internal Revenue Service reimbursement rate for the current calendar year. Reimbursement for local travel will be made by the City Secretary upon presentation of a voucher from the claimant providing the time left on trip, reason for trip, and miles (start/end time from vehicle odometer)

Travel and Subsistence- Employees will be reimbursed for necessary and reasonable job-related expenses incurred in the authorized conduct of City business, including business-related travel. Reimbursement for food will be at the Internal Revenue Service's per diem rate per day for travel over 50 miles from the City. Employees must complete a "Request for Travel" form before and after any out-of-state travel, in-state conference travel, or any travel which involves an overnight stay. All travel expenses will be approved by the Mayor.

28. GUIDELINES FOR TAKING EXEMPLARY AND DISCIPLINARY ACTION

These guidelines are designed and are to be used in a manner that will promote and reward excellence in workmanship and the highest standards of quality of service by the employees of the City. Moreover, the documentation required herein is pertinent to and may be critical in determination of merit pay, of continued employment, and other legal matters. Each employee must be informed of supervision's expectations and requirements relative to his or her behavior and performance on the job. The intent of these guidelines is to provide a framework for use by supervisory personnel when an employee's behavior dictates positive reinforcement or disciplinary action. They are not intended to be an inflexible

system of reward or discipline. It is imperative that each supervisor administer these guidelines fairly and consistently with regard to all employees of the City.

Documentation of Employee Action- This section establishes a consistent method for administering, documenting, and retaining records of both congratulatory and disciplinary actions taken by the City. The Mayor, Members of Council, and Department Heads are expected to commend employees for exemplary service, and an employee of one department may commend an employee in another department.

Procedure- The primary means of notifying an employee of exemplary or deficient performance will be through dialog with his/her immediate supervisor. All disciplinary related discussions will be held in a private setting. In NO case shall an employee be reprimanded while in the presence of co-workers, citizens, or uninterested supervisory personnel.

(a) The originator of a congratulatory action shall write a memo to the employee's supervisor. The employee's supervisor will review the recommendation for exemplary service and take one or more of the following actions: (1) discuss with the originator; (2) discuss with the Mayor; (3) discuss with the employee; (4) place in the employee's personnel file; and (5) make wider distribution with consent of the Mayor. These memos for exemplary service shall be reviewed by the Mayor, Members of Council, and each employee's supervisor as part of the process of determining each employee's annual merit pay.

(b) In the event of a disciplinary action, the Mayor or the employee's supervisor shall complete an "Employee Warning Notice" form or other similar form in current use. After the form has been completed, the situation will be discussed with the employee, and the signed original of the disciplinary form will be placed in the employee's file with a copy provided to the Mayor. If more than one (1) page is required, fill in the "page _ of pages" as necessary and ensure that all pages are signed by the employers representative (the supervisor) and the employee. The employee would also be expected to state that she/he understands the potential implications of the work practice she/he used and that it will not be repeated in the future. If the employee refuses to sign the report, the supervisor shall write, "employee refused to sign" in the appropriate space, and inform the employee that refusal to sign may result in disciplinary action up to and including termination of employment.

Verbal Conferences- The context of the discussion (disciplinary "verbal conference") should, at the minimum, include:

- a.) What rule, policy, or established work practice the employee violated,
- b.) The times and places of the infraction,
- c.) The potential consequences of that action, i.e., injury, loss of life, embarrassment or financial loss to the City, etc.,
- d.) Potential disciplinary action which may result from recurrence of infractions and any supervisory recommended actions to improve his/her performance may

also be included. After the “verbal conference” with the employee has been completed, the supervisor who conducted it should document the discussion (using the appropriate form). The form is to be placed in the employee’s personnel file

Written Conference Report- The written conference report is designed and is intended to indicate to the employee that the appreciation is sincere or the offense is serious. When disciplinary action is being taken, the proceedings of the written conference session **will be conducted in a private setting by a supervisor in the employee’s immediate direct line of supervision and witnessed.**

A written conference report may be warranted under the following conditions:

