

ORDINANCE No. 2016-213
CITY OF SHOREACRES, TEXAS

AN ORDINANCE AMENDING SHOREACRES CITY CODE SECTION 2-81 THE MAYOR, COUNCIL MEMBERS AND STAFF; AMENDING SHOREACRES CITY CODE SECTION 2-82(A)(7) OPERATION OF CITY COUNCIL MEETING AND 2-82 B(3) MAYOR AND CITY COUNCIL RELATIONS WITH CITY STAFF; AMENDING SHOREACRES CITY CODE SECTION 2-119 SICK LEAVE; AMENDING SHOREACRES CITY CODE SECTION 2-105 APPLICATION PROCESS; AMENDING SHOREACRES CITY CODE SECTION 2-109(F) SUBSTANCE ABUSE; AMENDING SHOREACRES CITY CODE SECTION 2-109(G) SELF-DECLARANT AS A SUBSTANCE ABUSER; AMENDING SHOREACRES CITY CODE SECTION 2-113 ATTENDANCE AND PUNCTUALITY; AMENDING SHOREACRES CITY CODE SECTION 2-120 HOLIDAYS; AMENDING SHOREACRES CITY CODE SECTION 2-123 REPORTING REQUIREMENTS; AMENDING SHOREACRES CITY CODE SECTION 2-124 ADMINISTRATIVE LEAVE; AMENDING SHOREACRES CITY CODE SECTION 2-127 EMPLOYEE ANNIVERSARIES; AMENDING SHOREACRES CITY CODE SECTION 2-128 PERSONNEL RECORDS; AMENDING SHOREACRES CITY CODE SECTION 2-129 EXPENSES; AMENDING SHOREACRES CITY CODE SECTION 2-130 GUIDELINES FOR TAKING EXEMPLARY AND DISCIPLINARY ACTION; AMENDING SHOREACRES CITY CODE SECTION 2-131(C) TERMINATION/DISQUALIFICATION; AMENDING SHOREACRES CITY CODE SECTION 2-132 EQUAL EMPLOYMENT OPPORTUNITY (SEXUAL HARASSMENT); AMENDING SHOREACRES CITY CODE SECTION 2-134 OUTSIDE ACTIVITIES; AMENDING SHOREACRES CITY CODE SECTION 2-135 COMMUNICATION; AMENDING SHOREACRES CITY CODE SECTION 2-135.2 ON-THE-JOB INJURIES; AMENDING SHOREACRES CITY CODE SECTION 2-135.4 USE OF TOOLS, EQUIPMENT, PROPERTY AND VEHICLES; PROVIDING A SEVERABILITY CLAUSE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

* * * *

Whereas, Section 22.042(a)-(e) of the Local Government Code expressly provides the powers and duties of the Mayor. Those powers and duties are directed by statute.

Under subsection (a) of 22.042, it states "The Mayor shall perform the duties and exercise the powers prescribed by the governing body of the municipality." That clause

allows the city council to prescribe other additional powers and duties [in addition to express statutory provisions contained in 22.042(a)-(e)]. If the governing body is allowed to prescribe additional powers and duties to the Mayor, it can also take away any additional powers and duties of the Mayor.

Whereas, the Mayor currently exercises the power and right to oversee the employees (including hiring and firing all employees) under section 2-81(a) of the City Code.

Whereas, the city council has determined that the additional power of all personnel matters including overseeing all employees (and including the right to hire and fire all employees) that it previously delegated to the Mayor shall now be delegated by the city council to the city administrator;

Whereas, as a result of the city council taking away the Mayor's additional power of all personnel matters including overseeing all employees (and including the right to hire and fire all employees) and delegating it to the city administrator, the City's Code of Ordinances need to be amended; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHOREACRES:

That, the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct; and,

That section 2-81 of the Shoreacres City Code is hereby amended to read as follows:

(a) The Mayor

The mayor presides over the city council and provides leadership. The mayor shares legislative responsibilities with the council in:

- (1) Identifying the needs of the city.
- (2) Setting policy goals.
- (3) Adopting rules, regulations and ordinances.
- (4) Evaluating the extent to which municipal policy meets the goals.
- [(5) Operating the city and directing the employees.]
- (5) [(6)] Enforcing the laws of the city.
- (6) [(7)] Preparing the annual budget.
- [(8)Appointing the officers and employees.]

The power of all personnel matters including overseeing all employees (and including the right to hire and fire or discipline employees) is expressly removed from the Mayor's powers and duties and is delegated by the city council to the city administrator.