- a.) Performance is exemplary
- b.) Verbal conference(s) has/have failed to correct a problem
- c.) Performance/behavior may have resulted or did result in injury, damage, or embarrassment to the City
- d.) Behavior is unprofessional and is disruptive to the work environment
- e.) Behavior is negligent, insubordinate, or irresponsible

Prior to the employee being presented with the written conference report, all areas containing employee information will be filled in. Under “Reason for Action/Employer Comments”, the details of what the employee did or failed to do, including specific policy reference, equipment identification (if applicable), etc. shall be documented. In a disciplinary situation, the supervisor shall thoroughly investigate the incident and if the conclusion is reached that the employee was aware of the violations when committed, the supervisor will proceed with a written conference report and with a conference with the employee.

Supervisors’ comments and/or recommendations are to be specifically documented as well as whatever disciplinary action was taken or is forthcoming. If a follow-up discussion is intended, the date of that meeting shall be entered in the employer’s comments section. Follow-up discussions are encouraged as a means of informing the employee of his/her improvements or need for continued improvement in the deficient behavior.

The original report shall be maintained in the employee’s personnel file. If requested, a copy may also be given to the employee.

EMPLOYEES RIGHT TO APPEAL (Grievances)

(a) An employee who has a complaint concerning conditions of employment may present a grievance in writing to the Department Head. The Department Head will conduct an interview with the employee and a confidential investigation of the complaint, protecting the identity of the complaining employee, witnesses, and individual alleged to have violated the policy, to the extent possible, and make a determination regarding the grievance. In grievance complaints in which an employee may feel uncomfortable reporting to the Department Head, or if the

Department Head is the person accused, the employee may file the grievance with the Mayor.

(b) If a resolution of the complaint is not reached with the Department Head, the employee may, within three (3) working days of the interview with the Department Head, request in writing that the matter be referred to the Mayor for hearing or final resolution.

(c) Upon receipt of a grievance regarding an employee dismissal, the Mayor will, if requested by the party filing the grievance, schedule a public or executive session depending on grievant's wish to hear the appeal. The grievant will be provided with written reasons for the dismissal and will be allowed to question in person or through a second party the person or persons who recommended that the employee be dismissed. Questions may also be asked by the persons or through a second party bringing the charges against the grievant. The grievant and the person/city bringing charges may be represented during the grievance hearing, and the proceedings may be transcribed. The City Council will render a final and binding decision.

29. TERMINATION/DISQUALIFICATION

Employment with the City is entered into voluntarily and the employment relationship between the City and the employee is "at-will" and may be terminated by either the City or the employee at any time with or without cause.

(a) An applicant is disqualified from employment by the City if he or she:

1. Does not meet the minimum qualifications for performance of the duties of the position
2. Knowingly has made a false statement on the application form
3. Has committed a fraud during the selection process
4. Is not legally permitted to hold the position
5. Has offered or attempted to offer money, service, or any other thing of value to secure an advantage in the selection process
6. Is not able to perform the essential functions of the position, with reasonable accommodation
7. Has failed to produce within three days of employment original legal document(s) that establish identity and employment eligibility
8. Is terminated through disciplinary actions as outlined in Section 28

(b) In order to resign in good standing, any employee who terminates his or her employment with the City is encouraged to provide a minimum of two weeks notice.

(c) An employee terminating employment will be asked to conduct an exit interview with the Mayor or Council Liaison.

When terminating employment, each employee must return any items belonging to the City including uniforms, keys, equipment, identification or certification of Commission cards, badges (in case of police officer), and any other items that in the opinion of the supervisor are considered to belong to the City. Failure to do so may result in the employee's final paycheck being held until restitution is made.

30. EQUAL EMPLOYMENT OPPORTUNITY

The City prohibits discrimination against any person in job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, or any other aspect of personnel administration. Decisions will be made on the basis of occupational qualifications and job related factors such as skill, knowledge, education, experience, and ability to perform a specific job.

The City prohibits retaliation or discrimination against any employee for opposing an unlawful or discriminatory employment practice or for alleging or participating in an investigation of an allegation of discrimination.