- (b) *The council member.* The primary duty of the council member is that of policy making, a role shared with the mayor. This role requires:
- (1) Identifying the needs of the city.
 - (2) Formulating programs and services to meet the city's needs within the resources available.
 - (3) Adopting ordinances, resolutions, contracts, rules, policies and regulations.
 - (4) Providing the resources required to support the programs and services.
 - (5) Evaluating and measuring the effectiveness of the programs and services.
 - (6) Taking the responsibility to promote the health and safety of the citizens.
 - (7) Establishing the city's annual program of service by adopting the budget, which directs the expenditure of funds.

As an individual, the council member may not direct employees, determine priorities, make assignments, or make decisions for the city, but sitting as a member of council, he/she jointly with the council as a whole, is totally responsible for the operation of the city.

The power of all personnel matters including overseeing all employees (and including the right to hire and fire or discipline employees) is expressly removed from the Mayor's powers and duties and is delegated by the city council to the city administrator.

- (c) The staff. The staff and employees of the city perform key roles.

The central point of authority is the city manager, the city administrator, or in the absence of these positions, the mayor. The mayor, city manager or city administrator may delegate the administrative role to the city clerk, director of public works, and police chief for the employees within their respective departments.

That section 2-82(a)(7) of the Shoreacres City Code is hereby amended to read as follows:

Any concerns by a member of council over the behavior or work of a city employee during a council meeting should be directed to the city administrator [mayor] in private or closed session to ensure the concern is resolved.

That section 2-82(b)(3) of the Shoreacres City Code is hereby amended to read as follows:

All requests for information or questions by the city council to staff shall be directed to the city administrator or department supervisors. All complaints should be submitted to the city administrator [or mayor].

Section 2-119 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 2-119. - Sick leave.

- (a) *Policy.* Full-time employees will be granted eight 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 doctor's verification.* For any type of sick leave or other leave used to cover sickness, the employee must notify their supervisor at or before the time they are to report for duty [the city office prior to 8:30 a.m.] on the first scheduled work day of such illness or if incapacitated, as soon as possible. And the employee must notify their supervisor [the city office prior to 8:30 a.m.] every [two] three scheduled work days thereafter as to present status and anticipated date of return. If the employee's supervisor is unavailable, the required notifications shall be made to their department head or the city administrator. When an employee is on sick leave more than five consecutive scheduled work 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 city administrator [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 two years or more of continued employment with the city will be paid upon resignation, retirement, or in case of death, paid to the estate.

That section 2-105 of the Shoreacres City Code is hereby amended to read as follows:

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.

That section 2-109(f) of the Shoreacres City Code is hereby amended to read as follows:

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.

Section 2-109(g) of the Shoreacres City Code is hereby amended to read as follows:

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.

That section 2-113 of the Shoreacres City Code is hereby amended to read as follows:

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 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 city administrator [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.

That section 2-120 of the Shoreacres City Code is hereby amended to read as follows:

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 be given equivalent time off on other days, as scheduled by the chief of police or city administrator [mayor].

- (a) New Year's Day;
- (b) Good Friday (Easter for officers);
- (c) Memorial Day;
- (d) Independence Day;
- (e) Labor Day;
- (f) Thanksgiving Day;
- (g) Friday after Thanksgiving;
- (h) Christmas Eve;
- (i) Christmas Day;
- (j) New Year's Eve;
- (k) One floating holiday.

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 city administrator [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 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.

That section 2-123 ("Reporting Requirements") of the Shoreacres City Code is hereby amended to read as follows:

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.

That section 2-124 of the Shoreacres City Code is hereby amended to read as follows:

The city administrator [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.

That section 2-127 of the Shoreacres City Code is hereby amended to read as follows:

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 city administrator [mayor] 30 days prior. The award will be determined by the city administrator [mayor].

Section 2-128 of the Shoreacres City Code is hereby amended to read as follows:

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.

That section 2-129 of the Shoreacres City Code is hereby amended to read as follows:

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 city administrator [mayor].

That section 2-130 of the Shoreacres City Code is hereby amended to read as follows:

Guidelines. 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] 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 coworkers, 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 city administrator [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 city administrator [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 city administrator [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 city administrator [mayor]. If more than one page is required, fill in the "page of pages" as necessary and ensure that all pages are signed by the employer's 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.

Documentation. 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.

Comments, recommendations. 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.

Recordkeeping. 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 city administrator [mayor].
- (b) If a resolution of the complaint is not reached with the department head, the employee may, within three working days of the interview with the department head, request in writing that the matter be referred to the city administrator [mayor] for hearing or final resolution.
- (c) Upon receipt of a grievance regarding an employee dismissal, the city administrator [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.

That section 2-131(c) of the Shoreacres City Code is hereby amended to read as follows:

- (c) An employee terminating employment will be asked to conduct an exit interview with the city administrator [mayor] or council liaison.