AFFIRMATIVE ACTION

The City will take affirmative action to see that applicants are employed and employees are treated during their employment without discrimination based on race, age, religion, color, disability, national origin, or sex.

SEXUAL HARASSMENT

The City will provide and maintain a work environment that is free of sexual harassment, sexual exploitation, and intimidation. All employees are expected to comply with this policy; failure to do so will result in disciplinary action up to and including immediate termination.

In this section, “sexual harassment” means unwelcome sexual advances, requests for sexual favors, or other physical or verbal conduct of a sexual nature (1) that creates a hostile working environment or (2) that the submission is made as a term or condition of a person’s employment.

Any employee who finds the words, actions, or behavior of another individual sexually offensive is encouraged to communicate his/her objections to the offending party in an effort to provide both an opportunity for correction and a warning. If the employee still feels victimized, he or she should make a report of sexual harassment in writing with the City Secretary or Mayor. The City will immediately investigate such reports and the same guidelines will be followed as a grievance (see Grievances).

PERSONS WITH DISABILITIES

The City will make its employment application process, employee training, and employee advancement process accessible to disabled persons and will make reasonable accommodations to a qualified individual with a disability who is an applicant or employee unless that accommodation will place an undue hardship on the City’s operations.

AGE REQUIREMENTS

Age limitations will be applied only as required by specific state or federal law applicable to the City.

FRATERNIZATION

Managers and Supervisors are to exercise good judgment when dealing with employees. Fraternalization among employees beyond normal working relationships is discouraged, i.e., dating, gift giving, etc.

31. GENERAL

The City is a public, tax-supported organization. Its employees must adhere to high standards of public service that emphasize professionalism, courtesy, and avoidance of even the appearance of illegal or unethical conduct at all times. Employees are required to give a full day's work, to carry out efficiently the work tasks assigned as their responsibility, and to do their part in maintaining good relationships with the public, their supervisors, and other government employees and officials.

PROFESSIONAL APPEARANCE

Employees of the City are hired to provide services to its citizens and to perform specific tasks in a professional manner. As representatives of the City, employees are encouraged to set and meet high standards both in performing quality work and in presenting a professional personal image to the public at all times.

The City provides uniforms for certain employees for appearance, comfort, and identification. Failure to appear properly uniformed may result in disciplinary action.

Unless designated as an open house event, visitors who are not conducting City business are not permitted within City employee working spaces. Due to limited working space and to sustain a professional working environment, employees will not allow friends, relatives, or associates to loiter within the work area.

32. OUTSIDE ACTIVITIES

Employees may not engage in any outside employment determined by the Mayor to be inconsistent or incompatible with employment with the City or to affect the employee's job performance adversely. The City's employees should use good judgement in not participating in activities that would adversely reflect on the City or its constituents. An employee must notify the Mayor or Department Head of any outside employment.

If a City employee is injured in the course of employment outside of his or her employment with the City, the employee may not file a workers' compensation claim against the City for benefits related to the injury.

33. COMMUNICATION

(a) The Mayor or his/her designee is the point of contact for news media relations. The Mayor will be advised of all such contacts by the designee.

News media representatives frequently request facts from the City. Any knowledgeable staff member may answer factual questions of this type. Fact

questions are often interposed with opinion questions. Opinions or professional judgment questions should be handled by the Mayor or his/her designee. All contacts with news media representatives should be considered "on the record" at all times.

News releases on City matters of public interest are encouraged. All proposed news releases must be reviewed by the Department Head and the Mayor.

(b) An employee of the City shall not disclose information that could adversely affect the property or affairs of the City, or directly or indirectly, use any information understood to be confidential which was gained by reason of his/her employment for his/her own gain or benefit or for the private interest of others.

34. POLITICAL ACTIVITY

All employees are prohibited from seeking nominations to any elective office of the City. Employees are also prohibited from using their influence as City employees publicly for or against any candidate for elective office of the City. Employees shall not display any political campaign material or circulate any political campaign material or engage in any political activity during working hours.