That section 2-132 (Sexual Harassment) of the Shoreacres City Code is hereby amended to read as follows:

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).

That section 2-134 of the Shoreacres City Code is hereby amended to read as follows:

Employees may not engage in any outside employment determined by the city administrator [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 judgment in not participating in activities that would adversely reflect on the city or its constituents. An employee must notify the city administrator [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.

That section 2-135 of the Shoreacres City Code is hereby amended to read as follows:

(a) The city administrator [mayor] or his/her designee is the point of contact for news media relations. The city administrator [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 city administrator [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 city administrator [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.

That section 2-135.2 of the Shoreacres City Code is hereby amended to read as follows:

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 city council [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 city administrator [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 city administrator [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 12 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 city administrator [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.

Section 2-135.4 of the Shoreacres City Code is hereby amended to read as follows:

Responsibility. 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.

Restrictions. 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 nonsmoking 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, 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 city administrator [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 nonworkday. Failure to notify the city administrator [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 city administrator [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 city administrator [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.

That the City Council hereby approves the expenditure of funds required to research, prepare, and draft this ordinance; and,

That if any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance; and,

That the City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof; and,

This Ordinance shall be effective upon its passage and approval.

PASSED AND APPROVED this the 25th day of July 2016.

(CITY SEAL)

Kimberly Sanford, Mayor

ATTEST:

David K. Stall, CFM, TEM
City Secretary

APPROVED AS TO FORM:

City Attorney

M/2		Yea	Nay	N/V	Absent
	K. Sanford	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	R. Bowles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	R. Hoskins	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
M	D. Jennings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	J. McKown	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	N. Schnell	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Passed / Failed

David Stall, City Secretary - Date 07.25.16

City of Shoreacres



RETURN FOR RECONSIDERATION (VETO MEMORANDUM)

The below referenced ordinance or resolution, a copy of which is attached hereto as passed by city council, has not been signed or approved by the mayor. Under the authority granted me by the City of Shoreacres City Code, Sec. 2-37, and the Texas Local Government Code, Sec. 52.003, I am returning said resolution or ordinance for city council reconsideration. My objections to the passage and adoption are set out below.

Ordinance/Resolution

Ordinance No. 2016-213

Caption

AN ORDINANCE AMENDING SHOREACRES CITY CODE SECTION 2-81 THE MAYOR, COUNCIL MEMBERS AND STAFF; AMENDING SHOREACRES CITY CODE SECTION 2-82(A)(7) OPERATION OF CITY COUNCIL MEETING AND 2-82 B(3) MAYOR AND CITY COUNCIL RELATIONS WITH CITY STAFF; AMENDING SHOREACRES CITY CODE SECTION 2-119 SICK LEAVE; AMENDING SHOREACRES CITY CODE SECTION 2-105 APPLICATION PROCESS; AMENDING SHOREACRES CITY CODE SECTION 2-109(F) SUBSTANCE ABUSE; AMENDING SHOREACRES CITY CODE SECTION 2-109(G) SELF-DECLARANT AS A SUBSTANCE ABUSER; AMENDING SHOREACRES CITY CODE SECTION 2-113 ATTENDANCE AND PUNCTUALITY; AMENDING SHOREACRES CITY CODE SECTION 2-120 HOLIDAYS; AMENDING SHOREACRES CITY CODE SECTION 2123 REPORTING REQUIREMENTS; AMENDING SHOREACRES CITY CODE SECTION 2-124 ADMINISTRATIVE LEAVE; AMENDING SHOREACRES CITY CODE SECTION 2-127 EMPLOYEE ANNIVERSARIES; AMENDING SHOREACRES CITY CODE SECTION 2-128 PERSONNEL RECORDS; AMENDING SHOREACRES CITY CODE SECTION 2-129 EXPENSES; AMENDING SHOREACRES CITY CODE SECTION 2-130 GUIDELINES FOR TAKING EXEMPLARY AND DISCIPLINARY ACTION; AMENDING SHOREACRES CITY CODE SECTION 2131(C) TERMINATION/DISQUALIFICATION; AMENDING SHOREACRES CITY CODE SECTION 2-132 EQUAL EMPLOYMENT OPPORTUNITY (SEXUAL HARASSMENT); AMENDING SHOREACRES CITY CODE SECTION 2-134 OUTSIDE ACTIVITIES; AMENDING SHOREACRES CITY CODE SECTION 2-135 COMMUNICATION; AMENDING SHOREACRES CITY CODE SECTION 2-

135.2 ON-THE-JOB INJURIES; AMENDING SHOREACRES CITY CODE SECTION 2-135.4 USE OF TOOLS, EQUIPMENT, PROPERTY AND VEHICLES; PROVIDING A SEVERABILITY CLAUSE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Date Passed by City Council

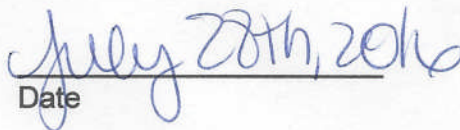
July 25, 2016

Statement of Objection(s)

I object to reducing the powers of the Mayor and do not believe that it represents the best interest of the city.