35. ON-THE-JOB INJURIES

Insurance - The City provides worker's compensation insurance for all of its employees. This insurance provides medical expenses and a weekly payment if an employee is absent from work for more than seven days because of a bona fide, on-the-job, work-related injury. All workers' compensation insurance claim forms must be submitted to the City Secretary immediately for appropriate action to be taken. The City Secretary must notify the Mayor immediately upon receipt of a claim.

Medical Attention- An employee who sustains a bona fide, on-the-job, work-related injury may seek medical attention from the medical facility or professional of his or her choice. The City encourages employees to return to work as soon as they are able to do so. An employee returning to work must submit a physician's statement of medical condition and release to return to work. As determined by the Mayor, at the City's expense, an employee may be required to submit to examination by a physician of the City's choice either for verification of injury or of ability to return to work.

Initiation of Injury Leave- Injury leave begins on the first scheduled workday of absence due to on-the-job injury and continues until the employee returns to work, his or her eligibility expires, or the employee is removed from injury leave coverage by the City.

Compensation- If an employee who sustains a bona fide on-the-job, work-related injury that renders him or her unable to perform the duties of his/her job and if accrued sick leave is available, the employee is placed on sick leave status and

receives full pay, less payroll deductions, from the City for up to one week.

After the one-week waiting period, an employee with accrued sick leave may elect to supplement his or her workers' compensation payments with sick leave payments from the City provided that the employee has adequate accrued sick leave on the books. The supplemental sick leave check from the City will be in an amount that, when added to the workers' compensation payment equals the employee's regular "take home" pay (that is, the employee's gross salary minus income tax, social security deductions, and any other deductions that are not applicable to the workers' compensation pay). The employee must sign a leave request form to exercise this option.

An employee receiving workers' compensation payments does not accrue vacation or sick leave and is not entitled to receive holiday pay.

Termination of Injury Leave- Injury leave with pay may be terminated at any time without prior notice. The Mayor will terminate the injury leave upon receipt of evidence that the employee, while able to return to work, has not done so.

Duration of Injury Leave- The maximum duration of injury leave is twelve months.

Continuation of Insurance- To continue medical insurance when the employee is on injury leave and no longer receiving a regular paycheck, the employee must pay both the employee's and the City's portion of any insurance premiums to the City on a time schedule established by the City Secretary. This provision applies to employees who are away from the job on injury leave in excess of 30 calendar days. The City will continue making insurance payments during the first 30 days of absence.

Exclusion- Any exclusion currently listed under the City's Workman's Compensation policy will apply.

Reporting Requirements- While on leave because of a bona fide, on-the-job, work-related injury, each time the employee sees the doctor for consultation or treatment, he or she must provide a progress report to the City Secretary. Any change in the employee's condition that might affect his or her entitlement to workers' compensation payments must also be reported to the City Secretary. The employee must report to the City Secretary at least every two weeks even if no doctor visits or change of condition have occurred. In addition, the injured employee must contact his or her supervisor periodically, on a specific schedule, to report on his or her condition. Failure to provide the required medical status reports or to contact the Department Head on the schedule required by the Mayor or his or her designee, is ground for revoking the employee's leave and for taking disciplinary action.

Return to Service- A written statement from the attending physician certifying

that the employee has been released to return to work and specifying the type(s) of work he or she is capable of performing as well as any limitation(s) must be received by the City before an employee may return to work. All employees on injury leave must return to work after approval of either the employee's attending physician or an independent physician paid by the City. Failure to return to work when directed will result in appropriate disciplinary action.

Light Duty Status- During the course of an on-the-job injury leave of absence, if an employee is released by his or her doctor for light duty, the employee's job or alternative job assignment(s) will be evaluated for a determination of whether a temporary position is available in which the City can use the employee's limited services for an interim period of time.

If no acceptable light duty assignment can be found, the employee will be placed on inactive status until released by the doctor to return to his or her previous job.

An employee who is able to return to work in light duty status is a temporary employee and may be required to work in a different department and perform duties not contained within his or her current job duties. When an employee is assigned to light duty status and performing different duties, he or she will be paid according to the level of pay that is appropriate for the light duty job assignment. A light duty assignment cannot exceed 90 days. In addition, the employee will receive workers' compensation payments in a reduced amount.

36. SAFETY

It is the policy of the City to make every effort to provide healthful and safe working conditions for all its employees. Therefore, the City provides a variety of safety equipment for employees. Employees shall report immediately to their supervisor any condition that in their judgment is unsafe. Employees are also encouraged to make suggestions of improvements that would make the City work place safer.

37. USE OF TOOLS, EQUIPMENT, PROPERTY, AND VEHICLES

Employees who are assigned tools, equipment, vehicles, or any other City property by their departments are responsible for them and for their proper use and maintenance. Misuse causing damage to any tool, equipment, property, or vehicle owned by the City may result in the cost of that item being deducted from the employee's paycheck.

No personal or political use of any City property, materials, supplies, tools, or equipment is permitted. Vehicles owned or leased by the City are for City use only, unless a specific agreement exists regarding use of a vehicle as part of an employee's compensation package. If an employee is in doubt about a circumstance, he or she must check with his or her supervisor before proceeding. Violations of this policy may result in dismissal and possible prosecution.

Use of Buildings and Premises- All buildings owned by the City are non-

smoking facilities. Use of the City buildings and premises by employees shall be in compliance with law and with the City policies regarding authorized uses.

Use of Vehicles- No smoking products are permitted in City vehicles and all employees are expected to operate vehicles within the law.

(a) Valid Driver's License- Every City employee who may drive a vehicle on City business must maintain a safe driving record and possess a license issued by the State of Texas in the correct classification for the type of equipment being operated. For this reason, the City will secure a prospective employee's driving record prior to offering the applicant employment in a capacity that requires operating a vehicle and may recheck an employee's driving record as needed after employment in such capacity. Employees must keep their Department Head informed of any change of status in their driver's license. Failure to maintain a safe driving record may result in disciplinary action up to and including dismissal.

(b) Vehicle Insurance- The City maintains up-to-date insurance coverage on all vehicles owned or leased by the City. Employees who drive a personal vehicle on City business are required to have automobile liability insurance as required by the State of Texas and to maintain up-to-date insurance coverage. Each employee to whom this provision applies must furnish the City a certificate of insurance at least annually and at such time(s) as coverage changes occur. Failure to meet any of these requirements may result in disciplinary action up to and including dismissal.

(c) Accident Reporting- Any employee operating City vehicles must report all vehicular accidents and property damage or liability claims, no matter how minor, claims to his or her supervisor and to the appropriate law enforcement authorities immediately so that an official accident report can be filed. The employee's supervisor must notify the Mayor of the accident on the day of the accident if it occurred on a business day, and on the first business day following the accident if it occurred after hours or on a non-workday. Failure to notify the Mayor within the required time period may result in disciplinary action.

A copy of any accident report involving City equipment or vehicles must be forwarded to the Mayor as soon as the law enforcement investigation is completed. A copy of the accident report must also be filed in the personnel file of the employee involved in the accident.

(d) Employee Accident Review Board-All Department Heads and Mayor will act as an accident review board. This board is to investigate all accidents involving a City employee during working hours. They should determine the responsibility for each accident. The board may, based on its findings, recommend, (1) employee training, education, or physical examination; (2) employee restitution for damaged City property; (3) disciplinary action for disregard of safety rules; (4) dismissal for repeated safety violations; (5) other actions as deemed appropriate.


37. REPEAL AND REPLACEMENT SECTION

This ordinance repeals Ordinance Number 03-08 and any other ordinance or

resolution in force when this ordinance becomes effective which are inconsistent with or in conflict with this ordinance.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHOREACRES THAT THE ABOVE IS HEREBY ADOPTED AS THE EMPLOYEE RELATIONS POLICY OF THE CITY.

PASSED AND APPROVED THIS 12TH DAY OF JANUARY, 2009


Jayo Washington, Mayor

Attest:



David K. Stall, City Secretary