Kimberly Sanford, Mayor



Date

NOTICE TO SHOREACRES CITY COUNCIL

The above referenced ordinance or resolution has been returned to the city secretary's office unsigned and with objections before the fourth day after passage. In accordance with city code and state law this ordinance or resolution will be placed on the next city council agenda for the purpose of reconsideration of the vote taken on the date shown above. This ordinance or resolution is not now effective and will not become effective except upon the affirmative vote of three council members at the time of reconsideration. If approved upon reconsideration the ordinance or resolution will become effective with or without the mayor's signature.

David K. Stall, CFM, TEM
City secretary

Date

City of Shoreacres



RECONSIDERATION

The below referenced ordinance or resolution, a copy of which is attached hereto was considered and passed by City Council on August 8, 2016.

Ordinance/Resolution

No. O-2016-213

Caption

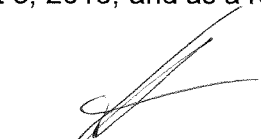
AN ORDINANCE AMENDING SHOREACRES CITY CODE SECTION 2-81 THE MAYOR, COUNCIL MEMBERS AND STAFF; AMENDING SHOREACRES CITY CODE SECTION 2-82(A)(7) OPERATION OF CITY COUNCIL MEETING AND 2-82 B(3) MAYOR AND CITY COUNCIL RELATIONS WITH CITY STAFF; AMENDING SHOREACRES CITY CODE SECTION 2-119 SICK LEAVE; AMENDING SHOREACRES CITY CODE SECTION 2-105 APPLICATION PROCESS; AMENDING SHOREACRES CITY CODE SECTION 2-109(F) SUBSTANCE ABUSE; AMENDING SHOREACRES CITY CODE SECTION 2-109(G) SELF-DECLARANT AS A SUBSTANCE ABUSER; AMENDING SHOREACRES CITY CODE SECTION 2-113 ATTENDANCE AND PUNCTUALITY; AMENDING SHOREACRES CITY CODE SECTION 2-120 HOLIDAYS; AMENDING SHOREACRES CITY CODE SECTION 2-123 REPORTING REQUIREMENTS; AMENDING SHOREACRES CITY CODE SECTION 2-124 ADMINISTRATIVE LEAVE; AMENDING SHOREACRES CITY CODE SECTION 2-127 EMPLOYEE ANNIVERSARIES; AMENDING SHOREACRES CITY CODE SECTION 2-128 PERSONNEL RECORDS; AMENDING SHOREACRES CITY CODE SECTION 2-129 EXPENSES; AMENDING SHOREACRES CITY CODE SECTION 2-130 GUIDELINES FOR TAKING EXEMPLARY AND DISCIPLINARY ACTION; AMENDING SHOREACRES CITY CODE SECTION 2-131(C) TERMINATION/DISQUALIFICATION; AMENDING SHOREACRES CITY CODE SECTION 2-132 EQUAL EMPLOYMENT OPPORTUNITY (SEXUAL HARASSMENT); AMENDING SHOREACRES CITY CODE SECTION 2-134 OUTSIDE ACTIVITIES; AMENDING SHOREACRES CITY CODE SECTION 2-135 COMMUNICATION; AMENDING SHOREACRES CITY CODE SECTION 2-135.2 ON-THE-JOB INJURIES; AMENDING SHOREACRES CITY CODE SECTION 2-135.4 USE OF TOOLS, EQUIPMENT, PROPERTY AND VEHICLES; PROVIDING A SEVERABILITY CLAUSE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

On July 28, 2016, Ordinance No. 2016-213 was vetoed by the Mayor and sent back to City Council unsigned for reconsideration. A copy of the Return for Reconsideration is attached hereto.

On August 8, 2016, City Council met and reconsidered Ordinance No. 2016-213.

Certification of Reconsideration, Approval, and Adoption

I hereby certify that Ordinance No. 2016-213 was reconsidered and passed by City Council on August 8, 2016, and as a result thereof is effective immediately without the mayor's signature.



 David K. Stall, CFM, TEM
 City secretary

08.09.16

 Date

M/2		Yea	Nay	N/V	Absent
	K. Sanford	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	R. Bowles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	R. Hoskins	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M	D. Jennings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	J. McKown	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	N. Schnell	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

~~Passed / Failed~~ 

 David Stall, City Secretary - Date 08.08.16